

134th General Assembly
Regular Session
2021-2022

Sub. H.B. No. 110

A BILL

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4779.33, 4781.07, 4781.281, 4781.56, 4781.57, 4901.10, 4906.02,	281
4927.01, 5101.141, 5101.1411, 5101.1412, 5101.1415, 5101.341,	282
5101.741, 5101.802, 5101.971, 5103.02, 5103.031, 5103.0310,	283
5103.0316, 5104.01, 5104.017, 5104.07, 5104.29, 5104.31, 5107.10,	284

5119.27, 5119.33, 5119.34, 5119.36, 5119.37, 5119.43, 5119.99, 285
5120.035, 5120.62, 5123.19, 5123.35, 5123.89, 5124.01, 5124.101, 286
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5741.01, 5741.03, 5741.17, 5747.01, 5747.02, 5747.05, 5747.065, 298
5747.08, 5747.10, 5747.98, 5751.01, 5751.02, 5751.03, 5751.40, 299
5902.09, 5919.34, 6101.48, 6101.53, 6109.121, 6111.027, 6111.13, 300
and 6301.06 be amended; sections 9.318 (122.925), 123.151 301
(122.921), 123.152 (122.922), 123.153 (122.923), 123.154 302
(122.924), 155.011 (155.29), 1509.70 (155.30), 1509.71 (155.31), 303
1509.72 (155.32), 1509.73 (155.33), 1509.74 (155.34), 1509.75 304
(155.35), 1509.77 (155.36), 1509.78 (155.37), 3746.071 (3746.07), 305
4303.233 (4303.236), and 4303.234 (4303.235) be amended, for the 306
purpose of adopting new section numbers as indicated in 307
parentheses; and new sections 4303.233 and 4303.234 and sections 308
5.246, 107.121, 113.70, 113.71, 113.72, 113.73, 113.74, 113.75, 309
113.76, 113.77, 117.55, 124.1312, 153.013, 173.012, 340.022, 310
727.031, 1333.13, 1503.271, 1547.533, 1707.47, 1707.471, 1707.49, 311
1716.21, 2151.25, 2151.316, 2151.4115, 2151.4116, 2151.4117, 312
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3302.103, 3304.24, 3310.033, 3310.034, 3310.036, 3310.411, 315
3313.6026, 3313.6412, 3314.262, 3314.355, 3317.011, 3317.0220, 316

3317.0221, 3317.0222, 3317.0223, 3317.162, 3319.318, 3319.319, 317
3319.393, 3319.47, 3327.016, 3327.017, 3327.018, 3327.021, 318
3327.101, 3333.0417, 3333.301, 3333.615, 3345.063, 3365.035, 319
3375.011, 3709.012, 3709.291, 3727.80, 3736.021, 3772.37, 3796.31, 320
3902.72, 4303.237, 4713.351, 4729.284, 4731.254, 4731.90, 321
4779.281, 5101.1416, 5101.1417, 5101.1418, 5101.545, 5101.806, 322
5101.8812, 5103.163, 5103.57, 5116.30, 5119.191, 5123.025, 323
5123.026, 5123.034, 5162.82, 5165.261, 5166.33, 5167.15, 5167.29, 324
5168.90, 5301.05, 5747.72, 5747.73, and 5747.75 of the Revised 325
Code be enacted to read as follows: 326

Sec. 5.246. The month of May is designated as "Maternal 327
Mortality Awareness Month" to increase public awareness regarding 328
the causes of pregnancy-associated deaths and encourage 329
implementation of interventions intended to reduce the incidence 330
of such deaths. 331

Sec. 9.08. (A) As used in this section: 332

(1) "Computer," "computer network," "computer system," 333
"computer services," "telecommunications service," and 334
"information service" have the same meanings as in section 2913.01 335
of the Revised Code. 336

(2) "Contractor" means either of the following: 337

(a) A person who enters into a contract under section 9.06 of 338
the Revised Code. 339

(b) A person who enters into a contract under section 9.07 of 340
the Revised Code to operate and manage a correctional facility in 341
this state for out-of-state prisoners. 342

(3) "Private correctional facility" means a correctional 343
facility that is operated by a contractor under a contract 344
pursuant to section 9.06 or 9.07 of the Revised Code. 345

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

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

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

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

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

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

(2) Whoever violates division (C)(1) of this section is

guilty of improper internet access, a misdemeanor of the first 377
degree. 378

Sec. 9.47. (A) Any person desiring to bid on a contract 379
awarded pursuant to Chapter 153. of the Revised Code by an owner 380
referred to in section 153.01 of the Revised Code or awarded by 381
the director of transportation pursuant to Chapter 5525. of the 382
Revised Code may make application for a certificate of compliance 383
with affirmative action programs. Application shall be made to the 384
~~equal employment opportunity coordinator of the department of~~ 385
~~administrative services or the employee who succeeds to that~~ 386
~~officer's duties~~ development. The ~~coordinator~~ director of 387
development's designee shall promptly determine whether the person 388
has complied with all federal affirmative action programs to which 389
the person was subject and any state affirmative action program to 390
which the person was subject pursuant to section 153.59 of the 391
Revised Code which state or federal affirmative action program 392
arose out of a contract the person had with the federal 393
government, the state, or a political subdivision of the state. 394
Where the ~~coordinator~~ director's designee determines the person 395
has not committed any violation of such prior affirmative action 396
programs during the five years immediately preceding the date of 397
determination, the ~~coordinator~~ director's designee shall issue a 398
dated certificate of compliance with affirmative action programs. 399
The ~~coordinator~~ director's designee may issue an updated 400
certificate to a person upon request but not more frequently than 401
once every one hundred eighty days. A person who violates an 402
affirmative action program during the five years preceding the 403
date of determination is ineligible to bid on a contract awarded 404
pursuant to Chapter 153. of the Revised Code by an owner referred 405
to in section 153.01 of the Revised Code or awarded by the 406
director of transportation pursuant to Chapter 5525. of the 407
Revised Code for a period of three years after the date of 408

determination. 409

~~(B) Notwithstanding division (A) of this section, this section is prospective in operation only and applicable to a violation of an affirmative action program that occurs after December 13, 1979. For the purpose of determining whether or not to issue a certificate of compliance with affirmative action programs during the five years subsequent to December 13, 1979, the coordinator shall make any specific determination based upon the period from December 13, 1979 to the date on which the determination is made, even though the period involved is less than five years. Five years after December 13, 1979, the coordinator shall make any determination solely pursuant to division (A) of this section.~~ 410
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~~(C)~~ Any person denied a certificate or an updated certificate may appeal to the director of administrative services development for a review of ~~the coordinator's~~ that determination. The appeal must be filed within ten days of the date of the determination. The director shall, within five days after receipt of the appeal, either affirm or reverse the ~~coordinator's~~ determination. 422
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~~(D)~~(C) Any person dissatisfied with the decision of the director on review may, within thirty days, appeal the decision of the director to the court of common pleas of Franklin county. The court may affirm or reverse the decision of the director. At the hearing before the court, evidence may be introduced for and against the decision of the director. The decision of the court may be appealed as in other cases. 428
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~~(E)~~(D) The director of administrative services development, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend or rescind, rules to implement this section. 435
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Sec. 9.821. (A) The department of administrative services shall direct and manage for state agencies all risk management and 438
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insurance programs authorized under section 9.822 of the Revised Code. 440
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(B) The office of risk management is hereby established 442
within the department of administrative services. The director of 443
administrative services, or a deputy director appointed by the 444
director, shall control and supervise the office. 445

(C) The office may take any of the following actions that it 446
determines to be in the best interests of the state: 447

(1) Provide all insurance coverages for the state, including, 448
but not limited to, ~~automobile~~ vehicle liability, casualty, 449
property, public liability, and fidelity bonding. The cost of 450
insurance coverage shall be paid from appropriations made to the 451
state agencies that the office has designated to receive the 452
coverage. 453

(2) Provide coverage of legal expenses that are necessary and 454
related to the legal defense of claims against the state; 455

(3) Purchase insurance policies consistent with sections 456
125.01 to 125.111 of the Revised Code, develop and administer 457
self-insurance programs, or do both; 458

(4) Consolidate and combine state insurance coverages; 459

(5) Provide technical services in risk management and 460
insurance to state agencies; 461

(6) Adopt and publish, in accordance with section 111.15 of 462
the Revised Code, necessary rules and procedures governing the 463
administration of the state's insurance and risk management 464
activities. 465

(D) No state agency, except a state agency exempted under 466
section 125.02 or 125.04 of the Revised Code from the department's 467
purchasing authority, shall purchase any insurance described in 468
this section except as authorized by the department, when the 469

office of risk management determines that the purchase is in the 470
best interest of the state pursuant to division (C)(1) of this 471
section, and in accordance with terms, conditions, and procurement 472
methods established by the department. 473

(E) With respect to any civil action, demand, or claim 474
against the state that could be filed in the court of claims, 475
nothing in sections 9.82 to 9.823 of the Revised Code shall be 476
interpreted to permit the settlement or compromise of those civil 477
actions, demands, or claims, except in the manner provided in 478
Chapter 2743. of the Revised Code. 479

(F) The department of administrative services and the office 480
of risk management, while acting pursuant to the responsibilities 481
prescribed in sections 9.82 to 9.83 of the Revised Code, are 482
performing a public duty, as defined in section 2743.01 of the 483
Revised Code. 484

Sec. 9.822. (A) The department of administrative services 485
through the office of risk management shall establish an insurance 486
plan or plans that may provide for self-insurance ~~or~~, the purchase 487
of insurance, or ~~both~~ the purchase of surety bonds, public 488
official bonds, or fidelity bonds, for either any of the following 489
purposes: 490

(1) Insuring state real and personal property against losses 491
occasioned by fire, windstorm, or other accidents and perils; 492

(2) Insuring the state and its officers ~~and~~, employees, and 493
agents against liability resulting from any civil action, demand, 494
or claim against the state or its officers ~~and~~, employees, and 495
agents arising out of any act or omission of an officer ~~or~~, 496
employee, or agent in the performance of official duties, except 497
acts and omissions for which indemnification is prohibited under 498
section 9.87 of the Revised Code; 499

(3) Insuring and maintaining a judicial liability program. 500

(B) The department of administrative services through the 501
office of risk management shall establish ~~one or more insurance~~ 502
~~plans that provide for the purchase of insurance and administer a~~ 503
crime insurance program for the purpose of ~~insuring~~ protecting the 504
state ~~through the fidelity bonding of state officers, employees,~~ 505
~~and agents who are required by law to provide a fidelity bond.~~ 506
~~Nothing in this section shall be construed to allow the department~~ 507
~~of administrative services through the office of risk management~~ 508
~~to administer the state's fidelity bonding program through a~~ 509
program of self insurance. against loss, including loss to third 510
parties, due to the dishonest acts of state officers, employees, 511
and agents. In addition, public official bonds shall be purchased 512
for all officials and employees who are required by law to provide 513
a bond. Such bonds may be in the form of a blanket bond, or 514
scheduled position bond, provided the penal sums meet the 515
statutory requirement. 516

(C) The department of administrative services through the 517
office of risk management shall purchase surety bonds, fidelity 518
bonds, and public official bonds by licensed sureties for their 519
respective purposes. Nothing in this section shall be construed to 520
allow the department of administrative services through the office 521
of risk management to do either of the following: 522

(1) Directly issue or underwrite surety bonds, fidelity 523
bonds, performance bonds, or public official bonds; 524

(2) Provide performance bonds to any party. 525

Sec. 9.83. (A) The state and any political subdivision may 526
procure a policy or policies of insurance insuring its officers 527
and employees against liability for injury, death, or loss to 528
person or property that ~~arises out of the operation of an~~ 529
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 530

~~self-propelling equipment or trailer, aircraft, or watercraft by~~ 531
~~the officers or employees while engaged~~ occurs in the course of 532
their employment or official responsibilities for the state or the 533
political subdivision. The state is authorized to expend funds to 534
pay judgments that are rendered in any court against its officers 535
or employees ~~and that result from such operation,~~ and is 536
authorized to expend funds to compromise claims for liability 537
against its officers or employees ~~that result from such operation.~~ 538
No insurer shall deny coverage under such a policy, and the state 539
shall not refuse to pay judgments or compromise claims, on the 540
ground that an automobile, truck, motor vehicle with auxiliary 541
equipment, self-propelling equipment or trailer, aircraft, or 542
watercraft was not being used in the course of an officer's or 543
employee's employment or official responsibilities for the state 544
or a political subdivision unless the officer or employee who was 545
operating an automobile, truck, motor vehicle with auxiliary 546
equipment, or self-propelling equipment or trailer is convicted of 547
a violation of section 124.71 of the Revised Code as a result of 548
the same events. 549

(B) Funds shall be reserved as necessary, in the exercise of 550
sound and prudent actuarial judgment, to cover potential expense, 551
fees, damage, loss, or other liability. The office of risk 552
management may recommend or, if the state requests of the office 553
of risk management, shall recommend a specific amount for any 554
period of time that, in the opinion of the office of risk 555
management, represents such a judgment. 556

(C) Nothing in this section shall be construed to require the 557
department of administrative services to purchase liability 558
insurance for all ~~state vehicles~~ liabilities in a single policy of 559
insurance or to cover all ~~state vehicles~~ liabilities under a 560
single plan of self-insurance. 561

(D) Insurance procured by the state pursuant to this section 562

shall be procured as provided in division (G) of section 125.02 of the Revised Code. 563
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(E) For purposes of liability insurance procured under this section to cover the operation of a motor vehicle by a prisoner for whom the insurance is procured, "employee" includes a prisoner in the custody of the department of rehabilitation and correction who is enrolled in a work program that is established by the department pursuant to section 5145.16 of the Revised Code and in which the prisoner is required to operate a motor vehicle, as defined in section 4509.01 of the Revised Code, and who is engaged in the operation of a motor vehicle in the course of the work program. 565
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(F) All contributions collected by the director of administrative services under division (H) of this section shall be deposited into the risk management reserve fund created in section 9.823 of the Revised Code to the credit of the ~~vehicle~~ liability program. 575
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(G) Reserves shall be maintained in the risk management reserve fund to the credit of the ~~vehicle~~ liability program in any amount that is necessary and adequate, in the exercise of sound and prudent actuarial judgment, to cover potential liability claims, expenses, fees, or damages. Money in the fund may be applied to the payment of liability claims that are filed against the state in the court of claims and determined in the manner provided in Chapter 2743. of the Revised Code. The director of administrative services may procure the services of a qualified actuarial firm for the purpose of recommending the specific amount of money that is required to maintain adequate reserves for a specified period of time. 580
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(H) The director of administrative services shall collect from each state agency or any participating state body its contribution to the ~~vehicle~~ liability program for the purpose of 592
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purchasing insurance or administering self-insurance programs for 595
coverage authorized under this section. The amount of the 596
contribution shall be determined by the director, with the 597
approval of the director of budget and management. It shall be 598
based upon actuarial assumptions and the relative risk and loss 599
experience of each state agency or participating state body. The 600
amount of the contribution also shall include a reasonable sum to 601
cover administrative costs of the department of administrative 602
services. The amounts collected pursuant to this division shall be 603
deposited in the risk management reserve fund to the credit of the 604
~~vehicle~~ liability program. 605

Sec. 102.02. (A)(1) Except as otherwise provided in division 606
(H) of this section, all of the following shall file with the 607
appropriate ethics commission the disclosure statement described 608
in this division on a form prescribed by the appropriate 609
commission: every person who is elected to or is a candidate for a 610
state, county, or city office and every person who is appointed to 611
fill a vacancy for an unexpired term in such an elective office; 612
all members of the state board of education; the director, 613
assistant directors, deputy directors, division chiefs, or persons 614
of equivalent rank of any administrative department of the state; 615
the president or other chief administrative officer of every state 616
institution of higher education as defined in section 3345.011 of 617
the Revised Code; the executive director and the members of the 618
capitol square review and advisory board appointed or employed 619
pursuant to section 105.41 of the Revised Code; all members of the 620
Ohio casino control commission, the executive director of the 621
commission, all professional employees of the commission, and all 622
technical employees of the commission who perform an internal 623
audit function; the individuals set forth in division (B)(2) of 624
section 187.03 of the Revised Code; the chief executive officer 625
and the members of the board of each state retirement system; each 626

employee of a state retirement board who is a state retirement 627
system investment officer licensed pursuant to section 1707.163 of 628
the Revised Code; the members of the Ohio retirement study council 629
appointed pursuant to division (C) of section 171.01 of the 630
Revised Code; employees of the Ohio retirement study council, 631
other than employees who perform purely administrative or clerical 632
functions; the administrator of workers' compensation and each 633
member of the bureau of workers' compensation board of directors; 634
the bureau of workers' compensation director of investments; the 635
chief investment officer of the bureau of workers' compensation; 636
all members of the board of commissioners on grievances and 637
discipline of the supreme court and the ethics commission created 638
under section 102.05 of the Revised Code; every business manager, 639
treasurer, or superintendent of a city, local, exempted village, 640
joint vocational, or cooperative education school district or an 641
educational service center; every person who is elected to or is a 642
candidate for the office of member of a board of education of a 643
city, local, exempted village, joint vocational, or cooperative 644
education school district or of a governing board of an 645
educational service center that has a total student count of 646
twelve thousand or more as most recently determined by the 647
department of education pursuant to section 3317.03 of the Revised 648
Code; every person who is appointed to the board of education of a 649
municipal school district pursuant to division (B) or (F) of 650
section 3311.71 of the Revised Code; all members of the board of 651
directors of a sanitary district that is established under Chapter 652
6115. of the Revised Code and organized wholly for the purpose of 653
providing a water supply for domestic, municipal, and public use, 654
and that includes two municipal corporations in two counties; 655
every public official or employee who is paid a salary or wage in 656
accordance with schedule C of section 124.15 or schedule E-2 of 657
section 124.152 of the Revised Code; ~~members of the board of~~ 658
~~trustees and the executive director of the southern Ohio~~ 659

~~agricultural and community development foundation;~~ all members 660
appointed to the Ohio livestock care standards board under section 661
904.02 of the Revised Code; all entrepreneurs in residence 662
assigned by the LeanOhio office in the department of 663
administrative services under section 125.65 of the Revised Code 664
and every other public official or employee who is designated by 665
the appropriate ethics commission pursuant to division (B) of this 666
section. 667

(2) The disclosure statement shall include all of the 668
following: 669

(a) The name of the person filing the statement and each 670
member of the person's immediate family and all names under which 671
the person or members of the person's immediate family do 672
business; 673

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 674
section and except as otherwise provided in section 102.022 of the 675
Revised Code, identification of every source of income, other than 676
income from a legislative agent identified in division 677
(A)(2)(b)(ii) of this section, received during the preceding 678
calendar year, in the person's own name or by any other person for 679
the person's use or benefit, by the person filing the statement, 680
and a brief description of the nature of the services for which 681
the income was received. If the person filing the statement is a 682
member of the general assembly, the statement shall identify the 683
amount of every source of income received in accordance with the 684
following ranges of amounts: zero or more, but less than one 685
thousand dollars; one thousand dollars or more, but less than ten 686
thousand dollars; ten thousand dollars or more, but less than 687
twenty-five thousand dollars; twenty-five thousand dollars or 688
more, but less than fifty thousand dollars; fifty thousand dollars 689
or more, but less than one hundred thousand dollars; and one 690
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 691

section shall not be construed to require a person filing the 692
statement who derives income from a business or profession to 693
disclose the individual items of income that constitute the gross 694
income of that business or profession, except for those individual 695
items of income that are attributable to the person's or, if the 696
income is shared with the person, the partner's, solicitation of 697
services or goods or performance, arrangement, or facilitation of 698
services or provision of goods on behalf of the business or 699
profession of clients, including corporate clients, who are 700
legislative agents. A person who files the statement under this 701
section shall disclose the identity of and the amount of income 702
received from a person who the public official or employee knows 703
or has reason to know is doing or seeking to do business of any 704
kind with the public official's or employee's agency. 705

(ii) If the person filing the statement is a member of the 706
general assembly, the statement shall identify every source of 707
income and the amount of that income that was received from a 708
legislative agent during the preceding calendar year, in the 709
person's own name or by any other person for the person's use or 710
benefit, by the person filing the statement, and a brief 711
description of the nature of the services for which the income was 712
received. Division (A)(2)(b)(ii) of this section requires the 713
disclosure of clients of attorneys or persons licensed under 714
section 4732.12 of the Revised Code, or patients of persons 715
licensed under section 4731.14 of the Revised Code, if those 716
clients or patients are legislative agents. Division (A)(2)(b)(ii) 717
of this section requires a person filing the statement who derives 718
income from a business or profession to disclose those individual 719
items of income that constitute the gross income of that business 720
or profession that are received from legislative agents. 721

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 722
of this section, division (A)(2)(b)(i) of this section applies to 723

attorneys, physicians, and other persons who engage in the 724
practice of a profession and who, pursuant to a section of the 725
Revised Code, the common law of this state, a code of ethics 726
applicable to the profession, or otherwise, generally are required 727
not to reveal, disclose, or use confidences of clients, patients, 728
or other recipients of professional services except under 729
specified circumstances or generally are required to maintain 730
those types of confidences as privileged communications except 731
under specified circumstances. Division (A)(2)(b)(i) of this 732
section does not require an attorney, physician, or other 733
professional subject to a confidentiality requirement as described 734
in division (A)(2)(b)(iii) of this section to disclose the name, 735
other identity, or address of a client, patient, or other 736
recipient of professional services if the disclosure would 737
threaten the client, patient, or other recipient of professional 738
services, would reveal details of the subject matter for which 739
legal, medical, or professional advice or other services were 740
sought, or would reveal an otherwise privileged communication 741
involving the client, patient, or other recipient of professional 742
services. Division (A)(2)(b)(i) of this section does not require 743
an attorney, physician, or other professional subject to a 744
confidentiality requirement as described in division 745
(A)(2)(b)(iii) of this section to disclose in the brief 746
description of the nature of services required by division 747
(A)(2)(b)(i) of this section any information pertaining to 748
specific professional services rendered for a client, patient, or 749
other recipient of professional services that would reveal details 750
of the subject matter for which legal, medical, or professional 751
advice was sought or would reveal an otherwise privileged 752
communication involving the client, patient, or other recipient of 753
professional services. 754

(c) The name of every corporation on file with the secretary 755
of state that is incorporated in this state or holds a certificate 756

of compliance authorizing it to do business in this state, trust, 757
business trust, partnership, or association that transacts 758
business in this state in which the person filing the statement or 759
any other person for the person's use and benefit had during the 760
preceding calendar year an investment of over one thousand dollars 761
at fair market value as of the thirty-first day of December of the 762
preceding calendar year, or the date of disposition, whichever is 763
earlier, or in which the person holds any office or has a 764
fiduciary relationship, and a description of the nature of the 765
investment, office, or relationship. Division (A)(2)(c) of this 766
section does not require disclosure of the name of any bank, 767
savings and loan association, credit union, or building and loan 768
association with which the person filing the statement has a 769
deposit or a withdrawable share account. 770

(d) All fee simple and leasehold interests to which the 771
person filing the statement holds legal title to or a beneficial 772
interest in real property located within the state, excluding the 773
person's residence and property used primarily for personal 774
recreation; 775

(e) The names of all persons residing or transacting business 776
in the state to whom the person filing the statement owes, in the 777
person's own name or in the name of any other person, more than 778
one thousand dollars. Division (A)(2)(e) of this section shall not 779
be construed to require the disclosure of debts owed by the person 780
resulting from the ordinary conduct of a business or profession or 781
debts on the person's residence or real property used primarily 782
for personal recreation, except that the superintendent of 783
financial institutions and any deputy superintendent of banks 784
shall disclose the names of all state-chartered banks and all bank 785
subsidiary corporations subject to regulation under section 786
1109.44 of the Revised Code to whom the superintendent or deputy 787
superintendent owes any money. 788

(f) The names of all persons residing or transacting business 789
in the state, other than a depository excluded under division 790
(A)(2)(c) of this section, who owe more than one thousand dollars 791
to the person filing the statement, either in the person's own 792
name or to any person for the person's use or benefit. Division 793
(A)(2)(f) of this section shall not be construed to require the 794
disclosure of clients of attorneys or persons licensed under 795
section 4732.12 of the Revised Code, or patients of persons 796
licensed under section 4731.14 of the Revised Code, nor the 797
disclosure of debts owed to the person resulting from the ordinary 798
conduct of a business or profession. 799

(g) Except as otherwise provided in section 102.022 of the 800
Revised Code, the source of each gift of over seventy-five 801
dollars, or of each gift of over twenty-five dollars received by a 802
member of the general assembly from a legislative agent, received 803
by the person in the person's own name or by any other person for 804
the person's use or benefit during the preceding calendar year, 805
except gifts received by will or by virtue of section 2105.06 of 806
the Revised Code, or received from spouses, parents, grandparents, 807
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 808
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 809
fathers-in-law, mothers-in-law, or any person to whom the person 810
filing the statement stands in loco parentis, or received by way 811
of distribution from any inter vivos or testamentary trust 812
established by a spouse or by an ancestor; 813

(h) Except as otherwise provided in section 102.022 of the 814
Revised Code, identification of the source and amount of every 815
payment of expenses incurred for travel to destinations inside or 816
outside this state that is received by the person in the person's 817
own name or by any other person for the person's use or benefit 818
and that is incurred in connection with the person's official 819
duties, except for expenses for travel to meetings or conventions 820

of a national or state organization to which any state agency, 821
including, but not limited to, any legislative agency or state 822
institution of higher education as defined in section 3345.011 of 823
the Revised Code, pays membership dues, or any political 824
subdivision or any office or agency of a political subdivision 825
pays membership dues; 826

(i) Except as otherwise provided in section 102.022 of the 827
Revised Code, identification of the source of payment of expenses 828
for meals and other food and beverages, other than for meals and 829
other food and beverages provided at a meeting at which the person 830
participated in a panel, seminar, or speaking engagement or at a 831
meeting or convention of a national or state organization to which 832
any state agency, including, but not limited to, any legislative 833
agency or state institution of higher education as defined in 834
section 3345.011 of the Revised Code, pays membership dues, or any 835
political subdivision or any office or agency of a political 836
subdivision pays membership dues, that are incurred in connection 837
with the person's official duties and that exceed one hundred 838
dollars aggregated per calendar year; 839

(j) If the disclosure statement is filed by a public official 840
or employee described in division (B)(2) of section 101.73 of the 841
Revised Code or division (B)(2) of section 121.63 of the Revised 842
Code who receives a statement from a legislative agent, executive 843
agency lobbyist, or employer that contains the information 844
described in division (F)(2) of section 101.73 of the Revised Code 845
or division (G)(2) of section 121.63 of the Revised Code, all of 846
the nondisputed information contained in the statement delivered 847
to that public official or employee by the legislative agent, 848
executive agency lobbyist, or employer under division (F)(2) of 849
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 850

(3) A person may file a statement required by this section in 851
person, by mail, or by electronic means. 852

(4) A person who is required to file a statement under this 853
section shall file that statement according to the following 854
deadlines, as applicable: 855

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 856
and (d) of this section, the person shall file the statement not 857
later than the fifteenth day of May of each year. 858

(b) A person who is a candidate for elective office shall 859
file the statement no later than the thirtieth day before the 860
primary, special, or general election at which the candidacy is to 861
be voted on, whichever election occurs soonest, except that a 862
person who is a write-in candidate shall file the statement no 863
later than the twentieth day before the earliest election at which 864
the person's candidacy is to be voted on. 865

(c) A person who is appointed to fill a vacancy for an 866
unexpired term in an elective office shall file the statement 867
within fifteen days after the person qualifies for office. 868

(d) A person who is appointed or employed after the fifteenth 869
day of May, other than a person described in division (A)(4)(c) of 870
this section, shall file an annual statement within ninety days 871
after appointment or employment. 872

(5) No person shall be required to file with the appropriate 873
ethics commission more than one statement or pay more than one 874
filing fee for any one calendar year. 875

(6) The appropriate ethics commission, for good cause, may 876
extend for a reasonable time the deadline for filing a statement 877
under this section. 878

(7) A statement filed under this section is subject to public 879
inspection at locations designated by the appropriate ethics 880
commission except as otherwise provided in this section. 881

(B) The Ohio ethics commission, the joint legislative ethics 882

committee, and the board of commissioners on grievances and 883
discipline of the supreme court, using the rule-making procedures 884
of Chapter 119. of the Revised Code, may require any class of 885
public officials or employees under its jurisdiction and not 886
specifically excluded by this section whose positions involve a 887
substantial and material exercise of administrative discretion in 888
the formulation of public policy, expenditure of public funds, 889
enforcement of laws and rules of the state or a county or city, or 890
the execution of other public trusts, to file an annual statement 891
under division (A) of this section. The appropriate ethics 892
commission shall send the public officials or employees written 893
notice of the requirement not less than thirty days before the 894
applicable filing deadline unless the public official or employee 895
is appointed after that date, in which case the notice shall be 896
sent within thirty days after appointment, and the filing shall be 897
made not later than ninety days after appointment. 898

Disclosure statements filed under this division with the Ohio 899
ethics commission by members of boards, commissions, or bureaus of 900
the state for which no compensation is received other than 901
reasonable and necessary expenses shall be kept confidential. 902
Disclosure statements filed with the Ohio ethics commission under 903
division (A) of this section by business managers, treasurers, and 904
superintendents of city, local, exempted village, joint 905
vocational, or cooperative education school districts or 906
educational service centers shall be kept confidential, except 907
that any person conducting an audit of any such school district or 908
educational service center pursuant to Chapter 117. of the Revised 909
Code may examine the disclosure statement of any business manager, 910
treasurer, or superintendent of that school district or 911
educational service center. Disclosure statements filed with the 912
Ohio ethics commission under division (A) of this section by the 913
individuals set forth in division (B)(2) of section 187.03 of the 914
Revised Code shall be kept confidential. The Ohio ethics 915

commission shall examine each disclosure statement required to be 916
kept confidential to determine whether a potential conflict of 917
interest exists for the person who filed the disclosure statement. 918
A potential conflict of interest exists if the private interests 919
of the person, as indicated by the person's disclosure statement, 920
might interfere with the public interests the person is required 921
to serve in the exercise of the person's authority and duties in 922
the person's office or position of employment. If the commission 923
determines that a potential conflict of interest exists, it shall 924
notify the person who filed the disclosure statement and shall 925
make the portions of the disclosure statement that indicate a 926
potential conflict of interest subject to public inspection in the 927
same manner as is provided for other disclosure statements. Any 928
portion of the disclosure statement that the commission determines 929
does not indicate a potential conflict of interest shall be kept 930
confidential by the commission and shall not be made subject to 931
public inspection, except as is necessary for the enforcement of 932
Chapters 102. and 2921. of the Revised Code and except as 933
otherwise provided in this division. 934

(C) No person shall knowingly fail to file, on or before the 935
applicable filing deadline established under this section, a 936
statement that is required by this section. 937

(D) No person shall knowingly file a false statement that is 938
required to be filed under this section. 939

(E)(1) Except as provided in divisions (E)(2) and (3) of this 940
section, the statement required by division (A) or (B) of this 941
section shall be accompanied by a filing fee of sixty dollars. 942

(2) The statement required by division (A) of this section 943
shall be accompanied by the following filing fee to be paid by the 944
person who is elected or appointed to, or is a candidate for, any 945
of the following offices: 946

For state office, except member of the		947
state board of education	\$95	948
For office of member of general assembly	\$40	949
For county office	\$60	950
For city office	\$35	951
For office of member of the state board		952
of education	\$35	953
For office of member of a city, local,		954
exempted village, or cooperative		955
education board of		956
education or educational service		957
center governing board	\$30	958
For position of business manager,		959
treasurer, or superintendent of a		960
city, local, exempted village, joint		961
vocational, or cooperative education		962
school district or		963
educational service center	\$30	964
(3) No judge of a court of record or candidate for judge of a		965
court of record, and no referee or magistrate serving a court of		966
record, shall be required to pay the fee required under division		967
(E)(1) or (2) or (F) of this section.		968
(4) For any public official who is appointed to a nonelective		969
office of the state and for any employee who holds a nonelective		970
position in a public agency of the state, the state agency that is		971
the primary employer of the state official or employee shall pay		972
the fee required under division (E)(1) or (F) of this section.		973
(F) If a statement required to be filed under this section is		974
not filed by the date on which it is required to be filed, the		975
appropriate ethics commission shall assess the person required to		976
file the statement a late filing fee of ten dollars for each day		977
the statement is not filed, except that the total amount of the		978

late filing fee shall not exceed two hundred fifty dollars. 979

(G)(1) The appropriate ethics commission other than the Ohio 980
ethics commission and the joint legislative ethics committee shall 981
deposit all fees it receives under divisions (E) and (F) of this 982
section into the general revenue fund of the state. 983

(2) The Ohio ethics commission shall deposit all receipts, 984
including, but not limited to, fees it receives under divisions 985
(E) and (F) of this section, investigative or other fees, costs, 986
or other funds it receives as a result of court orders, and all 987
moneys it receives from settlements under division (G) of section 988
102.06 of the Revised Code, into the Ohio ethics commission fund, 989
which is hereby created in the state treasury. All moneys credited 990
to the fund shall be used solely for expenses related to the 991
operation and statutory functions of the commission. 992

(3) The joint legislative ethics committee shall deposit all 993
receipts it receives from the payment of financial disclosure 994
statement filing fees under divisions (E) and (F) of this section 995
into the joint legislative ethics committee investigative and 996
financial disclosure fund. 997

(H) Division (A) of this section does not apply to a person 998
elected or appointed to the office of precinct, ward, or district 999
committee member under Chapter 3517. of the Revised Code; a 1000
presidential elector; a delegate to a national convention; village 1001
or township officials and employees; any physician or psychiatrist 1002
who is paid a salary or wage in accordance with schedule C of 1003
section 124.15 or schedule E-2 of section 124.152 of the Revised 1004
Code and whose primary duties do not require the exercise of 1005
administrative discretion; or any member of a board, commission, 1006
or bureau of any county or city who receives less than one 1007
thousand dollars per year for serving in that position. 1008

Sec. 103.11. There is hereby created, in the legislative 1009

branch of government, the Ohio legislative service commission 1010
consisting of fourteen members as follows: six members shall be 1011
members of the senate appointed by the president of the senate, 1012
not more than four of whom shall be members of the same political 1013
party; six members shall be members of the house of 1014
representatives appointed by the speaker of the house of 1015
representatives, not more than four of whom shall be members of 1016
the same political party; the president of the senate; and the 1017
speaker of the house of representatives. 1018

The members of the commission shall serve only so long as 1019
they are members of the general assembly. A vacancy in the office 1020
of any member of the commission shall be filled for the unexpired 1021
term in the same manner as the original appointment. 1022

~~The commission shall organize by selecting from its~~ 1023
~~membership a~~In each even-numbered general assembly, the president 1024
of the senate shall serve as chairperson of the commission and 1025
the speaker of the house of representatives shall serve as 1026
vice-chairperson. In each odd-numbered general assembly, the 1027
speaker of the house of representatives shall serve as chairperson 1028
of the commission and the president of the senate shall serve as 1029
vice-chairperson. 1030

The members of the commission and members of committees 1031
thereof shall serve without compensation but shall be reimbursed 1032
for their actual and necessary expenses incurred in the 1033
performance of their official duties. 1034

Sec. 103.22. The Ohio legislative service commission shall 1035
meet as often as is necessary to perform its duties, ~~provided that~~ 1036
~~in any event it shall meet at least once each quarter.~~ Eight 1037
members shall constitute a quorum, and the majority thereof shall 1038
have authority to act on new matters within the jurisdiction of 1039

the commission. They shall formulate rules of procedure and 1040
prescribe the policies for the performance of its duties and 1041
functions. 1042

Sec. 103.41. (A) As used in sections 103.41 to 103.415 of the 1043
Revised Code: 1044

(1) "JMOC" means the joint medicaid oversight committee 1045
created under this section. 1046

(2) "State and local government medicaid agency" means all of 1047
the following: 1048

(a) The department of medicaid; 1049

(b) Each state agency and political subdivision with which 1050
the department of medicaid contracts under section 5162.35 of the 1051
Revised Code to have the state agency or political subdivision 1052
administer one or more components of the medicaid program, or one 1053
or more aspects of a component, under the department's 1054
supervision; 1055

(c) Each agency of a political subdivision that is 1056
responsible for administering one or more components of the 1057
medicaid program, or one or more aspects of a component, under the 1058
supervision of the department or a state agency or political 1059
subdivision described in division (A)(2)(b) of this section. 1060

(B) There is hereby created the joint medicaid oversight 1061
committee. JMOC shall consist of the following members: 1062

(1) Five members of the senate appointed by the president of 1063
the senate, three of whom are members of the majority party and 1064
two of whom are members of the minority party; 1065

(2) Five members of the house of representatives appointed by 1066
the speaker of the house of representatives, three of whom are 1067
members of the majority party and two of whom are members of the 1068
minority party. 1069

(C) The term of each JMOC member shall begin on the day of 1070
appointment to JMOC and end on the last day that the member serves 1071
in the house (in the case of a member appointed by the speaker) or 1072
senate (in the case of a member appointed by the president) during 1073
the general assembly for which the member is appointed to JMOC. 1074
The president and speaker shall make the initial appointments not 1075
later than fifteen days after March 20, 2014. However, if this 1076
section takes effect before January 1, 2014, the president and 1077
speaker shall make the initial appointments during the period 1078
beginning January 1, 2014, and ending January 15, 2014. The 1079
president and speaker shall make subsequent appointments not later 1080
than fifteen days after the commencement of the first regular 1081
session of each general assembly. JMOC members may be reappointed. 1082
A vacancy on JMOC shall be filled in the same manner as the 1083
original appointment. 1084

(D) In odd-numbered years, the speaker shall designate one of 1085
the majority members from the house as the JMOC chairperson, the 1086
president shall designate one of the majority members from the 1087
senate as the JMOC vice-chairperson, and the president shall 1088
designate one of the minority members from the senate as the JMOC 1089
ranking minority member. In even-numbered years, the president 1090
shall designate one of the majority members from the senate as the 1091
JMOC chairperson, the speaker shall designate one of the majority 1092
members from the house as the JMOC vice-chairperson, and the 1093
speaker shall designate one of the minority members from the house 1094
as the JMOC ranking minority member. 1095

(E) In appointing members from the minority, and in 1096
designating ranking minority members, the president and speaker 1097
shall consult with the minority leader of their respective houses. 1098

(F) JMOC shall meet at the call of the JMOC chairperson. The 1099
chairperson shall call JMOC to meet not less often than once each 1100
calendar month, unless the chairperson and ranking minority member 1101

agree that the chairperson should not call JMOC to meet for a 1102
particular month. 1103

(G) Notwithstanding section 101.26 of the Revised Code, the 1104
members, when engaged in their duties as members of JMOC on days 1105
when there is not a voting session of the member's house of the 1106
general assembly, shall be paid at the per diem rate of one 1107
hundred fifty dollars, and their necessary traveling expenses, 1108
which shall be paid from the funds appropriated for the payment of 1109
expenses of legislative committees. 1110

(H) The JMOC chairperson may, subject to approval by the 1111
speaker of the house of representatives or the speaker's designee 1112
and the president of the senate or the president's designee, 1113
employ professional, technical, and clerical employees as are 1114
necessary for JMOC to be able successfully and efficiently to 1115
perform its duties. All such employees are in the unclassified 1116
service and may be terminated by the chairperson, subject to 1117
approval of the speaker or the speaker's designee and president or 1118
the president's designee. JMOC may contract for the services of 1119
persons who are qualified by education and experience to advise, 1120
consult with, or otherwise assist JMOC in the performance of its 1121
duties. 1122

(I) The JMOC chairperson, when authorized by JMOC and the 1123
president and speaker, may issue subpoenas and subpoenas duces 1124
tecum in aid of JMOC's performance of its duties. A subpoena may 1125
require a witness in any part of the state to appear before JMOC 1126
at a time and place designated in the subpoena to testify. A 1127
subpoena duces tecum may require witnesses or other persons in any 1128
part of the state to produce books, papers, records, and other 1129
tangible evidence before JMOC at a time and place designated in 1130
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 1131
be issued, served, and returned, and has consequences, as 1132
specified in sections 101.41 to 101.45 of the Revised Code. 1133

(J) The JMOC chairperson may administer oaths to witnesses 1134
appearing before JMOC. 1135

Sec. 103.60. (A) As used in this section, "rare disease" 1136
means a disease or condition that affects fewer than 200,000 1137
people living in the United States. 1138

(B) There is hereby created the rare disease advisory 1139
council. The purpose of the council is to advise the general 1140
assembly regarding research, diagnosis, and treatment efforts 1141
related to rare diseases across the state. 1142

(C) The council shall consist of the following ~~twenty-five~~ 1143
thirty-one members: 1144

(1) The following members appointed by the governor: 1145

(a) One individual who is a medical researcher with 1146
experience researching rare diseases; 1147

(b) One individual who represents an academic research 1148
institution in this state that receives funding for rare disease 1149
research; 1150

(c) One individual authorized under Chapter 4731. of the 1151
Revised Code to practice medicine and surgery or osteopathic 1152
medicine and surgery who has experience researching, diagnosing, 1153
and treating rare diseases; 1154

(d) One individual authorized under Chapter 4723. of the 1155
Revised Code to practice nursing as a registered nurse who has 1156
experience providing nursing care to patients with rare diseases; 1157

(e) One individual authorized under Chapter 4778. of the 1158
Revised Code to practice as a genetic counselor who is currently 1159
practicing at a children's hospital; 1160

(f) Three members of the public who are living with a rare 1161
disease or represent an individual living with a rare disease; 1162

(g) One representative of a national organization	1163
representing patients with a rare disease;	1164
(h) One representative of a rare disease foundation operating	1165
in this state;	1166
(i) Two representatives of the department of health, one of	1167
whom is a representative of the children with medical handicaps	1168
program;	1169
(j) One representative of the department of medicaid;	1170
(k) One representative of the department of insurance;	1171
(l) One representative of the commission on minority health;	1172
(m) One representative of the Ohio hospital association;	1173
(n) One representative of Ohio health insurers;	1174
(o) One representative of bioOhio;	1175
(p) One representative of the association of Ohio health	1176
commissioners;	1177
(q) One representative of the pharmaceutical research and	1178
manufacturers of America.	1179
(2) Two <u>The following</u> members of the senate, one from the	1180
majority party and one from the minority party, both appointed by	1181
the president of the senate;	1182
<u>(a) Two members of the senate, one from the majority party</u>	1183
<u>and one from the minority party;</u>	1184
<u>(b) Two members of the public.</u>	1185
(3) Two <u>The following</u> members of the house of	1186
representatives, one from the majority party and one from the	1187
minority party, both appointed by the speaker of the house of	1188
representatives;	1189
<u>(a) Two members of the house of representatives, one from the</u>	1190

<u>majority party and one from the minority party;</u>	1191
<u>(b) Two members of the public.</u>	1192
(4) <u>One member of the public appointed by the minority leader of the senate.</u>	1193 1194
(5) <u>One member of the public appointed by the minority leader of the house of representatives.</u>	1195 1196
<u>(6) The governor or the governor's designee.</u>	1197
(D)(1) Not later than thirty days after the effective date of this section <u>April 23, 2021</u> , initial appointments shall be made to the council. Thereafter, appointments shall be made every two years, not later than thirty days after the commencement of the first regular session of each general assembly.	1198 1199 1200 1201 1202
(2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. Members may be reappointed; however, no member shall serve more than four consecutive terms on the council.	1203 1204 1205 1206
(E) Prior to the expiration of each term, the council shall prepare and submit a report to the general assembly detailing the following:	1207 1208 1209
(1) The coordination of statewide efforts for studying the incidence of rare diseases in this state;	1210 1211
(2) The council's findings and recommendations regarding rare disease research and care in this state;	1212 1213
(3) Efforts to promote collaboration among rare disease organizations, clinicians, academic research institutions, and the general assembly to better understand the incidence of rare diseases in this state.	1214 1215 1216 1217
(F) The council shall annually select from among its members a chairperson or co-chairpersons.	1218 1219

(G) The council shall meet at the call of the chairperson, 1220
but not less than quarterly. A majority of the members of the 1221
council shall constitute a quorum. The chairperson shall provide 1222
members with at least five days written notice of all meetings. 1223

(H) Members shall serve without compensation except to the 1224
extent that serving on the council is considered part of the 1225
member's regular duties of employment. The council shall reimburse 1226
each member for actual and necessary expenses incurred in the 1227
performance of the member's official duties. 1228

Sec. 105.41. (A) There is hereby created in the legislative 1229
branch of government the capitol square review and advisory board, 1230
consisting of twelve members as follows: 1231

(1) Two members of the senate, appointed by the president of 1232
the senate, both of whom shall not be members of the same 1233
political party; 1234

(2) Two members of the house of representatives, appointed by 1235
the speaker of the house of representatives, both of whom shall 1236
not be members of the same political party; 1237

(3) Four members appointed by the governor, with the advice 1238
and consent of the senate, not more than three of whom shall be 1239
members of the same political party, one of whom shall be the 1240
chief of staff of the governor's office, one of whom shall 1241
represent the Ohio arts council, one of whom shall represent the 1242
Ohio history connection, and one of whom shall represent the 1243
public at large; 1244

(4) One member, who shall be a former president of the 1245
senate, appointed by the current president of the senate. If the 1246
current president of the senate, in the current president's 1247
discretion, decides for any reason not to make the appointment or 1248
if no person is eligible or available to serve, the seat shall 1249

remain vacant. 1250

(5) One member, who shall be a former speaker of the house of 1251
representatives, appointed by the current speaker of the house of 1252
representatives. If the current speaker of the house of 1253
representatives, in the current speaker's discretion, decides for 1254
any reason not to make the appointment or if no person is eligible 1255
or available to serve, the seat shall remain vacant. 1256

(6) The clerk of the senate and the clerk of the house of 1257
representatives. 1258

(B) Terms of office of each appointed member of the board 1259
shall be for three years, except that members of the general 1260
assembly appointed to the board shall be members of the board only 1261
so long as they are members of the general assembly and the chief 1262
of staff of the governor's office shall be a member of the board 1263
only so long as the appointing governor remains in office. Each 1264
member shall hold office from the date of the member's appointment 1265
until the end of the term for which the member was appointed. In 1266
case of a vacancy occurring on the board, the president of the 1267
senate, the speaker of the house of representatives, or the 1268
governor, as the case may be, shall in the same manner prescribed 1269
for the regular appointment to the commission, fill the vacancy by 1270
appointing a member. Any member appointed to fill a vacancy 1271
occurring prior to the expiration of the term for which the 1272
member's predecessor was appointed shall hold office for the 1273
remainder of the term. Any appointed member shall continue in 1274
office subsequent to the expiration date of the member's term 1275
until the member's successor takes office, or until a period of 1276
sixty days has elapsed, whichever occurs first. 1277

(C) The board shall hold meetings in a manner and at times 1278
prescribed by the rules adopted by the board. A majority of the 1279
board constitutes a quorum, and no action shall be taken by the 1280
board unless approved by at least six members or by at least seven 1281

members if a person is appointed under division (A)(4) or (5) of 1282
this section. At its first meeting, the board shall adopt rules 1283
for the conduct of its business and the election of its officers, 1284
and shall organize by selecting officers other than a chairperson 1285
as it considers necessary. In odd-numbered years, the majority 1286
member from the senate shall serve as chairperson; in 1287
even-numbered years, the majority member from the house of 1288
representatives shall serve as chairperson. Board members shall 1289
serve without compensation but shall be reimbursed for actual and 1290
necessary expenses incurred in the performance of their duties. 1291

(D) The board may do any of the following: 1292

(1) Employ or hire on a consulting basis professional, 1293
technical, and clerical employees as are necessary for the 1294
performance of its duties. All employees of the board are in the 1295
unclassified service and serve at the pleasure of the board. For 1296
purposes of section 4117.01 of the Revised Code, employees of the 1297
board shall be considered employees of the general assembly, 1298
except that employees who are covered by a collective bargaining 1299
agreement on September 29, 2011, shall remain subject to the 1300
agreement until the agreement expires on its terms, and the 1301
agreement shall not be extended or renewed. Upon expiration of the 1302
agreement, the employees are considered employees of the general 1303
assembly for purposes of section 4117.01 of the Revised Code and 1304
are in the unclassified service and serve at the pleasure of the 1305
board. 1306

(2) Hold public hearings at times and places as determined by 1307
the board; 1308

(3) Enter into an indefinite delivery indefinite quantity 1309
contract, under section 153.013 of the Revised Code, for an 1310
architect or engineer; 1311

(4) Adopt, amend, or rescind rules necessary to accomplish 1312

the duties of the board as set forth in this section; 1313

~~(4)~~(5) Sponsor, conduct, and support such social events as 1314
the board may authorize and consider appropriate for the employees 1315
of the board, employees and members of the general assembly, 1316
employees of persons under contract with the board or otherwise 1317
engaged to perform services on the premises of capitol square, or 1318
other persons as the board may consider appropriate. Subject to 1319
the requirements of Chapter 4303. of the Revised Code, the board 1320
may provide beer, wine, and intoxicating liquor, with or without 1321
charge, for those events and may use funds only from the sale of 1322
goods and services fund to purchase the beer, wine, and 1323
intoxicating liquor the board provides; 1324

~~(5)~~(6) Purchase a warehouse in which to store items of the 1325
capitol collection trust and, whenever necessary, equipment or 1326
other property of the board. 1327

(E) The board shall do all of the following: 1328

(1) Have sole authority to coordinate and approve any 1329
improvements, additions, and renovations that are made to the 1330
capitol square. The improvements shall include, but not be limited 1331
to, the placement of monuments and sculpture on the capitol 1332
grounds. 1333

(2) Operate the capitol square, and have sole authority to 1334
regulate all uses of the capitol square. The uses shall include, 1335
but not be limited to, the casual and recreational use of the 1336
capitol square. 1337

(3) Employ, fix the compensation of, and prescribe the duties 1338
of the executive director of the board and other employees the 1339
board considers necessary for the performance of its powers and 1340
duties; 1341

(4) Establish and maintain the capitol collection trust. The 1342
capitol collection trust shall consist of furniture, antiques, and 1343

other items of personal property that the board shall store in 1344
suitable facilities until they are ready to be displayed in the 1345
capitol square. 1346

(5) Perform repair, construction, contracting, purchasing, 1347
maintenance, supervisory, and operating activities the board 1348
determines are necessary for the operation and maintenance of the 1349
capitol square; 1350

(6) Maintain and preserve the capitol square, in accordance 1351
with guidelines issued by the United States secretary of the 1352
interior for application of the secretary's standards for 1353
rehabilitation adopted in 36 C.F.R. part 67; 1354

(7) Plan and develop a center at the capitol building for the 1355
purpose of educating visitors about the history of Ohio, including 1356
its political, economic, and social development and the design and 1357
erection of the capitol building and its grounds. 1358

(F)(1) The board shall lease capital facilities improved by 1359
the department of administrative services or financed by the 1360
treasurer of state pursuant to Chapter 154. of the Revised Code 1361
for the use of the board, and may enter into any other agreements 1362
with the department, the Ohio public facilities commission, or any 1363
other authorized governmental agency ancillary to improvement, 1364
financing, or leasing of those capital facilities, including, but 1365
not limited to, any agreement required by the applicable bond 1366
proceedings authorized by Chapter 154. of the Revised Code. Any 1367
lease of capital facilities authorized by this section shall be 1368
governed by Chapter 154. of the Revised Code. 1369

(2) Fees, receipts, and revenues received by the board from 1370
the state underground parking garage constitute available receipts 1371
as defined in section 154.24 of the Revised Code, and may be 1372
pledged to the payment of bond service charges on obligations 1373
issued by the treasurer of state pursuant to Chapter 154. of the 1374

Revised Code to improve, finance, or purchase capital facilities 1375
useful to the board. The treasurer of state may, with the consent 1376
of the board, provide in the bond proceedings for a pledge of all 1377
or a portion of those fees, receipts, and revenues as the 1378
treasurer of state determines. The treasurer of state may provide 1379
in the bond proceedings or by separate agreement with the board 1380
for the transfer of those fees, receipts, and revenues to the 1381
appropriate bond service fund or bond service reserve fund as 1382
required to pay the bond service charges when due, and any such 1383
provision for the transfer of those fees, receipts, and revenues 1384
shall be controlling notwithstanding any other provision of law 1385
pertaining to those fees, receipts, and revenues. 1386

(3) All moneys received by the treasurer of state on account 1387
of the board and required by the applicable bond proceedings or by 1388
separate agreement with the board to be deposited, transferred, or 1389
credited to the bond service fund or bond service reserve fund 1390
established by the bond proceedings shall be transferred by the 1391
treasurer of state to such fund, whether or not it is in the 1392
custody of the treasurer of state, without necessity for further 1393
appropriation. 1394

(G)(1) Except as otherwise provided in division (G)(2) of 1395
this section, all fees, receipts, and revenues received by the 1396
board from the state underground parking garage shall be deposited 1397
into the state treasury to the credit of the underground parking 1398
garage operating fund, which is hereby created, to be used for the 1399
purposes specified in division (F) of this section and for the 1400
operation and maintenance of the garage. All investment earnings 1401
of the fund shall be credited to the fund. 1402

(2) There is hereby created the parking garage automated 1403
equipment fund, which shall be in the custody of the treasurer of 1404
state but shall not be part of the state treasury. Money in the 1405
fund shall be used to purchase the automated teller machine 1406

quality dollar bills needed for operation of the parking garage 1407
automated equipment. The fund shall consist of fees, receipts, or 1408
revenues received by the board from the state underground parking 1409
garage; provided, however, that the total amount deposited into 1410
the fund at any one time shall not exceed ten thousand dollars. 1411
All investment earnings of the fund shall be credited to the fund. 1412

(H) All donations received by the board shall be deposited 1413
into the state treasury to the credit of the capitol square 1414
renovation gift fund, which is hereby created. The fund shall be 1415
used by the board as follows: 1416

(1) To provide part or all of the funding related to 1417
construction, goods, or services for the renovation of the capitol 1418
square; 1419

(2) To purchase art, antiques, and artifacts for display at 1420
the capitol square; 1421

(3) To award contracts or make grants to organizations for 1422
educating the public regarding the historical background and 1423
governmental functions of the capitol square. Chapters 125., 127., 1424
and 153. and section 3517.13 of the Revised Code do not apply to 1425
purchases made exclusively from the fund, notwithstanding anything 1426
to the contrary in those chapters or that section. All investment 1427
earnings of the fund shall be credited to the fund. 1428

(I) Except as provided in divisions (G), (H), and (J) of this 1429
section, all fees, receipts, and revenues received by the board 1430
shall be deposited into the state treasury to the credit of the 1431
sale of goods and services fund, which is hereby created. Money 1432
credited to the fund shall be used solely to pay costs of the 1433
board other than those specified in divisions (F) and (G) of this 1434
section. All investment earnings of the fund shall be credited to 1435
the fund. 1436

(J) There is hereby created in the state treasury the capitol 1437

square improvement fund, to be used by the board to pay 1438
construction, renovation, and other costs related to the capitol 1439
square for which money is not otherwise available to the board. 1440
Whenever the board determines that there is a need to incur those 1441
costs and that the unencumbered, unobligated balance to the credit 1442
of the underground parking garage operating fund exceeds the 1443
amount needed for the purposes specified in division (F) of this 1444
section and for the operation and maintenance of the garage, the 1445
board may request the director of budget and management to 1446
transfer from the underground parking garage operating fund to the 1447
capitol square improvement fund the amount needed to pay such 1448
construction, renovation, or other costs. The director then shall 1449
transfer the amount needed from the excess balance of the 1450
underground parking garage operating fund. 1451

(K) As the operation and maintenance of the capitol square 1452
constitute essential government functions of a public purpose, the 1453
board shall not be required to pay taxes or assessments upon the 1454
square, upon any property acquired or used by the board under this 1455
section, or upon any income generated by the operation of the 1456
square. 1457

(L) As used in this section, "capitol square" means the 1458
capitol building, senate building, capitol atrium, capitol 1459
grounds, the state underground parking garage, and the warehouse 1460
owned by the board. 1461

(M) The capitol annex shall be known as the senate building. 1462

(N) Any person may possess a firearm in a motor vehicle in 1463
the state underground parking garage at the state capitol 1464
building, if the person's possession of the firearm in the motor 1465
vehicle is not in violation of section 2923.16 of the Revised Code 1466
or any other provision of the Revised Code. Any person may store 1467
or leave a firearm in a locked motor vehicle that is parked in the 1468
state underground parking garage at the state capitol building, if 1469

the person's transportation and possession of the firearm in the 1470
motor vehicle while traveling to the garage was not in violation 1471
of section 2923.16 of the Revised Code or any other provision of 1472
the Revised Code. 1473

Sec. 107.03. (A) As used in this section, "transportation 1474
budget" means the biennial budget that primarily includes the 1475
following: 1476

(1) Motor fuel excise tax-related appropriations for the 1477
department of transportation, public works commission, and 1478
development services agency; 1479

(2) Other appropriations that pertain to transportation and 1480
infrastructure related to transportation. 1481

(B) The governor shall submit a transportation budget to the 1482
general assembly not later than four weeks after the general 1483
assembly's organization. 1484

(C) The governor shall submit to the general assembly, not 1485
later than four weeks after its organization, a state budget 1486
containing a complete financial plan for the ensuing fiscal 1487
biennium, excluding items of revenue and expenditure described in 1488
section 126.022 of the Revised Code. However, in years of a new 1489
governor's inauguration, this budget shall be submitted not later 1490
than the fifteenth day of March. 1491

(D) In years of a new governor's inauguration, only the new 1492
governor shall submit a budget to the general assembly. In 1493
addition to other things required by law, each of the governor's 1494
budgets shall contain: 1495

(1) A general budget summary by function and agency setting 1496
forth the proposed total expenses from each and all funds and the 1497
anticipated resources for meeting such expenses; such resources to 1498
include any available balances in the several funds at the 1499

beginning of the biennium and a classification by totals of all 1500
revenue receipts estimated to accrue during the biennium under 1501
existing law and proposed legislation. 1502

(2) A detailed statement showing the amounts recommended to 1503
be appropriated from each fund for each fiscal year of the 1504
biennium for current expenses, including, but not limited to, 1505
personal services, supplies and materials, equipment, subsidies 1506
and revenue distribution, merchandise for resale, transfers, and 1507
nonexpense disbursements, obligations, interest on debt, and 1508
retirement of debt, and for the biennium for capital outlay, to 1509
the respective departments, offices, institutions, as defined in 1510
section 121.01 of the Revised Code, and all other public purposes; 1511
and, in comparative form, the actual expenses by source of funds 1512
during each fiscal year of the previous two bienniums for each 1513
such purpose. No alterations shall be made in the requests for the 1514
legislative and judicial branches of the state filed with the 1515
director of budget and management under section 126.02 of the 1516
Revised Code. If any amount of federal money is recommended to be 1517
appropriated or has been expended for a purpose for which state 1518
money also is recommended to be appropriated or has been expended, 1519
the amounts of federal money and state money involved shall be 1520
separately identified. 1521

(3) A detailed estimate of the revenue receipts in each fund 1522
from each source under existing laws during each year of the 1523
biennium; and, in comparative form, actual revenue receipts in 1524
each fund from each source for each year of the two previous 1525
bienniums; 1526

(4) The estimated cash balance in each fund at the beginning 1527
of the biennium covered by the budget; the estimated liabilities 1528
outstanding against each such balance; and the estimated net 1529
balance remaining and available for new appropriations; 1530

(5) A detailed estimate of the additional revenue receipts in 1531

each fund from each source under proposed legislation, if enacted, 1532
during each year of the biennium; 1533

(6) A description of each tax expenditure; a detailed 1534
estimate of the amount of revenues not available to the general 1535
revenue fund under existing laws during each fiscal year of the 1536
biennium covered by the budget due to the operation of each tax 1537
expenditure; and, in comparative form, the amount of revenue not 1538
available to the general revenue fund during each fiscal year of 1539
the immediately preceding biennium due to the operation of each 1540
tax expenditure. The report prepared by the department of taxation 1541
pursuant to section 5703.48 of the Revised Code shall be submitted 1542
to the general assembly as an appendix to the governor's budget. 1543
As used in this division, "tax expenditure" has the same meaning 1544
as in section 5703.48 of the Revised Code. 1545

~~(7) The most recent report prepared by the tax expenditure 1546
review committee under division (F) of section 5703.95 of the 1547
Revised Code, which shall be submitted to the general assembly as 1548
an appendix to the governor's budget.~~The most recent TANF spending 1549
plan prepared by the department of job and family services under 1550
section 5101.806 of the Revised Code, which shall be submitted to 1551
the general assembly as an appendix to the governor's budget. 1552

Sec. 107.121. Not later than thirty days following the end of 1553
each state fiscal year, the governor's office of faith-based and 1554
community initiatives shall submit a report to the speaker of the 1555
house of representatives, the president of the senate, and the 1556
director of the legislative service commission detailing all of 1557
the following: 1558

(A) A breakdown of how the office spent funds from the 1559
temporary assistance for needy families block grant, established 1560
by Title IV-A of the "Social Security Act," 42 U.S.C. 601, ; 1561

(B) A breakdown of all grants the office awarded using 1562

<u>temporary assistance for needy families block grant funds;</u>	1563
<u>(C) A breakdown of how each entity awarded a grant by the</u>	1564
<u>office using temporary assistance for needy families block grant</u>	1565
<u>funds spent those funds, including the following:</u>	1566
<u>(1) The services the entity provided;</u>	1567
<u>(2) The total number of individuals the entity served;</u>	1568
<u>(3) The total amount of money the entity spent.</u>	1569
Sec. 109.08. The attorney general may appoint and authorize	1570
special counsel to represent the state and any political	1571
subdivision in connection with all claims of whatsoever nature	1572
which are certified to the attorney general for collection under	1573
any law or which the attorney general is authorized to collect.	1574
Such special counsel shall be paid for their services from	1575
funds collected by them in an amount approved by the attorney	1576
general. In addition to the amount certified, the amounts paid to	1577
special counsel may be assessed as collection costs consistent	1578
with section 131.02 of the Revised Code and shall be fully	1579
recoverable from the party indebted. The amounts assessed as	1580
collection costs under this section are in addition to any amounts	1581
authorized under section 109.081 of the Revised Code.	1582
The attorney general is authorized to provide to the special	1583
counsel the official letterhead stationery of the attorney	1584
general. The attorney general may authorize the special counsel to	1585
use the letterhead stationery, but only in connection with the	1586
collection of such claims arising out of amounts certified by the	1587
state and political subdivisions.	1588
<u>The attorney general may adopt rules under Chapter 119. of</u>	1589
<u>the Revised Code as necessary for the implementation of this</u>	1590
<u>section and section 109.081 of the Revised Code.</u>	1591

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1592
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1593
a completed form prescribed pursuant to division (C)(1) of this 1594
section, and a set of fingerprint impressions obtained in the 1595
manner described in division (C)(2) of this section, the 1596
superintendent of the bureau of criminal identification and 1597
investigation shall conduct a criminal records check in the manner 1598
described in division (B) of this section to determine whether any 1599
information exists that indicates that the person who is the 1600
subject of the request previously has been convicted of or pleaded 1601
guilty to any of the following: 1602

(a) A violation of section 2903.01, 2903.02, 2903.03, 1603
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 1604
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 1605
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1606
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 1607
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1608
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1609
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 1610
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 1611
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 1612
Revised Code, felonious sexual penetration in violation of former 1613
section 2907.12 of the Revised Code, a violation of section 1614
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1615
violation of section 2919.23 of the Revised Code that would have 1616
been a violation of section 2905.04 of the Revised Code as it 1617
existed prior to July 1, 1996, had the violation been committed 1618
prior to that date, or a violation of section 2925.11 of the 1619
Revised Code that is not a minor drug possession offense; 1620

(b) A violation of an existing or former law of this state, 1621
any other state, or the United States that is substantially 1622
equivalent to any of the offenses listed in division (A)(1)(a) of 1623

this section; 1624

(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. 1625
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(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: 1629
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(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; 1642
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(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. 1651
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(3) On receipt of a request pursuant to section 173.27, 1654

173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 1655
or 5123.081 of the Revised Code, a completed form prescribed 1656
pursuant to division (C)(1) of this section, and a set of 1657
fingerprint impressions obtained in the manner described in 1658
division (C)(2) of this section, the superintendent of the bureau 1659
of criminal identification and investigation shall conduct a 1660
criminal records check of the person for whom the request is made. 1661
The superintendent shall conduct the criminal records check in the 1662
manner described in division (B) of this section to determine 1663
whether any information exists that indicates that the person who 1664
is the subject of the request previously has been convicted of, 1665
has pleaded guilty to, or (except in the case of a request 1666
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1667
Code) has been found eligible for intervention in lieu of 1668
conviction for any of the following, regardless of the date of the 1669
conviction, the date of entry of the guilty plea, or (except in 1670
the case of a request pursuant to section 5164.34, 5164.341, or 1671
5164.342 of the Revised Code) the date the person was found 1672
eligible for intervention in lieu of conviction: 1673

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1674
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1675
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1676
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1677
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1678
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1679
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1680
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1681
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1682
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1683
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 1684
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 1685
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 1686
2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 1687

2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 1688
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 1689
2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 1690
2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 1691
2925.56, 2927.12, or 3716.11 of the Revised Code; 1692

(b) Felonious sexual penetration in violation of former 1693
section 2907.12 of the Revised Code; 1694

(c) A violation of section 2905.04 of the Revised Code as it 1695
existed prior to July 1, 1996; 1696

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1697
the Revised Code when the underlying offense that is the object of 1698
the conspiracy, attempt, or complicity is one of the offenses 1699
listed in divisions (A)(3)(a) to (c) of this section; 1700

(e) A violation of an existing or former municipal ordinance 1701
or law of this state, any other state, or the United States that 1702
is substantially equivalent to any of the offenses listed in 1703
divisions (A)(3)(a) to (d) of this section. 1704

(4) On receipt of a request pursuant to section 2151.86 or 1705
2151.904 of the Revised Code, a completed form prescribed pursuant 1706
to division (C)(1) of this section, and a set of fingerprint 1707
impressions obtained in the manner described in division (C)(2) of 1708
this section, the superintendent of the bureau of criminal 1709
identification and investigation shall conduct a criminal records 1710
check in the manner described in division (B) of this section to 1711
determine whether any information exists that indicates that the 1712
person who is the subject of the request previously has been 1713
convicted of or pleaded guilty to any of the following: 1714

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1715
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1716
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1717
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1718

2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1719
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1720
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1721
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1722
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1723
of the Revised Code, a violation of section 2905.04 of the Revised 1724
Code as it existed prior to July 1, 1996, a violation of section 1725
2919.23 of the Revised Code that would have been a violation of 1726
section 2905.04 of the Revised Code as it existed prior to July 1, 1727
1996, had the violation been committed prior to that date, a 1728
violation of section 2925.11 of the Revised Code that is not a 1729
minor drug possession offense, two or more OVI or OVUAC violations 1730
committed within the three years immediately preceding the 1731
submission of the application or petition that is the basis of the 1732
request, or felonious sexual penetration in violation of former 1733
section 2907.12 of the Revised Code; 1734

(b) A violation of an existing or former law of this state, 1735
any other state, or the United States that is substantially 1736
equivalent to any of the offenses listed in division (A)(4)(a) of 1737
this section. 1738

(5) Upon receipt of a request pursuant to section 5104.013 of 1739
the Revised Code, a completed form prescribed pursuant to division 1740
(C)(1) of this section, and a set of fingerprint impressions 1741
obtained in the manner described in division (C)(2) of this 1742
section, the superintendent of the bureau of criminal 1743
identification and investigation shall conduct a criminal records 1744
check in the manner described in division (B) of this section to 1745
determine whether any information exists that indicates that the 1746
person who is the subject of the request has been convicted of or 1747
pleaded guilty to any of the following: 1748

(a) A violation of section 2151.421, 2903.01, 2903.02, 1749
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1750

2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1751
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1752
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1753
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1754
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 1755
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 1756
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 1757
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1758
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 1759
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 1760
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 1761
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 1762
Revised Code, felonious sexual penetration in violation of former 1763
section 2907.12 of the Revised Code, a violation of section 1764
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1765
violation of section 2919.23 of the Revised Code that would have 1766
been a violation of section 2905.04 of the Revised Code as it 1767
existed prior to July 1, 1996, had the violation been committed 1768
prior to that date, a violation of section 2925.11 of the Revised 1769
Code that is not a minor drug possession offense, a violation of 1770
section 2923.02 or 2923.03 of the Revised Code that relates to a 1771
crime specified in this division, or a second violation of section 1772
4511.19 of the Revised Code within five years of the date of 1773
application for licensure or certification. 1774

(b) A violation of an existing or former law of this state, 1775
any other state, or the United States that is substantially 1776
equivalent to any of the offenses or violations described in 1777
division (A)(5)(a) of this section. 1778

(6) Upon receipt of a request pursuant to section 5153.111 of 1779
the Revised Code, a completed form prescribed pursuant to division 1780
(C)(1) of this section, and a set of fingerprint impressions 1781
obtained in the manner described in division (C)(2) of this 1782

section, the superintendent of the bureau of criminal 1783
identification and investigation shall conduct a criminal records 1784
check in the manner described in division (B) of this section to 1785
determine whether any information exists that indicates that the 1786
person who is the subject of the request previously has been 1787
convicted of or pleaded guilty to any of the following: 1788

(a) A violation of section 2903.01, 2903.02, 2903.03, 1789
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1790
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1791
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1792
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1793
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1794
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1795
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1796
felonious sexual penetration in violation of former section 1797
2907.12 of the Revised Code, a violation of section 2905.04 of the 1798
Revised Code as it existed prior to July 1, 1996, a violation of 1799
section 2919.23 of the Revised Code that would have been a 1800
violation of section 2905.04 of the Revised Code as it existed 1801
prior to July 1, 1996, had the violation been committed prior to 1802
that date, or a violation of section 2925.11 of the Revised Code 1803
that is not a minor drug possession offense; 1804

(b) A violation of an existing or former law of this state, 1805
any other state, or the United States that is substantially 1806
equivalent to any of the offenses listed in division (A)(6)(a) of 1807
this section. 1808

(7) On receipt of a request for a criminal records check from 1809
an individual pursuant to section 4749.03 or 4749.06 of the 1810
Revised Code, accompanied by a completed copy of the form 1811
prescribed in division (C)(1) of this section and a set of 1812
fingerprint impressions obtained in a manner described in division 1813
(C)(2) of this section, the superintendent of the bureau of 1814

criminal identification and investigation shall conduct a criminal 1815
records check in the manner described in division (B) of this 1816
section to determine whether any information exists indicating 1817
that the person who is the subject of the request has been 1818
convicted of or pleaded guilty to any criminal offense in this 1819
state or in any other state. If the individual indicates that a 1820
firearm will be carried in the course of business, the 1821
superintendent shall require information from the federal bureau 1822
of investigation as described in division (B)(2) of this section. 1823
Subject to division (F) of this section, the superintendent shall 1824
report the findings of the criminal records check and any 1825
information the federal bureau of investigation provides to the 1826
director of public safety. 1827

(8) On receipt of a request pursuant to section 1321.37, 1828
1321.53, or 4763.05 of the Revised Code, a completed form 1829
prescribed pursuant to division (C)(1) of this section, and a set 1830
of fingerprint impressions obtained in the manner described in 1831
division (C)(2) of this section, the superintendent of the bureau 1832
of criminal identification and investigation shall conduct a 1833
criminal records check with respect to any person who has applied 1834
for a license, permit, or certification from the department of 1835
commerce or a division in the department. The superintendent shall 1836
conduct the criminal records check in the manner described in 1837
division (B) of this section to determine whether any information 1838
exists that indicates that the person who is the subject of the 1839
request previously has been convicted of or pleaded guilty to any 1840
criminal offense in this state, any other state, or the United 1841
States. 1842

(9) On receipt of a request for a criminal records check from 1843
the treasurer of state under section 113.041 of the Revised Code 1844
or from an individual under section 928.03, 4701.08, 4715.101, 1845
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 1846

4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1847
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1848
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 1849
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1850
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 1851
or 4783.04 of the Revised Code, accompanied by a completed form 1852
prescribed under division (C)(1) of this section and a set of 1853
fingerprint impressions obtained in the manner described in 1854
division (C)(2) of this section, the superintendent of the bureau 1855
of criminal identification and investigation shall conduct a 1856
criminal records check in the manner described in division (B) of 1857
this section to determine whether any information exists that 1858
indicates that the person who is the subject of the request has 1859
been convicted of or pleaded guilty to any criminal offense in 1860
this state or any other state. Subject to division (F) of this 1861
section, the superintendent shall send the results of a check 1862
requested under section 113.041 of the Revised Code to the 1863
treasurer of state and shall send the results of a check requested 1864
under any of the other listed sections to the licensing board 1865
specified by the individual in the request. 1866

(10) On receipt of a request pursuant to section 124.74, 1867
718.131, 1121.23, 1315.141, 1733.47, 1761.26, or 5123.169 of the 1868
Revised Code, a completed form prescribed pursuant to division 1869
(C)(1) of this section, and a set of fingerprint impressions 1870
obtained in the manner described in division (C)(2) of this 1871
section, the superintendent of the bureau of criminal 1872
identification and investigation shall conduct a criminal records 1873
check in the manner described in division (B) of this section to 1874
determine whether any information exists that indicates that the 1875
person who is the subject of the request previously has been 1876
convicted of or pleaded guilty to any criminal offense under any 1877
existing or former law of this state, any other state, or the 1878
United States. 1879

(11) On receipt of a request for a criminal records check 1880
from an appointing or licensing authority under section 3772.07 of 1881
the Revised Code, a completed form prescribed under division 1882
(C)(1) of this section, and a set of fingerprint impressions 1883
obtained in the manner prescribed in division (C)(2) of this 1884
section, the superintendent of the bureau of criminal 1885
identification and investigation shall conduct a criminal records 1886
check in the manner described in division (B) of this section to 1887
determine whether any information exists that indicates that the 1888
person who is the subject of the request previously has been 1889
convicted of or pleaded guilty or no contest to any offense under 1890
any existing or former law of this state, any other state, or the 1891
United States that is a disqualifying offense as defined in 1892
section 3772.07 of the Revised Code or substantially equivalent to 1893
such an offense. 1894

(12) On receipt of a request pursuant to section 2151.33 or 1895
2151.412 of the Revised Code, a completed form prescribed pursuant 1896
to division (C)(1) of this section, and a set of fingerprint 1897
impressions obtained in the manner described in division (C)(2) of 1898
this section, the superintendent of the bureau of criminal 1899
identification and investigation shall conduct a criminal records 1900
check with respect to any person for whom a criminal records check 1901
is required under that section. The superintendent shall conduct 1902
the criminal records check in the manner described in division (B) 1903
of this section to determine whether any information exists that 1904
indicates that the person who is the subject of the request 1905
previously has been convicted of or pleaded guilty to any of the 1906
following: 1907

(a) A violation of section 2903.01, 2903.02, 2903.03, 1908
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1909
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1910
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1911

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1912
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1913
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1914
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1915
2925.22, 2925.23, or 3716.11 of the Revised Code; 1916

(b) An existing or former law of this state, any other state, 1917
or the United States that is substantially equivalent to any of 1918
the offenses listed in division (A)(12)(a) of this section. 1919

(13) On receipt of a request pursuant to section 3796.12 of 1920
the Revised Code, a completed form prescribed pursuant to division 1921
(C)(1) of this section, and a set of fingerprint impressions 1922
obtained in a manner described in division (C)(2) of this section, 1923
the superintendent of the bureau of criminal identification and 1924
investigation shall conduct a criminal records check in the manner 1925
described in division (B) of this section to determine whether any 1926
information exists that indicates that the person who is the 1927
subject of the request previously has been convicted of or pleaded 1928
guilty to the following: 1929

(a) A disqualifying offense as specified in rules adopted 1930
under section 9.79 and division (B)(2)(b) of section 3796.03 of 1931
the Revised Code if the person who is the subject of the request 1932
is an administrator or other person responsible for the daily 1933
operation of, or an owner or prospective owner, officer or 1934
prospective officer, or board member or prospective board member 1935
of, an entity seeking a license from the department of commerce 1936
under Chapter 3796. of the Revised Code; 1937

(b) A disqualifying offense as specified in rules adopted 1938
under section 9.79 and division (B)(2)(b) of section 3796.04 of 1939
the Revised Code if the person who is the subject of the request 1940
is an administrator or other person responsible for the daily 1941
operation of, or an owner or prospective owner, officer or 1942
prospective officer, or board member or prospective board member 1943

of, an entity seeking a license from the state board of pharmacy 1944
under Chapter 3796. of the Revised Code. 1945

(14) On receipt of a request required by section 3796.13 of 1946
the Revised Code, a completed form prescribed pursuant to division 1947
(C)(1) of this section, and a set of fingerprint impressions 1948
obtained in a manner described in division (C)(2) of this section, 1949
the superintendent of the bureau of criminal identification and 1950
investigation shall conduct a criminal records check in the manner 1951
described in division (B) of this section to determine whether any 1952
information exists that indicates that the person who is the 1953
subject of the request previously has been convicted of or pleaded 1954
guilty to the following: 1955

(a) A disqualifying offense as specified in rules adopted 1956
under division (B)(8)(a) of section 3796.03 of the Revised Code if 1957
the person who is the subject of the request is seeking employment 1958
with an entity licensed by the department of commerce under 1959
Chapter 3796. of the Revised Code; 1960

(b) A disqualifying offense as specified in rules adopted 1961
under division (B)(14)(a) of section 3796.04 of the Revised Code 1962
if the person who is the subject of the request is seeking 1963
employment with an entity licensed by the state board of pharmacy 1964
under Chapter 3796. of the Revised Code. 1965

(15) On receipt of a request pursuant to section 4768.06 of 1966
the Revised Code, a completed form prescribed under division 1967
(C)(1) of this section, and a set of fingerprint impressions 1968
obtained in the manner described in division (C)(2) of this 1969
section, the superintendent of the bureau of criminal 1970
identification and investigation shall conduct a criminal records 1971
check in the manner described in division (B) of this section to 1972
determine whether any information exists indicating that the 1973
person who is the subject of the request has been convicted of or 1974
pleaded guilty to any criminal offense in this state or in any 1975

other state. 1976

(16) On receipt of a request pursuant to division (B) of 1977
section 4764.07 or division (A) of section 4735.143 of the Revised 1978
Code, a completed form prescribed under division (C)(1) of this 1979
section, and a set of fingerprint impressions obtained in the 1980
manner described in division (C)(2) of this section, the 1981
superintendent of the bureau of criminal identification and 1982
investigation shall conduct a criminal records check in the manner 1983
described in division (B) of this section to determine whether any 1984
information exists indicating that the person who is the subject 1985
of the request has been convicted of or pleaded guilty to any 1986
criminal offense in any state or the United States. 1987

(17) On receipt of a request for a criminal records check 1988
under section 147.022 of the Revised Code, a completed form 1989
prescribed under division (C)(1) of this section, and a set of 1990
fingerprint impressions obtained in the manner prescribed in 1991
division (C)(2) of this section, the superintendent of the bureau 1992
of criminal identification and investigation shall conduct a 1993
criminal records check in the manner described in division (B) of 1994
this section to determine whether any information exists that 1995
indicates that the person who is the subject of the request 1996
previously has been convicted of or pleaded guilty or no contest 1997
to any criminal offense under any existing or former law of this 1998
state, any other state, or the United States. 1999

(B) Subject to division (F) of this section, the 2000
superintendent shall conduct any criminal records check to be 2001
conducted under this section as follows: 2002

(1) The superintendent shall review or cause to be reviewed 2003
any relevant information gathered and compiled by the bureau under 2004
division (A) of section 109.57 of the Revised Code that relates to 2005
the person who is the subject of the criminal records check, 2006
including, if the criminal records check was requested under 2007

section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 2008
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2009
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2010
3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 2011
4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 2012
5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised 2013
Code, any relevant information contained in records that have been 2014
sealed under section 2953.32 of the Revised Code; 2015

(2) If the request received by the superintendent asks for 2016
information from the federal bureau of investigation, the 2017
superintendent shall request from the federal bureau of 2018
investigation any information it has with respect to the person 2019
who is the subject of the criminal records check, including 2020
fingerprint-based checks of national crime information databases 2021
as described in 42 U.S.C. 671 if the request is made pursuant to 2022
section 2151.86 or 5104.013 of the Revised Code or if any other 2023
Revised Code section requires fingerprint-based checks of that 2024
nature, and shall review or cause to be reviewed any information 2025
the superintendent receives from that bureau. If a request under 2026
section 3319.39 of the Revised Code asks only for information from 2027
the federal bureau of investigation, the superintendent shall not 2028
conduct the review prescribed by division (B)(1) of this section. 2029

(3) The superintendent or the superintendent's designee may 2030
request criminal history records from other states or the federal 2031
government pursuant to the national crime prevention and privacy 2032
compact set forth in section 109.571 of the Revised Code. 2033

(4) The superintendent shall include in the results of the 2034
criminal records check a list or description of the offenses 2035
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2036
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 2037
of this section, whichever division requires the superintendent to 2038
conduct the criminal records check. The superintendent shall 2039

exclude from the results any information the dissemination of 2040
which is prohibited by federal law. 2041

(5) The superintendent shall send the results of the criminal 2042
records check to the person to whom it is to be sent not later 2043
than the following number of days after the date the 2044
superintendent receives the request for the criminal records 2045
check, the completed form prescribed under division (C)(1) of this 2046
section, and the set of fingerprint impressions obtained in the 2047
manner described in division (C)(2) of this section: 2048

(a) If the superintendent is required by division (A) of this 2049
section (other than division (A)(3) of this section) to conduct 2050
the criminal records check, thirty; 2051

(b) If the superintendent is required by division (A)(3) of 2052
this section to conduct the criminal records check, sixty. 2053

(C)(1) The superintendent shall prescribe a form to obtain 2054
the information necessary to conduct a criminal records check from 2055
any person for whom a criminal records check is to be conducted 2056
under this section. The form that the superintendent prescribes 2057
pursuant to this division may be in a tangible format, in an 2058
electronic format, or in both tangible and electronic formats. 2059

(2) The superintendent shall prescribe standard impression 2060
sheets to obtain the fingerprint impressions of any person for 2061
whom a criminal records check is to be conducted under this 2062
section. Any person for whom a records check is to be conducted 2063
under this section shall obtain the fingerprint impressions at a 2064
county sheriff's office, municipal police department, or any other 2065
entity with the ability to make fingerprint impressions on the 2066
standard impression sheets prescribed by the superintendent. The 2067
office, department, or entity may charge the person a reasonable 2068
fee for making the impressions. The standard impression sheets the 2069
superintendent prescribes pursuant to this division may be in a 2070

tangible format, in an electronic format, or in both tangible and 2071
electronic formats. 2072

(3) Subject to division (D) of this section, the 2073
superintendent shall prescribe and charge a reasonable fee for 2074
providing a criminal records check under this section. The person 2075
requesting the criminal records check shall pay the fee prescribed 2076
pursuant to this division. In the case of a request under section 2077
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2078
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2079
the manner specified in that section. 2080

(4) The superintendent of the bureau of criminal 2081
identification and investigation may prescribe methods of 2082
forwarding fingerprint impressions and information necessary to 2083
conduct a criminal records check, which methods shall include, but 2084
not be limited to, an electronic method. 2085

(D) The results of a criminal records check conducted under 2086
this section, other than a criminal records check specified in 2087
division (A)(7) of this section, are valid for the person who is 2088
the subject of the criminal records check for a period of one year 2089
from the date upon which the superintendent completes the criminal 2090
records check. If during that period the superintendent receives 2091
another request for a criminal records check to be conducted under 2092
this section for that person, the superintendent shall provide the 2093
results from the previous criminal records check of the person at 2094
a lower fee than the fee prescribed for the initial criminal 2095
records check. 2096

(E) When the superintendent receives a request for 2097
information from a registered private provider, the superintendent 2098
shall proceed as if the request was received from a school 2099
district board of education under section 3319.39 of the Revised 2100
Code. The superintendent shall apply division (A)(1)(c) of this 2101
section to any such request for an applicant who is a teacher. 2102

(F)(1) Subject to division (F)(2) of this section, all 2103
information regarding the results of a criminal records check 2104
conducted under this section that the superintendent reports or 2105
sends under division (A)(7) or (9) of this section to the director 2106
of public safety, the treasurer of state, or the person, board, or 2107
entity that made the request for the criminal records check shall 2108
relate to the conviction of the subject person, or the subject 2109
person's plea of guilty to, a criminal offense. 2110

(2) Division (F)(1) of this section does not limit, restrict, 2111
or preclude the superintendent's release of information that 2112
relates to the arrest of a person who is eighteen years of age or 2113
older, to an adjudication of a child as a delinquent child, or to 2114
a criminal conviction of a person under eighteen years of age in 2115
circumstances in which a release of that nature is authorized 2116
under division (E)(2), (3), or (4) of section 109.57 of the 2117
Revised Code pursuant to a rule adopted under division (E)(1) of 2118
that section. 2119

(G) As used in this section: 2120

(1) "Criminal records check" means any criminal records check 2121
conducted by the superintendent of the bureau of criminal 2122
identification and investigation in accordance with division (B) 2123
of this section. 2124

(2) "Minor drug possession offense" has the same meaning as 2125
in section 2925.01 of the Revised Code. 2126

(3) "OVI or OVUAC violation" means a violation of section 2127
4511.19 of the Revised Code or a violation of an existing or 2128
former law of this state, any other state, or the United States 2129
that is substantially equivalent to section 4511.19 of the Revised 2130
Code. 2131

(4) "Registered private provider" means a nonpublic school or 2132
entity registered with the superintendent of public instruction 2133

under section 3310.41 of the Revised Code to participate in the 2134
autism scholarship program or section 3310.58 of the Revised Code 2135
to participate in the Jon Peterson special needs scholarship 2136
program. 2137

Sec. 109.79. (A) The Ohio peace officer training commission 2138
shall establish and conduct a training school for law enforcement 2139
officers of any political subdivision of the state or of the state 2140
public defender's office. The school shall be known as the Ohio 2141
peace officer training academy. No bailiff or deputy bailiff of a 2142
court of record of this state and no criminal investigator 2143
employed by the state public defender shall be permitted to attend 2144
the academy for training unless the employing court of the bailiff 2145
or deputy bailiff or the state public defender, whichever is 2146
applicable, has authorized the bailiff, deputy bailiff, or 2147
investigator to attend the academy. 2148

The Ohio peace officer training commission shall develop the 2149
training program, which shall include courses in both the civil 2150
and criminal functions of law enforcement officers, a course in 2151
crisis intervention with six or more hours of training, training 2152
in the handling of missing children and child abuse and neglect 2153
cases, and training on companion animal encounters and companion 2154
animal behavior, and shall establish rules governing 2155
qualifications for admission to the academy. The commission may 2156
require competitive examinations to determine fitness of 2157
prospective trainees, so long as the examinations or other 2158
criteria for admission to the academy are consistent with the 2159
provisions of Chapter 124. of the Revised Code. 2160

The Ohio peace officer training commission shall determine 2161
tuition costs sufficient in the aggregate to pay the costs of 2162
operating the academy. Tuition paid by a political subdivision of 2163
the state or by the state public defender's office shall be 2164

deposited into the state treasury to the credit of the peace 2165
officer training academy fee fund, which is hereby established. 2166
The attorney general shall use money in the fund to pay costs 2167
associated with operation of the academy. The costs of acquiring 2168
and equipping the academy shall be paid from appropriations made 2169
by the general assembly to the Ohio peace officer training 2170
commission for that purpose, from gifts or grants received for 2171
that purpose, or from fees for goods related to the academy. 2172

The Ohio peace officer training commission shall create a 2173
gaming-related curriculum for gaming agents. The Ohio peace 2174
officer training commission shall use money distributed to the 2175
Ohio peace officer training academy from the Ohio law enforcement 2176
training fund to first support the academy's training programs for 2177
gaming agents and gaming-related curriculum. The Ohio peace 2178
officer training commission may utilize existing training programs 2179
in other states that specialize in training gaming agents. 2180

The law enforcement officers, during the period of their 2181
training, shall receive compensation as determined by the 2182
political subdivision that sponsors them or, if the officer is a 2183
criminal investigator employed by the state public defender, as 2184
determined by the state public defender. The political subdivision 2185
may pay the tuition costs of the law enforcement officers they 2186
sponsor and the state public defender may pay the tuition costs of 2187
criminal investigators of that office who attend the academy. 2188

If trainee vacancies exist, the academy may train and issue 2189
certificates of satisfactory completion to peace officers who are 2190
employed by a campus police department pursuant to section 1713.50 2191
of the Revised Code, by a qualified nonprofit corporation police 2192
department pursuant to section 1702.80 of the Revised Code, or by 2193
a railroad company, who are amusement park police officers 2194
appointed and commissioned by a judge of the appropriate municipal 2195
court or county court pursuant to section 4973.17 of the Revised 2196

Code, or who are bank, savings and loan association, savings bank, 2197
credit union, or association of banks, savings and loan 2198
associations, savings banks, or credit unions, or hospital police 2199
officers appointed and commissioned by the secretary of state 2200
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 2201
provided that no such officer shall be trained at the academy 2202
unless the officer meets the qualifications established for 2203
admission to the academy and the qualified nonprofit corporation 2204
police department; bank, savings and loan association, savings 2205
bank, credit union, or association of banks, savings and loan 2206
associations, savings banks, or credit unions; railroad company; 2207
hospital; or amusement park or the private college or university 2208
that established the campus police department prepays the entire 2209
cost of the training. A qualified nonprofit corporation police 2210
department; bank, savings and loan association, savings bank, 2211
credit union, or association of banks, savings and loan 2212
associations, savings banks, or credit unions; railroad company; 2213
hospital; or amusement park or a private college or university 2214
that has established a campus police department is not entitled to 2215
reimbursement from the state for any amount paid for the cost of 2216
training the bank, savings and loan association, savings bank, 2217
credit union, or association of banks, savings and loan 2218
associations, savings banks, or credit unions peace officers; the 2219
railroad company's peace officers; or the peace officers of the 2220
qualified nonprofit corporation police department, campus police 2221
department, hospital, or amusement park. 2222

The academy shall permit investigators employed by the state 2223
medical board to take selected courses that the board determines 2224
are consistent with its responsibilities for initial and 2225
continuing training of investigators as required under sections 2226
4730.26 and 4731.05 of the Revised Code. The board shall pay the 2227
entire cost of training that investigators receive at the academy. 2228

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

(B) As used in this section:

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

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

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

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

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

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

(5) "Companion animal" has the same meaning as in section 2260
959.131 of the Revised Code. 2261

Sec. 109.803. (A)(1) Subject to divisions (A)(2) and (B) of 2262
this section, every appointing authority shall require each of its 2263
appointed peace officers and troopers to complete up to 2264
twenty-four hours of continuing professional training each 2265
calendar year, as directed by the Ohio peace officer training 2266
commission. The number of hours directed by the commission, up to 2267
twenty-four hours, is intended to be a minimum requirement, and 2268
appointing authorities are encouraged to exceed the number of 2269
hours the commission directs as the minimum. The commission shall 2270
set the required minimum number of hours based upon available 2271
funding for reimbursement as described in this division. If no 2272
funding for the reimbursement is available, no continuing 2273
professional training will be required. 2274

(2) An appointing authority may submit a written request to 2275
the peace officer training commission that requests for a calendar 2276
year because of emergency circumstances an extension of the time 2277
within which one or more of its appointed peace officers or 2278
troopers must complete the required minimum number of hours of 2279
continuing professional training set by the commission, as 2280
described in division (A)(1) of this section. A request made under 2281
this division shall set forth the name of each of the appointing 2282
authority's peace officers or troopers for whom an extension is 2283
requested, identify the emergency circumstances related to that 2284
peace officer or trooper, include documentation of those emergency 2285
circumstances, and set forth the date on which the request is 2286
submitted to the commission. A request shall be made under this 2287
division not later than the fifteenth day of December in the 2288
calendar year for which the extension is requested. 2289

Upon receipt of a written request made under this division, 2290

the executive director of the commission shall review the request 2291
and the submitted documentation. If the executive director of the 2292
commission is satisfied that emergency circumstances exist for any 2293
peace officer or trooper for whom a request was made under this 2294
division, the executive director may approve the request for that 2295
peace officer or trooper and grant an extension of the time within 2296
which that peace officer or trooper must complete the required 2297
minimum number of hours of continuing professional training set by 2298
the commission. An extension granted under this division may be 2299
for any period of time the executive director believes to be 2300
appropriate, and the executive director shall specify in the 2301
notice granting the extension the date on which the extension 2302
ends. Not later than thirty days after the date on which a request 2303
is submitted to the commission, for each peace officer and trooper 2304
for whom an extension is requested, the executive director either 2305
shall approve the request and grant an extension or deny the 2306
request and deny an extension and shall send to the appointing 2307
authority that submitted the request written notice of the 2308
executive director's decision. 2309

If the executive director grants an extension of the time 2310
within which a particular appointed peace officer or trooper of an 2311
appointing authority must complete the required minimum number of 2312
hours of continuing professional training set by the commission, 2313
the appointing authority shall require that peace officer or 2314
trooper to complete the required minimum number of hours of 2315
training not later than the date on which the extension ends. 2316

(B) With the advice of the Ohio peace officer training 2317
commission, the attorney general shall adopt in accordance with 2318
Chapter 119. of the Revised Code rules setting forth minimum 2319
standards for continuing professional training for peace officers 2320
and troopers and governing the administration of continuing 2321
professional training programs for peace officers and troopers. 2322

The rules adopted by the attorney general under division (B) of 2323
this section shall do all of the following: 2324

(1) Allow peace officers and troopers to earn credit for up 2325
to four hours of continuing professional training for time spent 2326
while on duty providing drug use prevention education training 2327
that utilizes evidence-based curricula to students in school 2328
districts, community schools established under Chapter 3314., STEM 2329
schools established under Chapter 3326., and college-preparatory 2330
boarding schools established under Chapter 3328. of the Revised 2331
Code. 2332

(2) Allow a peace officer or trooper appointed by a law 2333
enforcement agency to earn hours of continuing professional 2334
training for other peace officers or troopers appointed by the law 2335
enforcement agency by providing drug use prevention education 2336
training under division (B)(1) of this section so that hours 2337
earned by the peace officer or trooper providing the training in 2338
excess of four hours may be applied to offset the number of 2339
continuing professional training hours required of another peace 2340
officer or trooper appointed by that law enforcement agency. 2341

(3) Prohibit the use of continuing professional training 2342
hours earned under division (B)(1) or (2) of this section from 2343
being used to offset any mandatory hands-on training requirement. 2344

(4) Require a peace officer to complete training on proper 2345
interactions with civilians during traffic stops and other 2346
in-person encounters, which training shall have an online offering 2347
and shall include all of the following topics: 2348

(a) A person's rights during an interaction with a peace 2349
officer, including all of the following: 2350

(i) When a peace officer may require a person to exit a 2351
vehicle; 2352

(ii) Constitutional protections from illegal search and 2353

seizure;	2354
(iii) The rights of a passenger in a vehicle who has been pulled over for a traffic stop;	2355 2356
(iv) The right for a citizen to record an encounter with a peace officer.	2357 2358
(b) Proper actions for interacting with a civilian and methods for diffusing a stressful encounter with a civilian;	2359 2360
(c) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws;	2361 2362 2363 2364
(d) Any other requirements and procedures necessary for the proper implementation of this section.	2365 2366
(C) The attorney general shall transmit a certified copy of any rule adopted under this section to the secretary of state.	2367 2368
<u>(D) As used in this section:</u>	2369
<u>(1) "Peace officer" has the same meaning as in section 109.71 of the Revised Code.</u>	2370 2371
<u>(2) "Trooper" means an individual appointed as a state highway patrol trooper under section 5503.01 of the Revised Code.</u>	2372 2373
<u>(3) "Appointing authority" means any agency or entity that appoints a peace officer or trooper.</u>	2374 2375
Sec. 111.16. Except as provided in section 1701.041 of the Revised Code, the secretary of state shall charge and collect, for the benefit of the state, the following fees:	2376 2377 2378
(A) For filing and recording articles of incorporation of a domestic corporation, including designation of agent:	2379 2380
(1) Wherein the corporation shall not be authorized to issue	2381

any shares of capital stock, ninety-nine dollars;	2382
(2) Wherein the corporation shall be authorized to issue	2383
shares of capital stock, with or without par value:	2384
(a) Ten cents for each share authorized up to and including	2385
one thousand shares;	2386
(b) Five cents for each share authorized in excess of one	2387
thousand shares up to and including ten thousand shares;	2388
(c) Two cents for each share authorized in excess of ten	2389
thousand shares up to and including fifty thousand shares;	2390
(d) One cent for each share authorized in excess of fifty	2391
thousand shares up to and including one hundred thousand shares;	2392
(e) One-half cent for each share authorized in excess of one	2393
hundred thousand shares up to and including five hundred thousand	2394
shares;	2395
(f) One-quarter cent for each share authorized in excess of	2396
five hundred thousand shares; provided no fee shall be less than	2397
ninety-nine dollars or greater than one hundred thousand dollars.	2398
(B) For filing and recording a certificate of amendment to or	2399
amended articles of incorporation of a domestic corporation, or	2400
for filing and recording a certificate of reorganization, a	2401
certificate of dissolution, or an amendment to a foreign license	2402
application:	2403
(1) If the domestic corporation is not authorized to issue	2404
any shares of capital stock, fifty dollars;	2405
(2) If the domestic corporation is authorized to issue shares	2406
of capital stock, fifty dollars, and in case of any increase in	2407
the number of shares authorized to be issued, a further sum	2408
computed in accordance with the schedule set forth in division	2409
(A)(2) of this section less a credit computed in the same manner	2410
for the number of shares previously authorized to be issued by the	2411

corporation; provided no fee under division (B)(2) of this section 2412
shall be greater than one hundred thousand dollars; 2413

(3) If the foreign corporation is not authorized to issue any 2414
shares of capital stock, fifty dollars; 2415

(4) If the foreign corporation is authorized to issue shares 2416
of capital stock, fifty dollars. 2417

(C) For filing and recording articles of incorporation of a 2418
savings and loan association, ninety-nine dollars; and for filing 2419
and recording a certificate of amendment to or amended articles of 2420
incorporation of a savings and loan association, fifty dollars; 2421

(D) For filing and recording a certificate of conversion, 2422
including a designation of agent, a certificate of merger, or a 2423
certificate of consolidation, ninety-nine dollars and, in the case 2424
of any new corporation resulting from a consolidation or any 2425
surviving corporation that has an increased number of shares 2426
authorized to be issued resulting from a merger, an additional sum 2427
computed in accordance with the schedule set forth in division 2428
(A)(2) of this section less a credit computed in the same manner 2429
for the number of shares previously authorized to be issued or 2430
represented in this state by each of the corporations for which a 2431
consolidation or merger is effected by the certificate; 2432

(E) For filing and recording articles of incorporation of a 2433
credit union or the American credit union guaranty association, 2434
ninety-nine dollars, and for filing and recording a certificate of 2435
increase in capital stock or any other amendment of the articles 2436
of incorporation of a credit union or the association, fifty 2437
dollars; 2438

(F) For filing and recording articles of organization of a 2439
limited liability company, for filing and recording an application 2440
to become a registered foreign limited liability company, for 2441
filing and recording a registration application to become a 2442

domestic limited liability partnership, or for filing and 2443
recording an application to become a registered foreign limited 2444
liability partnership, ninety-nine dollars; 2445

(G) For filing and recording a certificate of limited 2446
partnership or an application for registration as a foreign 2447
limited partnership, or for filing an initial statement of 2448
partnership authority pursuant to section 1776.33 of the Revised 2449
Code, ninety-nine dollars; 2450

(H) For filing a copy of papers evidencing the incorporation 2451
of a municipal corporation or of annexation of territory by a 2452
municipal corporation, five dollars, to be paid by the municipal 2453
corporation, the petitioners therefor, or their agent; 2454

(I) For filing and recording any of the following: 2455

(1) A license to transact business in this state by a foreign 2456
corporation for profit pursuant to section 1703.04 of the Revised 2457
Code or a foreign nonprofit corporation pursuant to section 2458
1703.27 of the Revised Code, ninety-nine dollars; 2459

(2) A biennial report or biennial statement pursuant to 2460
section 1775.63, 1776.83, or 1785.06 of the Revised Code, 2461
twenty-five dollars; 2462

(3) Except as otherwise provided in this section or any other 2463
section of the Revised Code, any other certificate or paper that 2464
is required to be filed and recorded or is permitted to be filed 2465
and recorded by any provision of the Revised Code with the 2466
secretary of state, twenty-five dollars. 2467

(J) For filing any certificate or paper not required to be 2468
recorded, five dollars; 2469

(K)(1) For making copies of any certificate or other paper 2470
filed in the office of the secretary of state, a fee not to exceed 2471
one dollar per page, except as otherwise provided in the Revised 2472

Code, and for creating and affixing the seal of the office of the secretary of state to any good standing or other certificate, five dollars. For copies of certificates or papers required by state officers for official purpose, no charge shall be made.

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

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

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

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

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

(2) A notice of dissolution of a foreign licensed corporation or a certificate of surrender of license by a foreign licensed corporation under section 1703.17 of the Revised Code;

(3) The withdrawal of registration of a foreign or domestic limited liability partnership under section 1775.61, 1775.64, 1776.81, or 1776.86 of the Revised Code, or the certificate of cancellation of registration of a foreign limited liability company under section 1705.57 or 1706.514 of the Revised Code;

(4) The filing of a statement of denial under section 1776.34 2503
of the Revised Code, a statement of dissociation under section 2504
1776.57 of the Revised Code, a statement of disclaimer of general 2505
partner status under Chapter 1782. of the Revised Code, or a 2506
cancellation of disclaimer of general partner status under Chapter 2507
1782. of the Revised Code. 2508

(O) For filing a statement of continued existence by a 2509
nonprofit corporation, twenty-five dollars; 2510

(P) For filing a restatement under section 1705.08, 1706.161, 2511
or 1782.09 of the Revised Code, an amendment to a certificate of 2512
cancellation under section 1782.10 of the Revised Code, an 2513
amendment under section 1705.08, 1706.161, or 1782.09 of the 2514
Revised Code, or a correction under section 1705.55, 1706.173, 2515
1706.511, 1706.513, 1775.61, 1775.64, 1776.12, or 1782.52 of the 2516
Revised Code, fifty dollars; 2517

(Q) For filing for reinstatement of an entity cancelled by 2518
operation of law, by the secretary of state, by order of the 2519
department of taxation, or by order of a court, twenty-five 2520
dollars; 2521

(R) For filing and recording any of the following: 2522

(1) A change of agent, resignation of agent, or change of 2523
agent's address under section 1701.07, 1702.06, 1703.041, 1703.27, 2524
1705.06, 1705.55, 1706.09, 1746.04, 1747.03, 1776.07, or 1782.04 2525
of the Revised Code, twenty-five dollars; 2526

(2) A multiple change of agent name or address, 2527
standardization of agent address, or resignation of agent under 2528
section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 2529
1706.09, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised 2530
Code, one hundred twenty-five dollars, plus three dollars per 2531
entity record being changed, by the multiple agent update. 2532

(S) For filing and recording any of the following: 2533

(1) An application for the exclusive right to use a name or	2534
an application to reserve a name for future use under section	2535
1701.05, 1702.05, 1703.31, 1705.05, 1706.07, or 1746.06 of the	2536
Revised Code, thirty-nine dollars;	2537
(2) A trade name or fictitious name registration or report,	2538
thirty-nine dollars;	2539
(3) An application to renew any item covered by division	2540
(S)(1) or (2) of this section that is permitted to be renewed,	2541
twenty-five dollars;	2542
(4) An assignment of rights for use of a name covered by	2543
division (S)(1), (2), or (3) of this section, the cancellation of	2544
a name registration or name reservation that is so covered, or	2545
notice of a change of address of the registrant of a name that is	2546
so covered, twenty-five dollars.	2547
(T) For filing and recording a report to operate a business	2548
trust or a real estate investment trust, either foreign or	2549
domestic, ninety-nine dollars; and for filing and recording an	2550
amendment to a report or associated trust instrument, or a	2551
surrender of authority, to operate a business trust or real estate	2552
investment trust, fifty dollars;	2553
(U)(1) For filing and recording the registration of a	2554
trademark, service mark, or mark of ownership, one hundred	2555
twenty-five dollars;	2556
(2) For filing and recording the change of address of a	2557
registrant, the assignment of rights to a registration, a renewal	2558
of a registration, or the cancellation of a registration	2559
associated with a trademark, service mark, or mark of ownership,	2560
twenty-five dollars.	2561
(V) For filing a service of process with the secretary of	2562
state, five dollars <u>per address to be served</u> , except as otherwise	2563
provided in any section of the Revised Code;	2564

(W) For making, recording, and forwarding a commission under 2565
section 107.06 of the Revised Code, the applicable fee specified 2566
in that section. 2567

Fees specified in this section may be paid by cash, check, or 2568
money order, by credit card in accordance with section 113.40 of 2569
the Revised Code, or by an alternative payment program in 2570
accordance with division (B) of section 111.18 of the Revised 2571
Code. Any credit card number or the expiration date of any credit 2572
card is not subject to disclosure under Chapter 149. of the 2573
Revised Code. 2574

Sec. 111.28. (A) There is hereby created in the state 2575
treasury the help America vote act (HAVA) fund. All moneys 2576
received by the secretary of state from the United States election 2577
assistance commission for purposes established under the "Help 2578
America Vote Act of 2002," Pub. L. No. 107-252, as amended, shall 2579
be credited to the fund. The secretary of state shall use the 2580
moneys credited to the fund for activities conducted pursuant to 2581
~~the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116~~ 2582
~~Stat. 1666~~ that act. All investment earnings of the fund shall be 2583
credited to the fund. 2584

(B) There is hereby created in the state treasury the 2585
miscellaneous federal grants fund. All Except as otherwise 2586
provided in division (A) of this section, all moneys the secretary 2587
of state receives as grants from federal sources ~~that are not~~ 2588
~~otherwise designated~~ shall be credited to the fund. The secretary 2589
of state shall use the moneys credited to the fund for the 2590
purposes and activities required by the applicable federal grant 2591
agreements. All investment earnings of the fund shall be credited 2592
to the fund. 2593

Sec. 111.48. There is in the state treasury the address 2594

confidentiality program fund. The fund shall consist of money paid 2595
into the fund pursuant to division ~~(B)(10)~~ (B)(11) of section 2596
2929.18 and division (D) of section 2929.28 of the Revised Code 2597
and any money appropriated to the fund by the general assembly or 2598
donated to the fund. The secretary of state shall use the money in 2599
the fund for the purpose of administering the address 2600
confidentiality program described in sections 111.41 to 111.47 of 2601
the Revised Code. 2602

Sec. 113.70. As used in sections 113.70 to 113.77 of the 2603
Revised Code: 2604

(A) "Expenditure" means a payment, distribution, loan, 2605
advance, reimbursement, deposit, or gift of money from a state 2606
entity to any supplier. 2607

(B) "Political subdivision" means a county, city, village, 2608
public library, township, park district, school district, regional 2609
water and sewer district, or regional transit authority. 2610

(C) "Public library" means a library that is created, 2611
maintained, and regulated under Chapter 3375. of the Revised Code. 2612

(D) "School district" means a city, local, exempted village, 2613
or joint vocational school district; a science, technology, 2614
engineering, and mathematics school established under Chapter 2615
3326. of the Revised Code; or an educational service center. 2616
"School district" does not mean a community school established 2617
under Chapter 3314. of the Revised Code. 2618

(E) "State entity" means the general assembly, the supreme 2619
court, the court of claims, the office of an elected state 2620
officer, or a department, bureau, board, office, commission, 2621
agency, institution, instrumentality, or other governmental entity 2622
of this state established by the constitution or laws of this 2623
state for the exercise of any function of state government, but 2624

excludes a political subdivision, an institution of higher education, a state retirement system, and the city of Cincinnati retirement system. "State entity" does not include the nonprofit corporation formed under section 187.01 of the Revised Code. 2625
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(F) "State retirement system" means the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 2629
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(G) "Supplier" means any person, partnership, corporation, association, organization, state entity, or other party, including any executive officer, legislative officer, judicial officer, or member or employee of a state entity, that does either of the following: 2633
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(1) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or services to a state entity pursuant to a contract between the supplier and a state entity; 2638
2639
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(2) Receives reimbursement from a state entity for any expense. 2641
2642

Sec. 113.71. (A) The treasurer of state, in collaboration with the directors of budget and management and administrative services, shall establish and maintain the Ohio state and local government expenditure database. The database shall be accessible on the web site of the treasurer of state and the web site of the office of budget and management. 2643
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(B) The database shall include information about expenditures made in each fiscal year that commences after the effective date of this section. 2649
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(C) The database shall be accessible by members of the public without charge. 2652
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(D) State entities shall assist in the development, 2654

establishment, operation, storage, hosting, and support of the 2655
database. State entities shall comply with sections 113.70 to 2656
113.77 of the Revised Code using existing resources. 2657

(E) The treasurer of state shall enter into an annual 2658
agreement with the directors of budget and management and 2659
administrative services to define data storage, data handling, 2660
user interface requirements, and other provisions considered 2661
necessary to ensure the proper maintenance and operation of the 2662
database. 2663

(F) Nothing in this section shall be construed to prohibit 2664
the treasurer of state from including any information in the base 2665
that is not required to be included under sections 113.70 to 2666
113.77 of the Revised Code and that is available to the public. 2667

Sec. 113.72. For each expenditure, the Ohio state and local 2668
government expenditure database shall include the following 2669
information: 2670

(A) The amount of the expenditure; 2671

(B) The date the expenditure was paid; 2672

(C) The supplier to which the expenditure was paid; 2673

(D) The state entity that made the expenditure or requested 2674
the expenditure be made. 2675

Sec. 113.73. (A) The Ohio state and local government 2676
expenditure database shall include the following features: 2677

(1) A searchable database of all expenditures; 2678

(2) The ability to filter expenditures by the following 2679
categories: 2680

(a) The category of expense; 2681

(b) The Ohio administrative knowledge system accounting code 2682

<u>for a specific good or service.</u>	2683
<u>(3) The ability to search and filter by any of the factors listed in section 113.72 of the Revised Code;</u>	2684 2685
<u>(4) The ability to aggregate data contained in the database;</u>	2686
<u>(5) The ability to determine the total amount of expenditures awarded to a supplier by a state entity;</u>	2687 2688
<u>(6) The ability to download information obtained through the database;</u>	2689 2690
<u>(7) A searchable database of state and school district employee salary and employment information.</u>	2691 2692
<u>(B) The information required under division (A)(7) of this section shall be provided by the department of administrative services or the department of education, as applicable.</u>	2693 2694 2695
<u>Sec. 113.74. Not later than one year after the Ohio state and local government expenditure database is implemented, the treasurer of state shall coordinate with the director of budget and management to provide an opportunity for public comment as to the utility of the database.</u>	2696 2697 2698 2699 2700
<u>Sec. 113.75. The Ohio state and local government expenditure database shall not include any information that is determined to be confidential or is not a public record under the laws of this state. All of the following are not liable for the disclosure of a record contained in the Ohio state and local government expenditure database that is determined to be confidential or is not a public record under the laws of this state:</u>	2701 2702 2703 2704 2705 2706 2707
<u>(A) The treasurer of state;</u>	2708
<u>(B) Employees of the treasurer of state;</u>	2709
<u>(C) A state entity;</u>	2710

(D) Any employee of a state entity that provides information 2711
to the database. 2712

Sec. 113.76. Each state entity shall display on its web site 2713
a prominent internet link to the Ohio state and local government 2714
expenditure database. 2715

Sec. 113.77. A political subdivision or state retirement 2716
system may agree to have information on expenditures made by the 2717
political subdivision or state retirement system included in the 2718
Ohio state and local government expenditure database. If a 2719
political subdivision or state retirement system agrees to include 2720
the information in the database, the political subdivision or 2721
state retirement system shall provide the information to the 2722
treasurer of state and comply with sections 113.70 to 113.77 of 2723
the Revised Code in the same manner as a state entity. 2724

Sec. 117.04. The auditor of state shall appoint a chief 2725
deputy auditor of state, ~~whose~~ who shall be a certified public 2726
accountant with an active Ohio permit. The appointment shall be in 2727
writing under the official seal of the auditor of state and 2728
recorded in the office of the secretary of state. 2729

Sec. 117.05. Before entering upon the discharge of the duties 2730
of ~~his~~ office, the chief deputy auditor of state shall give a bond 2731
to the auditor of state in the sum of ten thousand dollars, with a 2732
surety approved by the auditor of state, conditioned for the 2733
faithful discharge of the duties of ~~his~~ the chief deputy's office. 2734
2735

Sec. 117.06. During the absence or disability of the auditor 2736
of state, or when so directed by ~~him~~ the auditor of state, the 2737
chief deputy auditor of state may perform all the duties of 2738

auditor of state. 2739

~~Sec. 117.09. By The auditor of state, by virtue of the 2740
office, the auditor of state shall be the chief inspector and 2741
supervisor of lead public official responsible for the 2742
examination, analysis, inspection, and audits of all public 2743
offices and. The auditor of state may hire, appoint not more than 2744
six deputy inspectors and supervisors and a clerk. Not more than 2745
three deputy inspectors and supervisors shall belong to the same 2746
political party. 2747~~

~~The auditor of state shall appoint such state examiners as 2748
are necessary, who shall be known as assistant auditors of state, 2749
and such additional employees as the auditor of state requires. No 2750
person shall be appointed an assistant auditor of state unless the 2751
person holds a baccalaureate degree from an accredited college or 2752
university, or has successfully completed at least sixteen 2753
semester hours or the equivalent in accounting or a related field 2754
from an accredited college or university or an accredited trade, 2755
technical, or vocational school beyond the high school level, or 2756
possesses at least three years' experience in accounting or a 2757
related field. 2758~~

~~Any employee called upon to testify in any legal proceedings 2759
in regard to any official matter is entitled to compensation and 2760
expenses provided in this section. Each employee shall be 2761
reimbursed for travel, including meals, hotels, and other actual 2762
and necessary expenses when traveling on official business, under 2763
order of the auditor of state, away from the employee's 2764
headquarters or place of principal assignment, in the manner and 2765
at the same rates as are provided by the rules of the director of 2766
budget and management governing travel. 2767~~

~~The auditor of state may employ experts or assistants 2768
necessary to disclose the facts concerning any matter and, and fix 2769~~

~~their~~ the compensation of auditors, investigators, and other staff 2770
necessary to carry out the statutory responsibilities of the 2771
office. 2772

Sec. 117.13. (A) The total costs of audits of state agencies, 2773
both direct and indirect, shall be recovered by the auditor of 2774
state in the following manner: 2775

(1) The total costs of all audits of state agencies, both 2776
direct and indirect, shall be paid to the auditor of state on 2777
statements rendered by the auditor of state. Money so received by 2778
the auditor of state shall be paid into the state treasury to the 2779
credit of the public audit expense fund--intrastate, which is 2780
hereby created, and shall be used to pay costs related to such 2781
audits. The costs of audits of a state agency shall be charged to 2782
the state agency being audited, unless otherwise determined by the 2783
auditor of state. The costs of any ~~assistant auditor,~~ employee, or 2784
expert employed pursuant to section 117.09 of the Revised Code 2785
called upon to testify in any legal proceedings in regard to any 2786
audit, or called upon to review or discuss any matter related to 2787
any audit, may be charged to the state agency to which the audit 2788
relates. 2789

(2) The auditor of state shall determine and publish annually 2790
rates to be charged to state agencies for recovering the costs of 2791
audits of state agencies. The rates shall take into consideration 2792
federal cost recovery guidelines. 2793

(B) As used in this division, "government auditing standards" 2794
means the government auditing standards published by the 2795
comptroller general of the United States general accounting 2796
office. 2797

(1) Except as provided in divisions (B)(2) and (3) of this 2798
section, any costs of an audit of a private institution, 2799
association, board, or corporation receiving public money for its 2800

use shall be charged to the public office providing the public 2801
money in the same manner as costs of an audit of the public 2802
office. 2803

(2) If an audit of a private child placing agency or private 2804
noncustodial agency receiving public money from a public children 2805
services agency for providing child welfare or child protection 2806
services sets forth that money has been illegally expended, 2807
converted, misappropriated, or is unaccounted for, the costs of 2808
the audit shall be charged to the agency being audited in the same 2809
manner as costs of an audit of a public office, unless the 2810
findings are inconsequential, as defined by government auditing 2811
standards. 2812

(3) If such an audit does not set forth that money has been 2813
illegally expended, converted, misappropriated, or is unaccounted 2814
for or sets forth findings that are inconsequential, as defined by 2815
government auditing standards, the costs of the audit shall be 2816
charged as follows: 2817

(a) One-third of the costs to the agency being audited; 2818

(b) One-third of the costs to the public children services 2819
agency that provided the public money to the agency being audited; 2820

(c) One-third of the costs to the department of job and 2821
family services. 2822

(C) The total costs of audits of local public offices, both 2823
direct and indirect, shall be recovered by the auditor of state in 2824
the following manner: 2825

(1) The total costs of all audits of local public offices, 2826
both direct and indirect, shall be paid to the auditor of state on 2827
statements rendered by the auditor of state. Money so received by 2828
the auditor of state shall be paid into the state treasury to the 2829
credit of the public audit expense fund-local government, which is 2830
hereby created, and shall be used to pay costs related to such 2831

audits. The costs of audits of a local public office shall be 2832
charged to the local public office being audited, unless otherwise 2833
determined by the auditor of state. The charges billed to the 2834
local public office for the cost of audits performed shall be 2835
offset subject to the availability of resources from the local 2836
government audit support fund created under section 117.131 of the 2837
Revised Code, the general revenue fund, or other state sources 2838
provided to the auditor of state for such purposes. The auditor of 2839
state shall establish the manner in which the offset shall be 2840
determined. The costs of any ~~assistant auditor~~, employee, or 2841
expert employed pursuant to section 117.09 of the Revised Code 2842
called upon to testify in any legal proceedings in regard to any 2843
audit, or called upon to review or discuss any matter related to 2844
any audit, may be charged to the public office to which the audit 2845
relates. 2846

(2) At the conclusion of each audit, or analysis and report 2847
made pursuant to section 117.24 of the Revised Code, the fiscal 2848
officer of the local public office audited may allocate the 2849
charges billed for the cost of the audit, or of the audit and the 2850
analysis and report to appropriate funds using a methodology that 2851
follows guidance provided by the auditor of state. 2852

(3) The auditor of state shall provide each local public 2853
office a statement or certification of the amount due from the 2854
public office for services performed by the auditor of state under 2855
this or any other section of the Revised Code, as well as the date 2856
upon which payment is due to the auditor of state. The auditor of 2857
state is authorized to negotiate with any local public office and, 2858
upon agreement between the auditor of state and the local public 2859
office, may adopt a schedule for payment of the amount due under 2860
this section. Any local public office that does not pay the amount 2861
due to the auditor of state by that date may be assessed by the 2862
auditor of state for interest from the date upon which the payment 2863

is due at the rate per annum prescribed by section 5703.47 of the Revised Code. All interest charges assessed by the auditor of state may be collected in the same manner as audit costs pursuant to division (D) of this section.

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

(D) If the auditor of state fails to receive payment for any amount due, including, but not limited to, fines, fees, and costs, from a public office for services performed under this or any other section of the Revised Code, the auditor of state may seek payment through the office of budget and management. (Amounts due include any amount due to an independent public accountant with whom the auditor has contracted to perform services, all costs and fees associated with participation in the uniform accounting network, and all costs associated with the auditor's provision of local government services.) Upon certification by the auditor of state to the director of budget and management of any such amount due, the director shall withhold from the public office any amount available, up to and including the amount certified as due, from any funds under the director's control that belong to or are lawfully payable or due to the public office. The director shall promptly pay the amount withheld to the auditor of state. If the director determines that no funds due and payable to the public office are available or that insufficient amounts of such funds are available to cover the amount due, the director shall withhold and pay to the auditor of state the amounts available and, in the case of a local public office, certify the remaining amount to the county auditor of the county in which the local public office is located. The county auditor shall withhold from the local public office any amount available, up to and including the amount certified as due, from any funds under the county auditor's

control and belonging to or lawfully payable or due to the local 2896
public office. The county auditor shall promptly pay any such 2897
amount withheld to the auditor of state. 2898

Sec. 117.22. The public accountant conducting an audit under 2899
this chapter may request the auditor of state, the chief deputy 2900
auditor of state, ~~a deputy inspector and supervisor of public~~ 2901
~~offices, or an assistant~~ or an auditor or investigator of the 2902
auditor of state, to exercise any authority granted under section 2903
117.18 of the Revised Code for the purpose of assisting in the 2904
conduct of the audit. ~~Assistant auditors of state and experts or~~ 2905
~~other assistants shall be compensated as provided by sections~~ 2906
~~117.09 and 117.12 of the Revised Code.~~ 2907

Sec. 117.55. (A) As used in this section: 2908

(1) "Entity" means, whether for profit or nonprofit, a 2909
corporation, association, partnership, limited liability company, 2910
sole proprietorship, or other business entity. "Entity" does not 2911
include an individual who receives state assistance that is not 2912
related to the individual's business. 2913

(2) "State award for economic development" means state 2914
financial assistance and expenditure in any of the following 2915
forms: grants, subgrants, loans, awards, cooperative agreements, 2916
or other similar and related forms of financial assistance and 2917
contracts, subcontracts, purchase orders, task orders, delivery 2918
orders, or other similar and related transactions. It does not 2919
include compensation received as an employee of the state or any 2920
state financial assistance and expenditure received from the 2921
general assembly or any legislative agency, any court or judicial 2922
agency, or from the offices of the attorney general, the secretary 2923
of state, the auditor of state, or the treasurer of state. 2924

(B) Not later than thirty days after the end of the state 2925

fiscal year, the department of development shall send the auditor of state a list of state awards for economic development. The auditor of state shall review each award and determine if an entity is in compliance with the terms and conditions, including performance metrics, of a state award for economic development received by that entity. 2926
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(C) The auditor of state shall publish a report of its reviews and determinations not later than ninety days after receipt of the list of state awards from the department of development. 2932
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(D) When the auditor of state finds that an entity that receives or has received a state award for economic development is not in compliance with a performance metric that is specified in the terms and conditions of the award, the auditor of state shall report the findings to the attorney general. The attorney general may pursue against and from that entity such remedies and recoveries as are available under law. 2936
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(E) If the auditor of state is authorized to conduct an audit of an entity that receives or has received a state award for economic development, the audit shall be conducted in accordance with Chapter 117. of the Revised Code. 2943
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Sec. 121.02. The following administrative departments and their respective directors are hereby created: 2947
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(A) The office of budget and management, which shall be administered by the director of budget and management; 2949
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(B) The department of commerce, which shall be administered by the director of commerce; 2951
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(C) The department of administrative services, which shall be administered by the director of administrative services; 2953
2954

(D) The department of transportation, which shall be 2955

administered by the director of transportation;	2956
(E) The department of agriculture, which shall be	2957
administered by the director of agriculture;	2958
(F) The department of natural resources, which shall be	2959
administered by the director of natural resources;	2960
(G) The department of health, which shall be administered by	2961
the director of health;	2962
(H) The department of job and family services, which shall be	2963
administered by the director of job and family services;	2964
(I) Until July 1, 1997, the department of liquor control,	2965
which shall be administered by the director of liquor control;	2966
(J) The department of public safety, which shall be	2967
administered by the director of public safety;	2968
(K) The department of mental health and addiction services,	2969
which shall be administered by the director of mental health and	2970
addiction services;	2971
(L) The department of developmental disabilities, which shall	2972
be administered by the director of developmental disabilities;	2973
(M) The department of insurance, which shall be administered	2974
by the superintendent of insurance as director thereof;	2975
(N) The <u>department of</u> development services agency , which	2976
shall be administered by the director of development services ;	2977
(O) The department of youth services, which shall be	2978
administered by the director of youth services;	2979
(P) The department of rehabilitation and correction, which	2980
shall be administered by the director of rehabilitation and	2981
correction;	2982
(Q) The environmental protection agency, which shall be	2983
administered by the director of environmental protection;	2984

(R) The department of aging, which shall be administered by the director of aging; 2985
2986

(S) The department of veterans services, which shall be administered by the director of veterans services; 2987
2988

(T) The department of medicaid, which shall be administered by the medicaid director. 2989
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The director of each department shall exercise the powers and perform the duties vested by law in such department. 2991
2992

Sec. 121.03. The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor. 2993
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(A) The director of budget and management; 2998

(B) The director of commerce; 2999

(C) The director of transportation; 3000

(D) The director of agriculture; 3001

(E) The director of job and family services; 3002

(F) Until July 1, 1997, the director of liquor control; 3003

(G) The director of public safety; 3004

(H) The superintendent of insurance; 3005

(I) The director of development ~~services~~; 3006

(J) The tax commissioner; 3007

(K) The director of administrative services; 3008

(L) The director of natural resources; 3009

(M) The director of mental health and addiction services; 3010

(N) The director of developmental disabilities; 3011

(O) The director of health;	3012
(P) The director of youth services;	3013
(Q) The director of rehabilitation and correction;	3014
(R) The director of environmental protection;	3015
(S) The director of aging;	3016
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	3017 3018 3019
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	3020 3021
(V) The chancellor of higher education;	3022
(W) The medicaid director.	3023
Sec. 121.07. (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not subject to the control of the department or the director of commerce. In the absence of the superintendent of financial institutions, the director of commerce shall, for a limited period of time, perform or exercise any of those functions, powers, or duties or authorize the deputy superintendent for banks to perform or exercise any of the functions, power <u>powers</u> , or duties vested by Title XI and sections 1315.01 to 1315.18 of the Revised Code in	3024 3025 3026 3027 3028 3029 3030 3031 3032 3033 3034 3035 3036 3037 3038 3039 3040 3041

the superintendent and the deputy superintendent for credit unions 3042
to perform or exercise any of the functions, powers, or duties 3043
vested by Chapters 1733. and 1761. of the Revised Code in the 3044
superintendent. 3045

(B) With the approval of the governor, the director of each 3046
department shall establish divisions within the department, and 3047
distribute the work of the department among such divisions. Each 3048
officer created by section 121.04 of the Revised Code shall be the 3049
head of such a division, except for the equal opportunity 3050
employment coordinator, who shall report to a position determined 3051
by the director of administrative services. 3052

With the approval of the governor, the director of each 3053
department may consolidate any two or more of the offices created 3054
in the department by section 121.04 of the Revised Code, or reduce 3055
the number of or create new divisions therein. 3056

The director of each department may prescribe rules for the 3057
government of the department, the conduct of its employees, the 3058
performance of its business, and the custody, use, and 3059
preservation of the records, papers, books, documents, and 3060
property pertaining thereto. 3061

Sec. 121.08. (A) There is hereby created in the department of 3062
commerce the position of deputy director of administration. This 3063
officer shall be appointed by the director of commerce, serve 3064
under the director's direction, supervision, and control, perform 3065
the duties the director prescribes, and hold office during the 3066
director's pleasure. The director of commerce may designate an 3067
assistant director of commerce to serve as the deputy director of 3068
administration. The deputy director of administration shall 3069
perform the duties prescribed by the director of commerce in 3070
supervising the activities of the division of administration of 3071
the department of commerce. 3072

(B) Except as provided in section 121.07 of the Revised Code, 3073
the department of commerce shall have all powers and perform all 3074
duties vested in the deputy director of administration, the state 3075
fire marshal, the superintendent of financial institutions, the 3076
superintendent of real estate and professional licensing, the 3077
superintendent of liquor control, the superintendent of industrial 3078
compliance, the superintendent of unclaimed funds, and the 3079
commissioner of securities, and shall have all powers and perform 3080
all duties vested by law in all officers, deputies, and employees 3081
of those offices. Except as provided in section 121.07 of the 3082
Revised Code, wherever powers are conferred or duties imposed upon 3083
any of those officers, the powers and duties shall be construed as 3084
vested in the department of commerce. 3085

(C)(1) There is hereby created in the department of commerce 3086
a division of financial institutions, which shall have all powers 3087
and perform all duties vested by law in the superintendent of 3088
financial institutions. Wherever powers are conferred or duties 3089
imposed upon the superintendent of financial institutions, those 3090
powers and duties shall be construed as vested in the division of 3091
financial institutions. The division of financial institutions 3092
shall be administered by the superintendent of financial 3093
institutions. 3094

(2) All provisions of law governing the superintendent of 3095
financial institutions shall apply to and govern the 3096
superintendent of financial institutions provided for in this 3097
section; all authority vested by law in the superintendent of 3098
financial institutions with respect to the management of the 3099
division of financial institutions shall be construed as vested in 3100
the superintendent of financial institutions created by this 3101
section with respect to the division of financial institutions 3102
provided for in this section; and all rights, privileges, and 3103
emoluments conferred by law upon the superintendent of financial 3104

institutions shall be construed as conferred upon the 3105
superintendent of financial institutions as head of the division 3106
of financial institutions. The director of commerce shall not 3107
transfer from the division of financial institutions any of the 3108
functions specified in division (C)(2) of this section. 3109

(D) There is hereby created in the department of commerce a 3110
division of liquor control, which shall have all powers and 3111
perform all duties vested by law in the superintendent of liquor 3112
control. Wherever powers are conferred or duties are imposed upon 3113
the superintendent of liquor control, those powers and duties 3114
shall be construed as vested in the division of liquor control. 3115
The division of liquor control shall be administered by the 3116
superintendent of liquor control. 3117

(E) The director of commerce shall not be interested, 3118
directly or indirectly, in any firm or corporation which is a 3119
dealer in securities as defined in sections 1707.01 and 1707.14 of 3120
the Revised Code, or in any firm or corporation licensed under 3121
sections 1321.01 to 1321.19 of the Revised Code. 3122

(F) The director of commerce shall not have any official 3123
connection with a savings and loan association, a savings bank, a 3124
bank, a bank holding company, a savings and loan association 3125
holding company, a consumer finance company, or a credit union 3126
that is under the supervision of the division of financial 3127
institutions, or a subsidiary of any of the preceding entities, or 3128
be interested in the business thereof. 3129

(G) There is hereby created in the state treasury the 3130
division of administration fund. The fund shall receive 3131
assessments on the operating funds of the department of commerce 3132
in accordance with procedures prescribed by the director of 3133
commerce ~~and approved by the director of budget and management.~~ 3134
All operating expenses of the division of administration shall be 3135
paid from the division of administration fund. 3136

(H) There is hereby created in the department of commerce a 3137
division of real estate and professional licensing, which shall be 3138
under the control and supervision of the director of commerce. The 3139
division of real estate and professional licensing shall be 3140
administered by the superintendent of real estate and professional 3141
licensing. The superintendent of real estate and professional 3142
licensing shall exercise the powers and perform the functions and 3143
duties delegated to the superintendent under Chapters 4735., 3144
4763., 4764., 4767., and 4768. of the Revised Code. 3145

(I) There is hereby created in the department of commerce a 3146
division of industrial compliance, which shall have all powers and 3147
perform all duties vested by law in the superintendent of 3148
industrial compliance. Wherever powers are conferred or duties 3149
imposed upon the superintendent of industrial compliance, those 3150
powers and duties shall be construed as vested in the division of 3151
industrial compliance. The division of industrial compliance shall 3152
be under the control and supervision of the director of commerce 3153
and be administered by the superintendent of industrial 3154
compliance. 3155

(J) There is hereby created in the department of commerce a 3156
division of unclaimed funds, which shall have all powers and 3157
perform all duties delegated to or vested by law in the 3158
superintendent of unclaimed funds. Wherever powers are conferred 3159
or duties imposed upon the superintendent of unclaimed funds, 3160
those powers and duties shall be construed as vested in the 3161
division of unclaimed funds. The division of unclaimed funds shall 3162
be under the control and supervision of the director of commerce 3163
and shall be administered by the superintendent of unclaimed 3164
funds. The superintendent of unclaimed funds shall exercise the 3165
powers and perform the functions and duties delegated to the 3166
superintendent by the director of commerce under section 121.07 3167
and Chapter 169. of the Revised Code, and as may otherwise be 3168

provided by law. 3169

(K) The department of commerce or a division of the 3170
department created by the Revised Code that is acting with 3171
authorization on the department's behalf may request from the 3172
bureau of criminal identification and investigation pursuant to 3173
section 109.572 of the Revised Code, or coordinate with 3174
appropriate federal, state, and local government agencies to 3175
accomplish, criminal records checks for the persons whose 3176
identities are required to be disclosed by an applicant for the 3177
issuance or transfer of a permit, license, certificate of 3178
registration, or certification issued or transferred by the 3179
department or division. At or before the time of making a request 3180
for a criminal records check, the department or division may 3181
require any person whose identity is required to be disclosed by 3182
an applicant for the issuance or transfer of such a license, 3183
permit, certificate of registration, or certification to submit to 3184
the department or division valid fingerprint impressions in a 3185
format and by any media or means acceptable to the bureau of 3186
criminal identification and investigation and, when applicable, 3187
the federal bureau of investigation. The department or division 3188
may cause the bureau of criminal identification and investigation 3189
to conduct a criminal records check through the federal bureau of 3190
investigation only if the person for whom the criminal records 3191
check would be conducted resides or works outside of this state or 3192
has resided or worked outside of this state during the preceding 3193
five years, or if a criminal records check conducted by the bureau 3194
of criminal identification and investigation within this state 3195
indicates that the person may have a criminal record outside of 3196
this state. 3197

In the case of a criminal records check under section 109.572 3198
of the Revised Code, the department or division shall forward to 3199
the bureau of criminal identification and investigation the 3200

requisite form, fingerprint impressions, and fee described in 3201
division (C) of that section. When requested by the department or 3202
division in accordance with this section, the bureau of criminal 3203
identification and investigation shall request from the federal 3204
bureau of investigation any information it has with respect to the 3205
person who is the subject of the requested criminal records check 3206
and shall forward the requisite fingerprint impressions and 3207
information to the federal bureau of investigation for that 3208
criminal records check. After conducting a criminal records check 3209
or receiving the results of a criminal records check from the 3210
federal bureau of investigation, the bureau of criminal 3211
identification and investigation shall provide the results to the 3212
department or division. 3213

The department or division may require any person about whom 3214
a criminal records check is requested to pay to the department or 3215
division the amount necessary to cover the fee charged to the 3216
department or division by the bureau of criminal identification 3217
and investigation under division (C)(3) of section 109.572 of the 3218
Revised Code, including, when applicable, any fee for a criminal 3219
records check conducted by the federal bureau of investigation. 3220

(L) The director of commerce, or the director's designee, may 3221
adopt rules to enhance compliance with statutes pertaining to, and 3222
rules adopted by, divisions under the direction, supervision, and 3223
control of the department or director by offering incentive-based 3224
programs that ensure safety and soundness while promoting growth 3225
and prosperity in the state. 3226

Sec. 121.084. (A) All moneys collected under sections 3227
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 3228
4169.03, and 5104.051 of the Revised Code, and any other moneys 3229
collected by the division of industrial compliance shall be paid 3230
into the state treasury to the credit of the industrial compliance 3231

operating fund, which is hereby created. The department of 3232
commerce shall use the moneys in the fund for paying the operating 3233
expenses of the division and the administrative assessment 3234
described in division (B) of this section. 3235

(B) The director of commerce, ~~with the approval of the~~ 3236
~~director of budget and management,~~ shall prescribe procedures for 3237
assessing the industrial compliance operating fund a proportionate 3238
share of the administrative costs of the department of commerce. 3239
The assessment shall be made in accordance with those procedures 3240
and be paid from the industrial compliance operating fund to the 3241
division of administration fund created in section 121.08 of the 3242
Revised Code. 3243

Sec. 121.22. (A) This section shall be liberally construed to 3244
require public officials to take official action and to conduct 3245
all deliberations upon official business only in open meetings 3246
unless the subject matter is specifically excepted by law. 3247

(B) As used in this section: 3248

(1) "Public body" means any of the following: 3249

(a) Any board, commission, committee, council, or similar 3250
decision-making body of a state agency, institution, or authority, 3251
and any legislative authority or board, commission, committee, 3252
council, agency, authority, or similar decision-making body of any 3253
county, township, municipal corporation, school district, or other 3254
political subdivision or local public institution; 3255

(b) Any committee or subcommittee of a body described in 3256
division (B)(1)(a) of this section; 3257

(c) A court of jurisdiction of a sanitary district organized 3258
wholly for the purpose of providing a water supply for domestic, 3259
municipal, and public use when meeting for the purpose of the 3260
appointment, removal, or reappointment of a member of the board of 3261

directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

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

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

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

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

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

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

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

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

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or 3292
independent certified public accountants with officials of the 3293
public office that is the subject of the audit; 3294

(3) The adult parole authority when its hearings are 3295
conducted at a correctional institution for the sole purpose of 3296
interviewing inmates to determine parole or pardon and the 3297
department of rehabilitation and correction when its hearings are 3298
conducted at a correctional institution for the sole purpose of 3299
making determinations under section 2967.271 of the Revised Code 3300
regarding the release or maintained incarceration of an offender 3301
to whom that section applies; 3302

(4) The organized crime investigations commission established 3303
under section 177.01 of the Revised Code; 3304

(5) Meetings of a child fatality review board established 3305
under section 307.621 of the Revised Code, meetings related to a 3306
review conducted pursuant to guidelines established by the 3307
director of health under section 3701.70 of the Revised Code, and 3308
meetings conducted pursuant to sections 5153.171 to 5153.173 of 3309
the Revised Code; 3310

(6) The state medical board when determining whether to 3311
suspend a license or certificate without a prior hearing pursuant 3312
to division (G) of either section 4730.25 or 4731.22 of the 3313
Revised Code; 3314

(7) The board of nursing when determining whether to suspend 3315
a license or certificate without a prior hearing pursuant to 3316
division (B) of section 4723.281 of the Revised Code; 3317

(8) The state board of pharmacy when determining whether to 3318
do either of the following: 3319

(a) Suspend a license, certification, or registration without 3320
a prior hearing, including during meetings conducted by telephone 3321
conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of 3322

the Revised Code and rules adopted thereunder; or 3323

(b) Restrict a person from obtaining further information from 3324
the drug database established in section 4729.75 of the Revised 3325
Code without a prior hearing pursuant to division (C) of section 3326
4729.86 of the Revised Code. 3327

(9) The state chiropractic board when determining whether to 3328
suspend a license without a hearing pursuant to section 4734.37 of 3329
the Revised Code; 3330

(10) The executive committee of the emergency response 3331
commission when determining whether to issue an enforcement order 3332
or request that a civil action, civil penalty action, or criminal 3333
action be brought to enforce Chapter 3750. of the Revised Code; 3334

(11) The board of directors of the nonprofit corporation 3335
formed under section 187.01 of the Revised Code or any committee 3336
thereof, and the board of directors of any subsidiary of that 3337
corporation or a committee thereof; 3338

(12) An audit conference conducted by the audit staff of the 3339
department of job and family services with officials of the public 3340
office that is the subject of that audit under section 5101.37 of 3341
the Revised Code; 3342

(13) The occupational therapy section of the occupational 3343
therapy, physical therapy, and athletic trainers board when 3344
determining whether to suspend a license ~~or limited permit~~ without 3345
a hearing pursuant to division (E) of section 4755.11 of the 3346
Revised Code; 3347

(14) The physical therapy section of the occupational 3348
therapy, physical therapy, and athletic trainers board when 3349
determining whether to suspend a license without a hearing 3350
pursuant to division (F) of section 4755.47 of the Revised Code; 3351

(15) The athletic trainers section of the occupational 3352

therapy, physical therapy, and athletic trainers board when	3353
determining whether to suspend a license without a hearing	3354
pursuant to division (E) of section 4755.64 of the Revised Code;	3355
(16) Meetings of the pregnancy-associated mortality review	3356
board established under section 3738.01 of the Revised Code;	3357
(17) Meetings of a fetal-infant mortality review board	3358
established under section 3707.71 of the Revised Code.	3359
(E) The controlling board, the tax credit authority, or the	3360
minority development financing advisory board, when meeting to	3361
consider granting assistance pursuant to Chapter 122. or 166. of	3362
the Revised Code, in order to protect the interest of the	3363
applicant or the possible investment of public funds, by unanimous	3364
vote of all board or authority members present, may close the	3365
meeting during consideration of the following information	3366
confidentially received by the authority or board from the	3367
applicant:	3368
(1) Marketing plans;	3369
(2) Specific business strategy;	3370
(3) Production techniques and trade secrets;	3371
(4) Financial projections;	3372
(5) Personal financial statements of the applicant or members	3373
of the applicant's immediate family, including, but not limited	3374
to, tax records or other similar information not open to public	3375
inspection.	3376
The vote by the authority or board to accept or reject the	3377
application, as well as all proceedings of the authority or board	3378
not subject to this division, shall be open to the public and	3379
governed by this section.	3380
(F) Every public body, by rule, shall establish a reasonable	3381
method whereby any person may determine the time and place of all	3382

regularly scheduled meetings and the time, place, and purpose of 3383
all special meetings. A public body shall not hold a special 3384
meeting unless it gives at least twenty-four hours' advance notice 3385
to the news media that have requested notification, except in the 3386
event of an emergency requiring immediate official action. In the 3387
event of an emergency, the member or members calling the meeting 3388
shall notify the news media that have requested notification 3389
immediately of the time, place, and purpose of the meeting. 3390

The rule shall provide that any person, upon request and 3391
payment of a reasonable fee, may obtain reasonable advance 3392
notification of all meetings at which any specific type of public 3393
business is to be discussed. Provisions for advance notification 3394
may include, but are not limited to, mailing the agenda of 3395
meetings to all subscribers on a mailing list or mailing notices 3396
in self-addressed, stamped envelopes provided by the person. 3397

(G) Except as provided in divisions (G)(8) and (J) of this 3398
section, the members of a public body may hold an executive 3399
session only after a majority of a quorum of the public body 3400
determines, by a roll call vote, to hold an executive session and 3401
only at a regular or special meeting for the sole purpose of the 3402
consideration of any of the following matters: 3403

(1) To consider the appointment, employment, dismissal, 3404
discipline, promotion, demotion, or compensation of a public 3405
employee or official, or the investigation of charges or 3406
complaints against a public employee, official, licensee, or 3407
regulated individual, unless the public employee, official, 3408
licensee, or regulated individual requests a public hearing. 3409
Except as otherwise provided by law, no public body shall hold an 3410
executive session for the discipline of an elected official for 3411
conduct related to the performance of the elected official's 3412
official duties or for the elected official's removal from office. 3413
If a public body holds an executive session pursuant to division 3414

(G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

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

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

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

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their

compensation or other terms and conditions of their employment; 3447

(5) Matters required to be kept confidential by federal law 3448
or regulations or state statutes; 3449

(6) Details relative to the security arrangements and 3450
emergency response protocols for a public body or a public office, 3451
if disclosure of the matters discussed could reasonably be 3452
expected to jeopardize the security of the public body or public 3453
office; 3454

(7) In the case of a county hospital operated pursuant to 3455
Chapter 339. of the Revised Code, a joint township hospital 3456
operated pursuant to Chapter 513. of the Revised Code, or a 3457
municipal hospital operated pursuant to Chapter 749. of the 3458
Revised Code, to consider trade secrets, as defined in section 3459
1333.61 of the Revised Code; 3460

(8) To consider confidential information related to the 3461
marketing plans, specific business strategy, production 3462
techniques, trade secrets, or personal financial statements of an 3463
applicant for economic development assistance, or to negotiations 3464
with other political subdivisions respecting requests for economic 3465
development assistance, provided that both of the following 3466
conditions apply: 3467

(a) The information is directly related to a request for 3468
economic development assistance that is to be provided or 3469
administered under any provision of Chapter 715., 725., 1724., or 3470
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 3471
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 3472
the Revised Code, or that involves public infrastructure 3473
improvements or the extension of utility services that are 3474
directly related to an economic development project. 3475

(b) A unanimous quorum of the public body determines, by a 3476
roll call vote, that the executive session is necessary to protect 3477

the interests of the applicant or the possible investment or 3478
expenditure of public funds to be made in connection with the 3479
economic development project. 3480

If a public body holds an executive session to consider any 3481
of the matters listed in divisions (G)(2) to (8) of this section, 3482
the motion and vote to hold that executive session shall state 3483
which one or more of the approved matters listed in those 3484
divisions are to be considered at the executive session. 3485

A public body specified in division (B)(1)(c) of this section 3486
shall not hold an executive session when meeting for the purposes 3487
specified in that division. 3488

(H) A resolution, rule, or formal action of any kind is 3489
invalid unless adopted in an open meeting of the public body. A 3490
resolution, rule, or formal action adopted in an open meeting that 3491
results from deliberations in a meeting not open to the public is 3492
invalid unless the deliberations were for a purpose specifically 3493
authorized in division (G) or (J) of this section and conducted at 3494
an executive session held in compliance with this section. A 3495
resolution, rule, or formal action adopted in an open meeting is 3496
invalid if the public body that adopted the resolution, rule, or 3497
formal action violated division (F) of this section. 3498

~~(I)(1) Any~~ (I)(1)(a) In order to enforce this section, any 3499
person may ~~bring an action to enforce this section. An~~ only do one 3500
of the following, and not both: 3501

(i) File a complaint with the clerk of the court of claims or 3502
the clerk of the court of common pleas under section 2743.76 of 3503
the Revised Code; 3504

(ii) Bring an action for injunction in the court of common 3505
pleas in the county in which the public body involved is located. 3506

(b) An action under division ~~(I)(1)~~ (I)(1)(a)(ii) of this 3507
section shall be brought within two years after the date of the 3508

alleged violation or threatened violation. Upon proof of a 3509
violation or threatened violation of this section in an action 3510
brought by any person under that division, the court of common 3511
pleas shall issue an injunction to compel the members of the 3512
public body to comply with its provisions. 3513

(2)(a) If the court of common pleas issues an injunction 3514
pursuant to division ~~(I)(1)~~ (I)(1)(b) of this section, the court 3515
shall order the public body that it enjoins to pay a civil 3516
forfeiture of five hundred dollars to the party that sought the 3517
injunction and shall award to that party all court costs and, 3518
subject to reduction as described in division (I)(2) of this 3519
section, reasonable attorney's fees. The court, in its discretion, 3520
may reduce an award of attorney's fees to the party that sought 3521
the injunction or not award attorney's fees to that party if the 3522
court determines both of the following: 3523

(i) That, based on the ordinary application of statutory law 3524
and case law as it existed at the time of violation or threatened 3525
violation that was the basis of the injunction, a well-informed 3526
public body reasonably would believe that the public body was not 3527
violating or threatening to violate this section; 3528

(ii) That a well-informed public body reasonably would 3529
believe that the conduct or threatened conduct that was the basis 3530
of the injunction would serve the public policy that underlies the 3531
authority that is asserted as permitting that conduct or 3532
threatened conduct. 3533

(b) If the court of common pleas does not issue an injunction 3534
pursuant to division ~~(I)(1)~~ (I)(1)(b) of this section and the 3535
court determines at that time that the bringing of the action was 3536
frivolous conduct, as defined in division (A) of section 2323.51 3537
of the Revised Code, the court shall award to the public body all 3538
court costs and reasonable attorney's fees, as determined by the 3539
court. 3540

(3) Irreparable harm and prejudice to the party that sought 3541
the injunction shall be conclusively and irrebuttably presumed 3542
upon proof of a violation or threatened violation of this section. 3543

(4) A member of a public body who knowingly violates an 3544
injunction issued pursuant to division ~~(I)(1)~~ (I)(1)(b) of this 3545
section may be removed from office by an action brought in the 3546
court of common pleas for that purpose by the prosecuting attorney 3547
or the attorney general. 3548

(J)(1) Pursuant to division (C) of section 5901.09 of the 3549
Revised Code, a veterans service commission shall hold an 3550
executive session for one or more of the following purposes unless 3551
an applicant requests a public hearing: 3552

(a) Interviewing an applicant for financial assistance under 3553
sections 5901.01 to 5901.15 of the Revised Code; 3554

(b) Discussing applications, statements, and other documents 3555
described in division (B) of section 5901.09 of the Revised Code; 3556

(c) Reviewing matters relating to an applicant's request for 3557
financial assistance under sections 5901.01 to 5901.15 of the 3558
Revised Code. 3559

(2) A veterans service commission shall not exclude an 3560
applicant for, recipient of, or former recipient of financial 3561
assistance under sections 5901.01 to 5901.15 of the Revised Code, 3562
and shall not exclude representatives selected by the applicant, 3563
recipient, or former recipient, from a meeting that the commission 3564
conducts as an executive session that pertains to the applicant's, 3565
recipient's, or former recipient's application for financial 3566
assistance. 3567

(3) A veterans service commission shall vote on the grant or 3568
denial of financial assistance under sections 5901.01 to 5901.15 3569
of the Revised Code only in an open meeting of the commission. The 3570
minutes of the meeting shall indicate the name, address, and 3571

occupation of the applicant, whether the assistance was granted or 3572
denied, the amount of the assistance if assistance is granted, and 3573
the votes for and against the granting of assistance. 3574

Sec. 122.01. (A) As used in the Revised Code, the "~~department~~ 3575
~~of development services agency~~" means the department of 3576
development ~~services agency~~ and the "director of development 3577
services" means the director of development ~~services~~. Whenever the 3578
~~department development services agency~~ or director of development 3579
services is referred to or designated in any statute, rule, 3580
contract, grant, or other document, the reference or designation 3581
shall be deemed to refer to the department of development services 3582
~~agency~~ or director of development ~~services~~, as the case may be. 3583

(B) As used in this chapter: 3584

(1) "Community problems" includes, but is not limited to, 3585
taxation, fiscal administration, governmental structure and 3586
organization, intergovernmental cooperation, education and 3587
training, employment needs, community planning and development, 3588
air and water pollution, public safety and the administration of 3589
justice, housing, mass transportation, community facilities and 3590
services, health, welfare, recreation, open space, and the 3591
development of human resources. 3592

(2) "Professional personnel" means either of the following: 3593

(a) Personnel who have earned a bachelor's degree from a 3594
college or university; 3595

(b) Personnel who serve as or have the working title of 3596
director, assistant director, deputy director, assistant deputy 3597
director, manager, office chief, assistant office chief, or 3598
program director. 3599

(3) "Technical personnel" means any of the following: 3600

(a) Personnel who provide technical assistance according to 3601

their job description or in accordance with the Revised Code; 3602

(b) Personnel employed in the director of ~~development~~ 3603
~~services'~~ development's office or the legal office, communications 3604
office, finance office, legislative affairs office, or human 3605
resources office of the department of development ~~services agency~~; 3606

(c) Personnel employed in the technology division of the 3607
~~agency~~ department. 3608

Sec. 122.011. (A) The department of development ~~services~~ 3609
~~agency~~ shall develop and promote plans and programs designed to 3610
assure that state resources are efficiently used, economic growth 3611
is properly balanced, community growth is developed in an orderly 3612
manner, and local governments are coordinated with each other and 3613
the state, and for such purposes may do all of the following: 3614

(1) Serve as a clearinghouse for information, data, and other 3615
materials that may be helpful or necessary to persons or local 3616
governments, as provided in section 122.073 of the Revised Code; 3617

(2) Prepare and activate plans for the retention, 3618
development, expansion, and use of the resources and commerce of 3619
the state, as provided in section 122.04 of the Revised Code; 3620

(3) Assist and cooperate with federal, state, and local 3621
governments and agencies of federal, state, and local governments 3622
in the coordination of programs to carry out the functions and 3623
duties of the ~~agency~~ department; 3624

(4) Encourage and foster research and development activities, 3625
conduct studies related to the solution of community problems, and 3626
develop recommendations for administrative or legislative actions, 3627
as provided in section 122.03 of the Revised Code; 3628

(5) Serve as the economic and community development planning 3629
agency, which shall prepare and recommend plans and programs for 3630
the orderly growth and development of this state and which shall 3631

provide planning assistance, as provided in section 122.06 of the Revised Code;

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

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

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

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

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

(11) Until October 15, 2007, establish fees and charges, in consultation with the director of agriculture, for purchasing loans from financial institutions and providing loan guarantees under the family farm loan program created under sections 901.80

to 901.83 of the Revised Code; 3663

(12) Provide loan servicing for the loans purchased and loan 3664
guarantees provided under section 901.80 of the Revised Code as 3665
that section existed prior to October 15, 2007; 3666

(13) Until October 15, 2007, and upon approval by the 3667
controlling board under division (A)(3) of section 901.82 of the 3668
Revised Code of the release of money to be used for purchasing a 3669
loan or providing a loan guarantee, request the release of that 3670
money in accordance with division (B) of section 166.03 of the 3671
Revised Code for use for the purposes of the fund created by 3672
section 166.031 of the Revised Code. 3673

(14) Allocate that portion of the national recovery zone 3674
economic development bond limitation and that portion of the 3675
national recovery zone facility bond limitation that has been 3676
allocated to the state under section 1400U-1 of the Internal 3677
Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal 3678
corporation waives any portion of an allocation it receives under 3679
division (A)(14) of this section, the ~~agency~~ department may 3680
reallocate that amount. Any allocation or reallocation shall be 3681
made in accordance with this section and section 1400U-1 of the 3682
Internal Revenue Code. 3683

(B) The director of development ~~services~~ may request the 3684
attorney general to, and the attorney general, in accordance with 3685
section 109.02 of the Revised Code, shall bring a civil action in 3686
any court of competent jurisdiction. The director may be sued in 3687
the director's official capacity, in connection with this chapter, 3688
in accordance with Chapter 2743. of the Revised Code. 3689

(C) The director shall execute a contract pursuant to section 3690
187.04 of the Revised Code with the nonprofit corporation formed 3691
under section 187.01 of the Revised Code, and may execute any 3692
additional contracts with the corporation providing for the 3693

corporation to assist the director or ~~agency~~ department in 3694
carrying out any duties of the director or ~~agency~~ department under 3695
this chapter, under any other provision of the Revised Code 3696
dealing with economic development, or under a contract with the 3697
director, subject to section 187.04 of the Revised Code. 3698

Sec. 122.013. The department of development shall post the 3699
following on the official internet site of the department: 3700

(A) Annual reports of the progress and status of eligible 3701
projects made as required under division (E) of section 122.0814 3702
of the Revised Code; 3703

(B) The annual report made by the director of development 3704
under section 122.0817 of the Revised Code; 3705

(C) Reports made by the third frontier commission under 3706
section 184.15 of the Revised Code; 3707

(D) Information on all support awarded under section 184.11 3708
of the Revised Code; 3709

(E) A description of and eligibility and application 3710
requirements for each loan or grant offered or administered by the 3711
department. 3712

Sec. 122.041. The director of development shall do all of the 3713
following with regard to the encouraging diversity, growth, and 3714
equity program created under section ~~123.152~~122.922 of the Revised 3715
Code: 3716

(A) Conduct outreach, marketing, and recruitment of EDGE 3717
business enterprises, as defined in that section; 3718

~~(B) Provide assistance to the department of administrative 3719~~
~~services, as needed, to certify new EDGE business enterprises and 3720~~
~~to train appropriate state agency staff; 3721~~

~~(C)~~(B) Provide business development services to EDGE business 3722

enterprises in the developmental and transitional stages of the 3723
program, including financial and bonding assistance and management 3724
and technical assistance; 3725

~~(D)~~(C) Develop a mentor program to bring businesses into a 3726
working relationship with EDGE business enterprises in a way that 3727
commercially benefits both entities and serves the purpose of the 3728
EDGE program; 3729

~~(E)~~ Not later than December 31, 2003, prepare and submit to 3730
the governor a detailed report outlining and evaluating the 3731
progress made in implementing the encouraging diversity, growth, 3732
and equity program; 3733

~~(F)~~(D) Establish processes by which an EDGE business 3734
enterprise may apply for contract assistance, financial and 3735
bonding assistance, management and technical assistance, and 3736
mentoring opportunities. 3737

Sec. 122.17. (A) As used in this section: 3738

(1) "Payroll" means the total taxable income paid by the 3739
employer during the employer's taxable year, or during the 3740
calendar year that includes the employer's tax period, to each 3741
employee or each home-based employee employed in the project to 3742
the extent such payroll is not used to determine the credit under 3743
section 122.171 of the Revised Code. "Payroll" excludes amounts 3744
paid before the day the taxpayer becomes eligible for the credit 3745
and retirement or other benefits paid or contributed by the 3746
employer to or on behalf of employees. 3747

(2) "Baseline payroll" means Ohio employee payroll, except 3748
that the applicable measurement period is the twelve months 3749
immediately preceding the date the tax credit authority approves 3750
the taxpayer's application or the date the tax credit authority 3751
receives the recommendation described in division (C)(2)(a) of 3752

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

(3) "Ohio employee 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 by the employer during the employer's taxable year, or during the calendar year that includes the employer's tax period, to the following:

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

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

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

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

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

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

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

obtained by dividing the total number of hours for which employees 3783
were compensated for employment in the project by two thousand 3784
eighty. "Full-time equivalent employees" excludes hours that are 3785
counted for a credit under section 122.171 of the Revised Code. 3786

(7) "Metric evaluation date" means the date by which the 3787
taxpayer must meet all of the commitments included in the 3788
agreement. 3789

(8) "Qualifying work-from-home employee" means an employee 3790
who is a resident of this state and whose services are supervised 3791
from the employer's project location and performed primarily from 3792
a residence of the employee located in this state. 3793

(9) "Resident" or "resident of this state" means an 3794
individual who is a resident as defined in section 5747.01 of the 3795
Revised Code. 3796

(10) "Reporting period" means a period corresponding to the 3797
annual report required under division (D)(6) of this section. 3798

(B) The tax credit authority may make grants under this 3799
section to foster job creation in this state. Such a grant shall 3800
take the form of a refundable credit allowed against the tax 3801
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 3802
5747.02 or levied under Chapter 5751. of the Revised Code. The 3803
credit shall be claimed for the taxable years or tax periods 3804
specified in the taxpayer's agreement with the tax credit 3805
authority under division (D) of this section. With respect to 3806
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 3807
Chapter 5751. of the Revised Code, the credit shall be claimed in 3808
the order required under section 5726.98, 5733.98, 5747.98, or 3809
5751.98 of the Revised Code. The amount of the credit available 3810
for a taxable year or for a calendar year that includes a tax 3811
period equals the excess payroll for that year multiplied by the 3812
percentage specified in the agreement with the tax credit 3813

authority. 3814

(C)(1) A taxpayer or potential taxpayer who proposes a 3815
project to create new jobs in this state may apply to the tax 3816
credit authority to enter into an agreement for a tax credit under 3817
this section. 3818

An application shall not propose to include both home-based 3819
employees and employees who are not home-based employees in the 3820
computation of Ohio employee payroll for the purposes of the same 3821
tax credit agreement, except that a qualifying work-from-home 3822
employee shall not be considered to be a home-based employee 3823
unless so designated by the applicant. If a taxpayer or potential 3824
taxpayer employs both home-based employees and employees who are 3825
not home-based employees in a project, the taxpayer shall submit 3826
separate applications for separate tax credit agreements for the 3827
project, one of which shall include home-based employees in the 3828
computation of Ohio employee payroll and one of which shall 3829
include all other employees in the computation of Ohio employee 3830
payroll. 3831

The director of development ~~services~~ shall prescribe the form 3832
of the application. After receipt of an application, the authority 3833
may enter into an agreement with the taxpayer for a credit under 3834
this section if it determines all of the following: 3835

(a) The taxpayer's project will increase payroll; 3836

(b) The taxpayer's project is economically sound and will 3837
benefit the people of this state by increasing opportunities for 3838
employment and strengthening the economy of this state; 3839

(c) Receiving the tax credit is a major factor in the 3840
taxpayer's decision to go forward with the project. 3841

(2)(a) A taxpayer that chooses to begin the project prior to 3842
receiving the determination of the authority may, upon submitting 3843
the taxpayer's application to the authority, request that the 3844

chief investment officer of the nonprofit corporation formed under 3845
section 187.01 of the Revised Code and the director review the 3846
taxpayer's application and recommend to the authority that the 3847
taxpayer's application be considered. As soon as possible after 3848
receiving such a request, the chief investment officer and the 3849
director shall review the taxpayer's application and, if they 3850
determine that the application warrants consideration by the 3851
authority, make that recommendation to the authority not later 3852
than six months after the application is received by the 3853
authority. 3854

(b) The authority shall consider any taxpayer's application 3855
for which it receives a recommendation under division (C)(2)(a) of 3856
this section. If the authority determines that the taxpayer does 3857
not meet all of the criteria set forth in division (C)(1) of this 3858
section, the authority and the department of development services 3859
~~agency~~ shall proceed in accordance with rules adopted by the 3860
director pursuant to division (I) of this section. 3861

(D) An agreement under this section shall include all of the 3862
following: 3863

(1) A detailed description of the project that is the subject 3864
of the agreement; 3865

(2)(a) The term of the tax credit, which, except as provided 3866
in division (D)(2)(b) of this section, shall not exceed fifteen 3867
years, and the first taxable year, or first calendar year that 3868
includes a tax period, for which the credit may be claimed; 3869

(b) If the tax credit is computed on the basis of home-based 3870
employees, the term of the credit shall expire on or before the 3871
last day of the taxable or calendar year ending before the 3872
beginning of the seventh year after September 6, 2012, the 3873
effective date of H.B. 327 of the 129th general assembly. 3874

(3) A requirement that the taxpayer shall maintain operations 3875

at the project location for at least the greater of seven years or 3876
the term of the credit plus three years; 3877

(4) The percentage, as determined by the tax credit 3878
authority, of excess payroll that will be allowed as the amount of 3879
the credit for each taxable year or for each calendar year that 3880
includes a tax period; 3881

(5) The pay increase factor to be applied to the taxpayer's 3882
baseline payroll; 3883

(6) A requirement that the taxpayer annually shall report to 3884
the director of development ~~services~~ full-time equivalent 3885
employees, payroll, Ohio employee payroll, investment, the 3886
provision of health care benefits and tuition reimbursement if 3887
required in the agreement, and other information the director 3888
needs to perform the director's duties under this section; 3889

(7) A requirement that the director of development ~~services~~ 3890
annually review the information reported under division (D)(6) of 3891
this section and verify compliance with the agreement; if the 3892
taxpayer is in compliance, a requirement that the director issue a 3893
certificate to the taxpayer stating that the information has been 3894
verified and identifying the amount of the credit that may be 3895
claimed for the taxable or calendar year; 3896

(8) A provision providing that the taxpayer may not relocate 3897
a substantial number of employment positions from elsewhere in 3898
this state to the project location unless the director of 3899
development ~~services~~ determines that the legislative authority of 3900
the county, township, or municipal corporation from which the 3901
employment positions would be relocated has been notified by the 3902
taxpayer of the relocation. 3903

For purposes of this section, the movement of an employment 3904
position from one political subdivision to another political 3905
subdivision shall be considered a relocation of an employment 3906

position unless the employment position in the first political 3907
subdivision is replaced. The movement of a qualifying 3908
work-from-home employee to a different residence located in this 3909
state or to the project location shall not be considered a 3910
relocation of an employment position. 3911

(9) If the tax credit is computed on the basis of home-based 3912
employees, that the tax credit may not be claimed by the taxpayer 3913
until the taxable year or tax period in which the taxpayer employs 3914
at least two hundred employees more than the number of employees 3915
the taxpayer employed on June 30, 2011. 3916

(E) If a taxpayer fails to meet or comply with any condition 3917
or requirement set forth in a tax credit agreement, the tax credit 3918
authority may amend the agreement to reduce the percentage or term 3919
of the tax credit. The reduction of the percentage or term may 3920
take effect in the current taxable or calendar year. 3921

(F) Projects that consist solely of point-of-final-purchase 3922
retail facilities are not eligible for a tax credit under this 3923
section. If a project consists of both point-of-final-purchase 3924
retail facilities and nonretail facilities, only the portion of 3925
the project consisting of the nonretail facilities is eligible for 3926
a tax credit and only the excess payroll from the nonretail 3927
facilities shall be considered when computing the amount of the 3928
tax credit. If a warehouse facility is part of a 3929
point-of-final-purchase retail facility and supplies only that 3930
facility, the warehouse facility is not eligible for a tax credit. 3931
Catalog distribution centers are not considered 3932
point-of-final-purchase retail facilities for the purposes of this 3933
division, and are eligible for tax credits under this section. 3934

(G) Financial statements and other information submitted to 3935
the department of development ~~services agency~~ or the tax credit 3936
authority by an applicant or recipient of a tax credit under this 3937
section, and any information taken for any purpose from such 3938

statements or information, are not public records subject to 3939
section 149.43 of the Revised Code. However, the chairperson of 3940
the authority may make use of the statements and other information 3941
for purposes of issuing public reports or in connection with court 3942
proceedings concerning tax credit agreements under this section. 3943
Upon the request of the tax commissioner or, if the applicant or 3944
recipient is an insurance company, upon the request of the 3945
superintendent of insurance, the chairperson of the authority 3946
shall provide to the commissioner or superintendent any statement 3947
or information submitted by an applicant or recipient of a tax 3948
credit in connection with the credit. The commissioner or 3949
superintendent shall preserve the confidentiality of the statement 3950
or information. 3951

(H) A taxpayer claiming a credit under this section shall 3952
submit to the tax commissioner or, if the taxpayer is an insurance 3953
company, to the superintendent of insurance, a copy of the 3954
director of ~~development services~~ development's certificate of 3955
verification under division (D)(7) of this section with the 3956
taxpayer's tax report or return for the taxable year or for the 3957
calendar year that includes the tax period. Failure to submit a 3958
copy of the certificate with the report or return does not 3959
invalidate a claim for a credit if the taxpayer submits a copy of 3960
the certificate to the commissioner or superintendent within the 3961
time prescribed by section 5703.0510 of the Revised Code or within 3962
thirty days after the commissioner or superintendent requests it. 3963

(I) The director of development ~~services~~, after consultation 3964
with the tax commissioner and the superintendent of insurance and 3965
in accordance with Chapter 119. of the Revised Code, shall adopt 3966
rules necessary to implement this section, including rules that 3967
establish a procedure to be followed by the tax credit authority 3968
and the department of development ~~services agency~~ in the event the 3969
authority considers a taxpayer's application for which it receives 3970

a recommendation under division (C)(2)(a) of this section but does 3971
not approve it. The rules may provide for recipients of tax 3972
credits under this section to be charged fees to cover 3973
administrative costs of the tax credit program. For the purposes 3974
of these rules, a qualifying work-from-home employee shall be 3975
considered to be an employee employed at the applicant's project 3976
location. The fees collected shall be credited to the tax 3977
incentives operating fund created in section 122.174 of the 3978
Revised Code. At the time the director gives public notice under 3979
division (A) of section 119.03 of the Revised Code of the adoption 3980
of the rules, the director shall submit copies of the proposed 3981
rules to the chairpersons of the standing committees on economic 3982
development in the senate and the house of representatives. 3983

(J) For the purposes of this section, a taxpayer may include 3984
a partnership, a corporation that has made an election under 3985
subchapter S of chapter one of subtitle A of the Internal Revenue 3986
Code, or any other business entity through which income flows as a 3987
distributive share to its owners. A partnership, S-corporation, or 3988
other such business entity may elect to pass the credit received 3989
under this section through to the persons to whom the income or 3990
profit of the partnership, S-corporation, or other entity is 3991
distributed. The election shall be made on the annual report 3992
required under division (D)(6) of this section. The election 3993
applies to and is irrevocable for the credit for which the report 3994
is submitted. If the election is made, the credit shall be 3995
apportioned among those persons in the same proportions as those 3996
in which the income or profit is distributed. 3997

(K)(1) If the director of development ~~services~~ determines 3998
that a taxpayer who has received a credit under this section is 3999
not complying with the requirements of the agreement, the director 4000
shall notify the tax credit authority of the noncompliance. After 4001
receiving such a notice, and after giving the taxpayer an 4002

opportunity to explain the noncompliance, the tax credit authority 4003
may require the taxpayer to refund to this state a portion of the 4004
credit in accordance with the following: 4005

(a) If the taxpayer fails to comply with the requirement 4006
under division (D)(3) of this section, an amount determined in 4007
accordance with the following: 4008

(i) If the taxpayer maintained operations at the project 4009
location for a period less than or equal to the term of the 4010
credit, an amount not exceeding one hundred per cent of the sum of 4011
any credits allowed and received under this section; 4012

(ii) If the taxpayer maintained operations at the project 4013
location for a period longer than the term of the credit, but less 4014
than the greater of seven years or the term of the credit plus 4015
three years, an amount not exceeding seventy-five per cent of the 4016
sum of any credits allowed and received under this section. 4017

(b) If, on the metric evaluation date, the taxpayer fails to 4018
substantially meet the job creation, payroll, or investment 4019
requirements included in the agreement, an amount determined at 4020
the discretion of the authority; 4021

(c) If the taxpayer fails to substantially maintain the 4022
number of new full-time equivalent employees or amount of payroll 4023
required under the agreement at any time during the term of the 4024
agreement after the metric evaluation date, an amount determined 4025
at the discretion of the authority. 4026

(2) If a taxpayer files for bankruptcy and fails as described 4027
in division (K)(1)(a), (b), or (c) of this section, the director 4028
may immediately commence an action to recoup an amount not 4029
exceeding one hundred per cent of the sum of any credits received 4030
by the taxpayer under this section. 4031

(3) In determining the portion of the tax credit to be 4032
refunded to this state, the tax credit authority shall consider 4033

the effect of market conditions on the taxpayer's project and 4034
whether the taxpayer continues to maintain other operations in 4035
this state. After making the determination, the authority shall 4036
certify the amount to be refunded to the tax commissioner or 4037
superintendent of insurance, as appropriate. If the amount is 4038
certified to the commissioner, the commissioner shall make an 4039
assessment for that amount against the taxpayer under Chapter 4040
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 4041
amount is certified to the superintendent, the superintendent 4042
shall make an assessment for that amount against the taxpayer 4043
under Chapter 5725. or 5729. of the Revised Code. The time 4044
limitations on assessments under those chapters do not apply to an 4045
assessment under this division, but the commissioner or 4046
superintendent, as appropriate, shall make the assessment within 4047
one year after the date the authority certifies to the 4048
commissioner or superintendent the amount to be refunded. 4049

(L) On or before the first day of August each year, the 4050
director of development ~~services~~ shall submit a report to the 4051
governor, the president of the senate, and the speaker of the 4052
house of representatives on the tax credit program under this 4053
section. The report shall include information on the number of 4054
agreements that were entered into under this section during the 4055
preceding calendar year, a description of the project that is the 4056
subject of each such agreement, and an update on the status of 4057
projects under agreements entered into before the preceding 4058
calendar year. 4059

(M) There is hereby created the tax credit authority, which 4060
consists of the director of development ~~services~~ and four other 4061
members appointed as follows: the governor, the president of the 4062
senate, and the speaker of the house of representatives each shall 4063
appoint one member who shall be a specialist in economic 4064
development; the governor also shall appoint a member who is a 4065

specialist in taxation. Terms of office shall be for four years. 4066
Each member shall serve on the authority until the end of the term 4067
for which the member was appointed. Vacancies shall be filled in 4068
the same manner provided for original appointments. Any member 4069
appointed to fill a vacancy occurring prior to the expiration of 4070
the term for which the member's predecessor was appointed shall 4071
hold office for the remainder of that term. Members may be 4072
reappointed to the authority. Members of the authority shall 4073
receive their necessary and actual expenses while engaged in the 4074
business of the authority. The director of development ~~services~~ 4075
shall serve as chairperson of the authority, and the members 4076
annually shall elect a vice-chairperson from among themselves. 4077
Three members of the authority constitute a quorum to transact and 4078
vote on the business of the authority. The majority vote of the 4079
membership of the authority is necessary to approve any such 4080
business, including the election of the vice-chairperson. 4081

The director of development ~~services~~ may appoint a 4082
professional employee of the department of development ~~services~~ 4083
~~agency~~ to serve as the director's substitute at a meeting of the 4084
authority. The director shall make the appointment in writing. In 4085
the absence of the director from a meeting of the authority, the 4086
appointed substitute shall serve as chairperson. In the absence of 4087
both the director and the director's substitute from a meeting, 4088
the vice-chairperson shall serve as chairperson. 4089

(N) For purposes of the credits granted by this section 4090
against the taxes imposed under sections 5725.18 and 5729.03 of 4091
the Revised Code, "taxable year" means the period covered by the 4092
taxpayer's annual statement to the superintendent of insurance. 4093

(O) On or before the first day of March of each of the five 4094
calendar years beginning with 2014, each taxpayer subject to an 4095
agreement with the tax credit authority under this section on the 4096
basis of home-based employees shall report the number of 4097

home-based employees and other employees employed by the taxpayer 4098
in this state to the department of development ~~services~~ agency. 4099

(P) On or before the first day of January of 2019, the 4100
director of development ~~services~~ shall submit a report to the 4101
governor, the president of the senate, and the speaker of the 4102
house of representatives on the effect of agreements entered into 4103
under this section in which the taxpayer included home-based 4104
employees in the computation of income tax revenue, as that term 4105
was defined in this section prior to the amendment of this section 4106
by H.B. 64 of the 131st general assembly. The report shall include 4107
information on the number of such agreements that were entered 4108
into in the preceding six years, a description of the projects 4109
that were the subjects of such agreements, and an analysis of 4110
nationwide home-based employment trends, including the number of 4111
home-based jobs created from July 1, 2011, through June 30, 2017, 4112
and a description of any home-based employment tax incentives 4113
provided by other states during that time. 4114

(Q) The director of development ~~services~~ may require any 4115
agreement entered into under this section for a tax credit 4116
computed on the basis of home-based employees to contain a 4117
provision that the taxpayer makes available health care benefits 4118
and tuition reimbursement to all employees. 4119

(R) Original agreements approved by the tax credit authority 4120
under this section in 2014 or 2015 before September 29, 2015, may 4121
be revised at the request of the taxpayer to conform with the 4122
amendments to this section and sections 5733.0610, 5736.50, 4123
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 4124
general assembly, upon mutual agreement of the taxpayer and the 4125
department of development ~~services~~ agency, and approval by the tax 4126
credit authority. 4127

(S)(1) As used in division (S) of this section: 4128

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

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

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

(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.

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

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

(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of that section taking effect on or after June 29, 2013, subtract the product from

the taxpayer's income tax revenue. 4160

(4) Division (S)(3) of this section shall not apply unless 4161
all of the following apply for the reporting period with respect 4162
to the eligible agreement: 4163

(a) The taxpayer has achieved one hundred per cent of the new 4164
employment commitment identified in the agreement. 4165

(b) If applicable, the taxpayer has achieved one hundred per 4166
cent of the new payroll commitment identified in the agreement. 4167

(c) If applicable, the taxpayer has achieved one hundred per 4168
cent of the investment commitment identified in the agreement. 4169

(5) Failure by a taxpayer to have achieved any of the 4170
applicable commitments described in divisions (S)(4)(a) to (c) of 4171
this section in a reporting period does not disqualify the 4172
taxpayer for the adjustment under division (S) of this section for 4173
an ensuing reporting period. 4174

(T) For reporting periods ending in calendar year 2020 or 4175
thereafter, any taxpayer may include qualifying work-from-home 4176
employees in its report required under division (D)(6) of this 4177
section, and the compensation of such employees shall qualify as 4178
Ohio employee payroll under division (A)(3)(a) of this section, 4179
even if the taxpayer's application to the tax credit authority to 4180
enter into an agreement for a tax credit under this section was 4181
approved before September 29, 2017, the effective date of the 4182
amendment of this section by H.B. 49 of the 132nd general 4183
assembly. 4184

Sec. 122.171. (A) As used in this section: 4185

(1) "Capital investment project" means a plan of investment 4186
at a project site for the acquisition, construction, renovation, 4187
or repair of buildings, machinery, or equipment, or for 4188
capitalized costs of basic research and new product development 4189

determined in accordance with generally accepted accounting 4190
principles, but does not include any of the following: 4191

(a) Payments made for the acquisition of personal property 4192
through operating leases; 4193

(b) Project costs paid before January 1, 2002; 4194

(c) Payments made to a related member as defined in section 4195
5733.042 of the Revised Code or to a consolidated elected taxpayer 4196
or a combined taxpayer as defined in section 5751.01 of the 4197
Revised Code. 4198

(2) "Eligible business" means a taxpayer and its related 4199
members with Ohio operations that had a capital investment project 4200
reviewed and approved by the tax credit authority as provided in 4201
divisions (C), (D), and (E) of this section and that satisfies 4202
either of the following requirements: 4203

(a) If engaged at the project site primarily in significant 4204
corporate administrative functions, as defined by the director of 4205
development ~~services~~ by rule, the taxpayer meets both of the 4206
following criteria: 4207

(i) The taxpayer either is located in a foreign trade zone, 4208
employs at least five hundred full-time equivalent employees, or 4209
has an annual Ohio employee payroll of at least thirty-five 4210
million dollars at the time the tax credit authority grants the 4211
tax credit under this section; 4212

(ii) The taxpayer makes or causes to be made payments for the 4213
capital investment project of at least twenty million dollars in 4214
the aggregate at the project site during a period of three 4215
consecutive calendar years including the calendar year that 4216
includes a day of the taxpayer's taxable year or tax period with 4217
respect to which the credit is granted. 4218

(b) If engaged at the project site primarily as a 4219

manufacturer, the taxpayer makes or causes to be made payments for 4220
the capital investment project at the project site during a period 4221
of three consecutive calendar years, including the calendar year 4222
that includes a day of the taxpayer's taxable year or tax period 4223
with respect to which the credit is granted, in an amount that in 4224
the aggregate equals or exceeds the lesser of the following: 4225

(i) Fifty million dollars; 4226

(ii) Five per cent of the net book value of all tangible 4227
personal property used at the project site as of the last day of 4228
the three-year period in which the capital investment payments are 4229
made. 4230

(3) "Full-time equivalent employees" means the quotient 4231
obtained by dividing the total number of hours for which employees 4232
were compensated for employment in the project by two thousand 4233
eighty. "Full-time equivalent employees" shall exclude hours that 4234
are counted for a credit under section 122.17 of the Revised Code. 4235

(4) "Ohio employee payroll" has the same meaning as in 4236
section 122.17 of the Revised Code. 4237

(5) "Manufacturer" has the same meaning as in section 4238
5739.011 of the Revised Code. 4239

(6) "Project site" means an integrated complex of facilities 4240
in this state, as specified by the tax credit authority under this 4241
section, within a fifteen-mile radius where a taxpayer is 4242
primarily operating as an eligible business. 4243

(7) "Related member" has the same meaning as in section 4244
5733.042 of the Revised Code as that section existed on the 4245
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 4246
general assembly, September 29, 1997. 4247

(8) "Taxable year" includes, in the case of a domestic or 4248
foreign insurance company, the calendar year ending on the 4249

thirty-first day of December preceding the day the superintendent 4250
of insurance is required to certify to the treasurer of state 4251
under section 5725.20 or 5729.05 of the Revised Code the amount of 4252
taxes due from insurance companies. 4253

(9) "Foreign trade zone" means a general purpose foreign 4254
trade zone or a special purpose subzone for which, pursuant to 19 4255
U.S.C. 81a, as amended, a permit for foreign trade zone status has 4256
been granted and remains active, including special purpose 4257
subzones for which a permit has been granted and remains active. 4258

(B) The tax credit authority created under section 122.17 of 4259
the Revised Code may grant a nonrefundable tax credit to an 4260
eligible business under this section for the purpose of fostering 4261
job retention in this state. Upon application by an eligible 4262
business and upon consideration of the determination of the 4263
director of budget and management, tax commissioner, and the 4264
superintendent of insurance in the case of an insurance company, 4265
~~and~~ the recommendation and determination of the director of 4266
development ~~services~~ under division (C)(1) of this section, and a 4267
review of the criteria described in division (C)(2) of this 4268
section, the tax credit authority may grant the credit against the 4269
tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 4270
5736.02, 5747.02, or 5751.02 of the Revised Code. 4271

The credit authorized in this section may be granted for a 4272
period up to fifteen taxable years or, in the case of the tax 4273
levied by section 5736.02 or 5751.02 of the Revised Code, for a 4274
period of up to fifteen calendar years. The credit amount for a 4275
taxable year or a calendar year that includes the tax period for 4276
which a credit may be claimed equals the Ohio employee payroll for 4277
that year multiplied by the percentage specified in the agreement 4278
with the tax credit authority. The credit shall be claimed in the 4279
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 4280
5747.98, or 5751.98 of the Revised Code. In determining the 4281

percentage and term of the credit, the tax credit authority shall 4282
consider both the number of full-time equivalent employees and the 4283
value of the capital investment project. The credit amount may not 4284
be based on the Ohio employee payroll for a calendar year before 4285
the calendar year in which the tax credit authority specifies the 4286
tax credit is to begin, and the credit shall be claimed only for 4287
the taxable years or tax periods specified in the eligible 4288
business' agreement with the tax credit authority. In no event 4289
shall the credit be claimed for a taxable year or tax period 4290
terminating before the date specified in the agreement. 4291

If a credit allowed under this section for a taxable year or 4292
tax period exceeds the taxpayer's tax liability for that year or 4293
period, the excess may be carried forward for the three succeeding 4294
taxable or calendar years, but the amount of any excess credit 4295
allowed in any taxable year or tax period shall be deducted from 4296
the balance carried forward to the succeeding year or period. 4297

(C)(1) A taxpayer that proposes a capital investment project 4298
to retain jobs in this state may apply to the tax credit authority 4299
to enter into an agreement for a tax credit under this section. 4300
The director of development ~~services~~ shall prescribe the form of 4301
the application. After receipt of an application, the authority 4302
shall forward copies of the application to the director of budget 4303
and management, the tax commissioner, and the superintendent of 4304
insurance in the case of an insurance company, each of whom shall 4305
review the application to determine the economic impact the 4306
proposed project would have on the state and the affected 4307
political subdivisions and shall submit a summary of their 4308
determinations to the authority. The authority shall also forward 4309
a copy of the application to the director of development ~~services~~, 4310
who shall review the application to determine the economic impact 4311
the proposed project would have on the state and the affected 4312
political subdivisions and shall submit a summary of the 4313

director's determinations and recommendations to the authority. 4314

(2) The director of development, in reviewing applications 4315
and making recommendations to the tax credit authority, and the 4316
authority, in selecting taxpayers with which to enter into an 4317
agreement under division (D) of this section, shall give priority 4318
to applications that meet one or more of the following criteria, 4319
with greater priority given to applications that meet more of the 4320
criteria: 4321

(a) Within the preceding five years, the applicant has not 4322
received a credit under this section or section 122.17 of the 4323
Revised Code for a project at the same project site as that 4324
proposed in the application. 4325

(b) The applicant is not currently receiving a credit under 4326
this section or section 122.17 of the Revised Code. 4327

(c) The applicant has operated at the project site for at 4328
least the preceding ten years. 4329

(d) The project involves a significant upgrade of the project 4330
site, rather than only routine maintenance of existing facilities, 4331
such as an increase in capacity of a facility, new product 4332
development, or technology upgrades or other facility 4333
modernization. 4334

(e) The applicant intends to use machinery, equipment, and 4335
materials supplied by Ohio businesses in the project when 4336
possible. 4337

(D) Upon review and consideration of the determinations ~~and,~~ 4338
recommendations, and criteria described in division (C) of this 4339
section, the tax credit authority may enter into an agreement with 4340
the taxpayer for a credit under this section if the authority 4341
determines all of the following: 4342

(1) The taxpayer's capital investment project will result in 4343

the retention of employment in this state. 4344

(2) The taxpayer is economically sound and has the ability to 4345
complete the proposed capital investment project. 4346

(3) The taxpayer intends to and has the ability to maintain 4347
operations at the project site for at least the greater of (a) the 4348
term of the credit plus three years, or (b) seven years. 4349

(4) Receiving the credit is a major factor in the taxpayer's 4350
decision to begin, continue with, or complete the project. 4351

(E) An agreement under this section shall include all of the 4352
following: 4353

(1) A detailed description of the project that is the subject 4354
of the agreement, including the amount of the investment, the 4355
period over which the investment has been or is being made, the 4356
number of full-time equivalent employees at the project site, and 4357
the anticipated Ohio employee payroll to be generated. 4358

(2) The term of the credit, the percentage of the tax credit, 4359
the maximum annual value of tax credits that may be allowed each 4360
year, and the first year for which the credit may be claimed. 4361

(3) A requirement that the taxpayer maintain operations at 4362
the project site for at least the greater of (a) the term of the 4363
credit plus three years, or (b) seven years. 4364

(4)(a) If the taxpayer is engaged at the project site 4365
primarily in significant corporate administrative functions, a 4366
requirement that the taxpayer either retain at least five hundred 4367
full-time equivalent employees at the project site and within this 4368
state for the entire term of the credit, maintain an annual Ohio 4369
employee payroll of at least thirty-five million dollars for the 4370
entire term of the credit, or remain located in a foreign trade 4371
zone for the entire term of the credit; 4372

(b) If the taxpayer is engaged at the project site primarily 4373

as a manufacturer, a requirement that the taxpayer maintain at 4374
least the number of full-time equivalent employees specified in 4375
the agreement pursuant to division (E)(1) of this section at the 4376
project site and within this state for the entire term of the 4377
credit. 4378

(5) A requirement that the taxpayer annually report to the 4379
director of development ~~services~~ full-time equivalent employees, 4380
Ohio employee payroll, capital investment, and other information 4381
the director needs to perform the director's duties under this 4382
section. 4383

(6) A requirement that the director of development ~~services~~ 4384
annually review the annual reports of the taxpayer to verify the 4385
information reported under division (E)(5) of this section and 4386
compliance with the agreement. Upon verification, the director 4387
shall issue a certificate to the taxpayer stating that the 4388
information has been verified and identifying the amount of the 4389
credit for the taxable year or calendar year that includes the tax 4390
period. In determining the number of full-time equivalent 4391
employees, no position shall be counted that is filled by an 4392
employee who is included in the calculation of a tax credit under 4393
section 122.17 of the Revised Code. 4394

(7) A provision providing that the taxpayer may not relocate 4395
a substantial number of employment positions from elsewhere in 4396
this state to the project site unless the director of development 4397
~~services~~ determines that the taxpayer notified the legislative 4398
authority of the county, township, or municipal corporation from 4399
which the employment positions would be relocated. 4400

For purposes of this section, the movement of an employment 4401
position from one political subdivision to another political 4402
subdivision shall be considered a relocation of an employment 4403
position unless the movement is confined to the project site. The 4404
transfer of an employment position from one political subdivision 4405

to another political subdivision shall not be considered a 4406
relocation of an employment position if the employment position in 4407
the first political subdivision is replaced by another employment 4408
position. 4409

(8) A waiver by the taxpayer of any limitations periods 4410
relating to assessments or adjustments resulting from the 4411
taxpayer's failure to comply with the agreement. 4412

(F) If a taxpayer fails to meet or comply with any condition 4413
or requirement set forth in a tax credit agreement, the tax credit 4414
authority may amend the agreement to reduce the percentage or term 4415
of the credit. The reduction of the percentage or term may take 4416
effect in the current taxable or calendar year. 4417

(G) Financial statements and other information submitted to 4418
the department of development ~~services~~ or the tax credit authority 4419
by an applicant for or recipient of a tax credit under this 4420
section, and any information taken for any purpose from such 4421
statements or information, are not public records subject to 4422
section 149.43 of the Revised Code. However, the chairperson of 4423
the authority may make use of the statements and other information 4424
for purposes of issuing public reports or in connection with court 4425
proceedings concerning tax credit agreements under this section. 4426
Upon the request of the tax commissioner, or the superintendent of 4427
insurance in the case of an insurance company, the chairperson of 4428
the authority shall provide to the commissioner or superintendent 4429
any statement or other information submitted by an applicant for 4430
or recipient of a tax credit in connection with the credit. The 4431
commissioner or superintendent shall preserve the confidentiality 4432
of the statement or other information. 4433

(H) A taxpayer claiming a tax credit under this section shall 4434
submit to the tax commissioner or, in the case of an insurance 4435
company, to the superintendent of insurance, a copy of the 4436
director of ~~development services~~ development's certificate of 4437

verification under division (E)(6) of this section with the 4438
taxpayer's tax report or return for the taxable year or for the 4439
calendar year that includes the tax period. Failure to submit a 4440
copy of the certificate with the report or return does not 4441
invalidate a claim for a credit if the taxpayer submits a copy of 4442
the certificate to the commissioner or superintendent within the 4443
time prescribed by section 5703.0510 of the Revised Code or within 4444
thirty days after the commissioner or superintendent requests it. 4445

(I) For the purposes of this section, a taxpayer may include 4446
a partnership, a corporation that has made an election under 4447
subchapter S of chapter one of subtitle A of the Internal Revenue 4448
Code, or any other business entity through which income flows as a 4449
distributive share to its owners. A partnership, S-corporation, or 4450
other such business entity may elect to pass the credit received 4451
under this section through to the persons to whom the income or 4452
profit of the partnership, S-corporation, or other entity is 4453
distributed. The election shall be made on the annual report 4454
required under division (E)(5) of this section. The election 4455
applies to and is irrevocable for the credit for which the report 4456
is submitted. If the election is made, the credit shall be 4457
apportioned among those persons in the same proportions as those 4458
in which the income or profit is distributed. 4459

(J)(1) If the director of development ~~services~~ determines 4460
that a taxpayer that received a certificate under division (E)(6) 4461
of this section is not complying with the requirements of the 4462
agreement, the director shall notify the tax credit authority of 4463
the noncompliance. After receiving such a notice, and after giving 4464
the taxpayer an opportunity to explain the noncompliance, the 4465
authority may terminate the agreement and require the taxpayer, or 4466
any related member or members that claimed the tax credit under 4467
division (N) of this section, to refund to the state all or a 4468
portion of the credit claimed in previous years, as follows: 4469

(a) If the taxpayer fails to comply with the requirement 4470
under division (E)(3) of this section, an amount determined in 4471
accordance with the following: 4472

(i) If the taxpayer maintained operations at the project site 4473
for less than or equal to the term of the credit, an amount not to 4474
exceed one hundred per cent of the sum of any tax credits allowed 4475
and received under this section. 4476

(ii) If the taxpayer maintained operations at the project 4477
site longer than the term of the credit, but less than the greater 4478
of seven years or the term of the credit plus three years, the 4479
amount required to be refunded shall not exceed seventy-five per 4480
cent of the sum of any tax credits allowed and received under this 4481
section. 4482

(b) If the taxpayer fails to substantially, satisfy the 4483
employment, payroll, or location requirements required under the 4484
agreement, as prescribed under division (E)(4)(a) or (b), as 4485
applicable to the taxpayer, at any time during the term of the 4486
agreement or during the post-term reporting period, an amount 4487
determined at the discretion of the authority. 4488

(2) If a taxpayer files for bankruptcy and fails as described 4489
in division (J)(1)(a) or (b) of this section, the director may 4490
immediately commence an action to recoup an amount not exceeding 4491
one hundred per cent of the sum of any credits received by the 4492
taxpayer under this section. 4493

(3) In determining the portion of the credit to be refunded 4494
to this state, the authority shall consider the effect of market 4495
conditions on the taxpayer's project and whether the taxpayer 4496
continues to maintain other operations in this state. After making 4497
the determination, the authority shall certify the amount to be 4498
refunded to the tax commissioner or the superintendent of 4499
insurance. If the taxpayer, or any related member or members who 4500

claimed the tax credit under division (N) of this section, is not 4501
an insurance company, the commissioner shall make an assessment 4502
for that amount against the taxpayer under Chapter 5726., 5733., 4503
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 4504
any related member or members that claimed the tax credit under 4505
division (N) of this section, is an insurance company, the 4506
superintendent of insurance shall make an assessment under section 4507
5725.222 or 5729.102 of the Revised Code. The time limitations on 4508
assessments under those chapters and sections do not apply to an 4509
assessment under this division, but the commissioner or 4510
superintendent shall make the assessment within one year after the 4511
date the authority certifies to the commissioner or superintendent 4512
the amount to be refunded. 4513

(K) The director of development ~~services~~, after consultation 4514
with the tax commissioner and the superintendent of insurance and 4515
in accordance with Chapter 119. of the Revised Code, shall adopt 4516
rules necessary to implement this section. The rules may provide 4517
for recipients of tax credits under this section to be charged 4518
fees to cover administrative costs of the tax credit program. The 4519
fees collected shall be credited to the tax incentives operating 4520
fund created in section 122.174 of the Revised Code. At the time 4521
the director gives public notice under division (A) of section 4522
119.03 of the Revised Code of the adoption of the rules, the 4523
director shall submit copies of the proposed rules to the 4524
chairpersons of the standing committees on economic development in 4525
the senate and the house of representatives. 4526

(L) On or before the first day of August of each year, the 4527
director of development ~~services~~ shall submit a report to the 4528
governor, the president of the senate, and the speaker of the 4529
house of representatives on the tax credit program under this 4530
section. The report shall include information on the number of 4531
agreements that were entered into under this section during the 4532

preceding calendar year, a description of the project that is the 4533
subject of each such agreement, and an update on the status of 4534
projects under agreements entered into before the preceding 4535
calendar year. 4536

(M) The aggregate amount of nonrefundable tax credits issued 4537
under this section during any calendar year for capital investment 4538
projects reviewed and approved by the tax credit authority may not 4539
exceed the following amounts: 4540

(1) For 2010, thirteen million dollars; 4541

(2) For 2011 through 2023, the amount of the limit for the 4542
preceding calendar year plus thirteen million dollars; 4543

(3) For 2024 and each year thereafter, one hundred 4544
ninety-five million dollars. 4545

The limitations in division (M) of this section do not apply 4546
to credits for capital investment projects approved by the tax 4547
credit authority before July 1, 2009. 4548

(N) This division applies only to an eligible business that 4549
is part of an affiliated group that includes a diversified savings 4550
and loan holding company or a grandfathered unitary savings and 4551
loan holding company, as those terms are defined in section 4552
5726.01 of the Revised Code. Notwithstanding any contrary 4553
provision of the agreement between such an eligible business and 4554
the tax credit authority, any credit granted under this section 4555
against the tax imposed by section 5725.18, 5729.03, 5733.06, 4556
5747.02, or 5751.02 of the Revised Code to the eligible business, 4557
at the election of the eligible business and without any action by 4558
the tax credit authority, may be shared with any member or members 4559
of the affiliated group that includes the eligible business, which 4560
member or members may claim the credit against the taxes imposed 4561
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 4562
of the Revised Code. Credits shall be claimed by the eligible 4563

business in sequential order, as applicable, first claiming the 4564
credits to the fullest extent possible against the tax that the 4565
certificate holder is subject to, then against the tax imposed by, 4566
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 4567
lastly 5726.02 of the Revised Code. The credits may be allocated 4568
among the members of the affiliated group in such manner as the 4569
eligible business elects, but subject to the sequential order 4570
required under this division. This division applies to credits 4571
granted before, on, or after March 27, 2013, the effective date of 4572
H.B. 510 of the 129th general assembly. Credits granted before 4573
that effective date that are shared and allocated under this 4574
division may be claimed in those calendar years in which the 4575
remaining taxable years specified in the agreement end. 4576

As used in this division, "affiliated group" means a group of 4577
two or more persons with fifty per cent or greater of the value of 4578
each person's ownership interests owned or controlled directly, 4579
indirectly, or constructively through related interests by common 4580
owners during all or any portion of the taxable year, and the 4581
common owners. "Affiliated group" includes, but is not limited to, 4582
any person eligible to be included in a consolidated elected 4583
taxpayer group under section 5751.011 of the Revised Code or a 4584
combined taxpayer group under section 5751.012 of the Revised 4585
Code. 4586

(O)(1) As used in division (O) of this section: 4587

(a) "Eligible agreement" means an agreement approved by the 4588
tax credit authority under this section on or before December 31, 4589
2013. 4590

(b) "Reporting period" means a period corresponding to the 4591
annual report required under division (E)(5) of this section. 4592

(c) "Income tax revenue" has the same meaning as under 4593
division (S) of section 122.17 of the Revised Code. 4594

(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.

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

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

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

(4) Division (O)(3) of this section shall not apply unless all of the following apply with respect to the eligible agreement:

(a) If applicable, the taxpayer has achieved one hundred per cent of the job retention commitment identified in the agreement.

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

(c) If applicable, the taxpayer has achieved one hundred per

cent of the investment commitment identified in the agreement. 4626

(5) Failure by a taxpayer to have achieved any of the 4627
applicable commitments described in divisions (O)(4)(a) to (c) of 4628
this section in a reporting period does not disqualify the 4629
taxpayer for the adjustment under division (O) of this section for 4630
an ensuing reporting period. 4631

Sec. 122.178. (A) As used in this section, "microcredential" 4632
means an industry-recognized credential or certificate that an 4633
applicant may complete in not more than one year and that is 4634
approved by the chancellor of higher education. 4635

(B) There is hereby created the TechCred program to reimburse 4636
employers from appropriations made for that purpose for training 4637
costs for prospective and incumbent employees to earn a 4638
microcredential. The department of development ~~services~~ agency, in 4639
consultation with the governor's office of workforce 4640
transformation and the department of higher education, shall 4641
develop the program. 4642

(C)(1) An employer seeking to participate in the program 4643
shall submit an application to the director of development 4644
~~services~~ during an application period established by the director. 4645
The employer shall include in the application all of the following 4646
information: 4647

(a) Proof that the employer is registered to do business in 4648
this state; 4649

(b) Proof that the employer is current on all tax obligations 4650
to the state; 4651

(c) Proof that the employer is in compliance with all 4652
environmental regulations applicable to the employer; 4653

(d) The name of the training provider from which a 4654
prospective or incumbent employee will receive the training and 4655

earn the microcredential; 4656

(e) The cost of the training; 4657

(f) The positions for which earning the microcredential will 4658
make a prospective or incumbent employee qualified or the 4659
occupational skill set that the prospective or incumbent employee 4660
will acquire on completing the training; 4661

(g) The address of the facility or location at which the 4662
prospective or incumbent employee is expected to be employed after 4663
completing the training; 4664

(h) Any other information the director requires. 4665

(2) In addition to the information required under division 4666
(C)(1) of this section, an employer seeking to participate in the 4667
program also may submit any of the following information the 4668
employer wishes to provide to the director: 4669

(a) The estimated wage after completing the training and 4670
earning the microcredential; 4671

(b) The employer's certification as a minority business 4672
enterprise under section ~~123.151~~ 122.921 of the Revised Code or 4673
certification as an EDGE business enterprise under section ~~123.152~~ 4674
122.922 of the Revised Code if applicable; 4675

(c) The demographic information of the employer, including 4676
race and gender; 4677

(d) Any demographic information of a prospective or incumbent 4678
employee that the employee provides to the employer, including 4679
race and gender; 4680

(e) Any other information the employer wishes to provide to 4681
the director. 4682

(D)(1) The director shall consider all applications submitted 4683
during an application period after the application period ends. 4684
The director shall consider the following factors in determining 4685

whether to approve an application: 4686

(a) The duration of the training program; 4687

(b) The cost of the training; 4688

(c) A prospective or incumbent employee's estimated wage 4689
after completing the training and earning the microcredential; 4690

(d) Whether approving an application will promote regional 4691
diversity in apportioning reimbursements uniformly across the 4692
state; 4693

(e) Any other factors the director considers relevant in 4694
determining whether to approve an application. 4695

(2) The chancellor of higher education shall establish a list 4696
of approved microcredentials. The director shall not approve an 4697
application submitted under division (C) of this section unless 4698
the microcredentials identified in the application are included in 4699
the chancellor's list. Not later than ninety days after ~~the~~ 4700
~~effective date of this section~~ April 14, 2020, the director shall 4701
create a list of training providers that offer a microcredential 4702
included in the chancellor's list. Thereafter, the director shall 4703
annually update the list of training providers. 4704

(3) If the director approves an employer's application for 4705
participation in the program, the approval is valid as long as the 4706
employer maintains accurate application information under division 4707
(C)(1) of this section with the director. The employer shall 4708
submit the updated information to the director at the beginning of 4709
the third fiscal year the employer participates in the program and 4710
every other subsequent fiscal year thereafter. 4711

(4) The director shall not approve an application for 4712
participation in the program if the employer has violated Chapter 4713
4111. of the Revised Code within the four fiscal years immediately 4714
preceding the date of application. 4715

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

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

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

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

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

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

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

(G) For the purposes of determining regional diversity under this section, the following constitute the regions of the state:

(1) The counties of Allen, Crawford, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot are one region;

(2) The counties of Ashland, Ashtabula, Columbiana, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne are one region;

(3) The counties of Auglaize, Champaign, Clark, Clinton,
Darke, Fayette, Greene, Mercer, Miami, Montgomery, Preble, and
Shelby are one region;

(4) The counties of Delaware, Fairfield, Franklin, Knox,
Licking, Logan, Madison, Marion, Morrow, Pickaway, and Union are
one region;

(5) The counties of Adams, Athens, Gallia, Highland, Hocking,
Jackson, Lawrence, Meigs, Pike, Ross, Scioto, and Vinton are one
region;

(6) The counties of Belmont, Carroll, Coshocton, Guernsey,
Harrison, Holmes, Jefferson, Monroe, Morgan, Muskingum, Noble,
Perry, and Washington are one region;

(7) The counties of Brown, Butler, Clermont, Hamilton, and
Warren are one region.

(H)(1) The director shall do both of the following regarding
the operation of the program:

(a) Create an application to participate in the program and
an application for reimbursement;

(b) Create an internet web site with the applications for and
information regarding the program created in this section.

(2) The governor's office of workforce transformation shall
include on the office's internet web site either of the following:

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

(b) An internet link to the internet web site created under
division (H)(1)(b) of this section.

(I) The director may adopt rules in accordance with Chapter
119. of the Revised Code regarding the operation of the program as
the director considers necessary to administer the program,
including establishing priority guidelines for approving

applications under division (D) of this section. 4776

Sec. 122.42. (A) The director of development ~~services~~ shall 4777
do all of the following: 4778

(1) Receive applications for assistance under sections 122.39 4779
and 122.41 to 122.62 of the Revised Code; 4780

(2) Make a final determination whether to approve the 4781
application for assistance; 4782

(3) Transmit determinations to approve assistance to the 4783
controlling board together with any information the controlling 4784
board requires for the board's review and decision as to whether 4785
to approve the assistance; 4786

(4) Issue revenue bonds of the state through the treasurer of 4787
state, as necessary, payable solely from revenues and other 4788
sources as provided in sections 122.39 and 122.41 to 122.62 of the 4789
Revised Code. 4790

(B) The director may do all of the following: 4791

(1) Fix the rate of interest and charges to be made upon or 4792
with respect to moneys loaned by the director and the terms upon 4793
which mortgages and lease rentals may be guaranteed and the rates 4794
of charges to be made for the loans and guarantees and to make 4795
provisions for the operation of the funds established by the 4796
director in accordance with this section and sections 122.54, 4797
122.55, 122.56, and 122.57 of the Revised Code; 4798

(2) Loan moneys from the fund established in accordance with 4799
section 122.54 of the Revised Code pursuant to and in compliance 4800
with sections 122.39 and 122.41 to 122.62 of the Revised Code; 4801

(3) Acquire in the name of the director any property of any 4802
kind or character in accordance with sections 122.39 and 122.41 to 4803
122.62 of the Revised Code, by purchase, purchase at foreclosure, 4804
or exchange on such terms and in such manner as the director 4805

considers proper; 4806

(4) Make and enter into all contracts and agreements 4807
necessary or incidental to the performance of the director's 4808
duties and the exercise of the director's powers under sections 4809
122.39 and 122.41 to 122.62 of the Revised Code; 4810

(5) Maintain, protect, repair, improve, and insure any 4811
property which the director has acquired and dispose of the same 4812
by sale, exchange, or lease for the consideration and on the terms 4813
and in the manner as the director considers proper, but is not 4814
authorized to operate any such property as a business except as 4815
the lessor of the property; 4816

(6)(a) When the cost of any contract for the maintenance, 4817
protection, repair, or improvement of any property held by the 4818
director other than compensation for personal services involves an 4819
expenditure of more than one thousand dollars, the director shall 4820
make a written contract with the lowest responsive and responsible 4821
bidder in accordance with section 9.312 of the Revised Code after 4822
advertisement for not less than two consecutive weeks in a 4823
newspaper of general circulation in the county where such 4824
contract, or some substantial part of it, is to be performed, and 4825
in such other publications as the director determines, which 4826
notice shall state the general character of the work and the 4827
general character of the materials to be furnished, the place 4828
where plans and specifications may be examined, and the time and 4829
place of receiving bids. 4830

(b) Each bid for a contract for the construction, demolition, 4831
alteration, repair, or reconstruction of an improvement shall 4832
contain the full name of every person interested in it and meet 4833
the requirements of section 153.54 of the Revised Code. 4834

(c) Each bid for a contract, except as provided in division 4835
(B)(6)(b) of this section, shall contain the full name of every 4836

person interested in it and shall be accompanied by bond or 4837
certified check on a solvent bank, in such amount as the director 4838
considers sufficient, that if the bid is accepted a contract will 4839
be entered into and the performance of the proposal secured. 4840

(d) The director may reject any and all bids. 4841

(e) A bond with good and sufficient surety, approved by the 4842
director, shall be required of every contractor awarded a contract 4843
except as provided in division (B)(6)(b) of this section, in an 4844
amount equal to at least fifty per cent of the contract price, 4845
conditioned upon faithful performance of the contract. 4846

(7) Employ financial consultants, appraisers, consulting 4847
engineers, superintendents, managers, construction and accounting 4848
experts, attorneys, and other employees and agents as are 4849
necessary in the director's judgment and fix their compensation; 4850

(8) Assist qualified persons in the coordination and 4851
formation of a small business development company, having a 4852
statewide area of operation, conditional upon the company's 4853
agreeing to seek to obtain certification from the federal small 4854
business administration as a certified statewide development 4855
company and participation in the guaranteed loan program 4856
administered by the small business administration pursuant to the 4857
Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During the 4858
initial period of formation of the statewide small business 4859
development company, the director shall provide technical and 4860
financial expertise, legal and managerial assistance, and other 4861
services as are necessary and proper to enable the company to 4862
obtain and maintain federal certification and participation in the 4863
federal guaranteed loan program. The director may charge a fee, in 4864
such amount and on such terms and conditions as the director 4865
determines necessary and proper, for assistance and services 4866
provided pursuant to division (B)(8) of this section. 4867

Persons chosen by the director to receive assistance in the 4868
formation of a statewide small business development company 4869
pursuant to division (B)(8) of this section shall make a special 4870
effort to use their participation in the federal guaranteed loan 4871
program to assist small businesses which are minority business 4872
enterprises as defined in division (E) of section 122.71 of the 4873
Revised Code. The director, with the assistance of the minority 4874
business development division of the department of development, 4875
shall provide technical and financial expertise, legal and 4876
managerial assistance, and other services in such a manner to 4877
enable the development company to provide assistance to small 4878
businesses which are minority business enterprises, and shall make 4879
available to the development company information pertaining to 4880
assistance available to minority business enterprises under 4881
programs established pursuant to sections 122.71 to 122.83, 122.87 4882
to 122.89, 122.92 to 122.94, ~~122.151~~ 122.921, and 125.081 of the 4883
Revised Code. 4884

(9) Receive and accept grants, gifts, and contributions of 4885
money, property, labor, and other things of value to be held, 4886
used, and applied only for the purpose for which such grants, 4887
gifts, and contributions are made, from individuals, private and 4888
public corporations, from the United States or any agency of the 4889
United States, from the state or any agency of the state, and from 4890
any political subdivision of the state, and may agree to repay any 4891
contribution of money or to return any property contributed or the 4892
value of the property at such times, in such amounts, and on such 4893
terms and conditions, excluding the payment of interest, as the 4894
director determines at the time such contribution is made, and may 4895
evidence such obligations by notes, bonds, or other written 4896
instruments; 4897

(10) Establish with the treasurer of state the funds provided 4898
in sections 122.54, 122.55, 122.56, and 122.57 of the Revised 4899

Code, in addition to such funds as the director determines are 4900
necessary or proper; 4901

(11) Do all acts and things necessary or proper to carry out 4902
the powers expressly granted and the duties imposed in sections 4903
122.39 and 122.41 to 122.62 and Chapter 163. of the Revised Code. 4904

(C) All expenses and obligations incurred by the director in 4905
carrying out the director's powers and in exercising the 4906
director's duties under sections 122.39 and 122.41 to 122.62 of 4907
the Revised Code, shall be payable solely from the proceeds of 4908
revenue bonds issued pursuant to those sections, from revenues or 4909
other receipts or income of the director, from grants, gifts, and 4910
contributions, or funds established in accordance with those 4911
sections. Those sections do not authorize the director to incur 4912
indebtedness or to impose liability on the state or any political 4913
subdivision of the state. 4914

(D) Financial statements and financial data submitted to the 4915
director by any corporation, partnership, or person in connection 4916
with a loan application, or any information taken from such 4917
statements or data for any purpose, shall not be open to public 4918
inspection. 4919

Sec. 122.60. As used in sections 122.60 to 122.605 of the 4920
Revised Code: 4921

(A) "Capital access loan" means a loan made by a 4922
participating financial institution to an eligible business that 4923
may be secured by a deposit of money from the fund into the 4924
participating financial institution's program reserve account. 4925

(B) ~~"Department of development" means the development~~ 4926
~~services agency.~~ 4927

~~(C)~~ "Eligible business" means a for-profit business entity, 4928
or a nonprofit entity, that had total annual sales in its most 4929

recently completed fiscal year of less than ten million dollars 4930
and that has a principal place of for-profit business or nonprofit 4931
entity activity within the state, the operation of which, alone or 4932
in conjunction with other facilities, will create new jobs or 4933
preserve existing jobs and employment opportunities and will 4934
improve the economic welfare of the people of the state. As used 4935
in this division, "new jobs" does not include existing jobs 4936
transferred from another facility within the state, and "existing 4937
jobs" means only existing jobs at facilities within the same 4938
municipal corporation or township in which the project, activity, 4939
or enterprise that is the subject of a capital access loan is 4940
located. 4941

~~(D)~~(C) "Financial institution" means any bank, trust company, 4942
savings bank, or savings and loan association that is chartered by 4943
and has a significant presence in the state, or any national bank, 4944
federal savings and loan association, or federal savings bank that 4945
has a significant presence in the state. 4946

~~(E)~~(D) "Fund" means the capital access loan program fund. 4947

~~(F)~~(E) "Minority business supplier development council" has 4948
the same meaning as in section 122.71 of the Revised Code. 4949

~~(G)~~(F) "Participating financial institution" means a 4950
financial institution that has a valid, current participation 4951
agreement with the department of development services ~~agency~~. 4952

~~(H)~~(G) "Participation agreement" means the agreement between 4953
a financial institution and the ~~agency~~ department under which a 4954
financial institution may participate in the program. 4955

~~(I)~~(H) "Passive real estate ownership" means the ownership of 4956
real estate for the sole purpose of deriving income from it by 4957
speculation, trade, or rental. 4958

~~(J)~~(I) "Program" means the capital access loan program 4959
created under section 122.602 of the Revised Code. 4960

~~(K)~~(J) "Program reserve account" means a dedicated account at 4961
each participating financial institution that is the property of 4962
the state and may be used by the participating financial 4963
institution only for the purpose of recovering a claim under 4964
section 122.604 of the Revised Code arising from a default on a 4965
loan made by the participating financial institution under the 4966
program. 4967

Sec. 122.601. There is hereby created in the state treasury 4968
the capital access loan program fund. The fund shall consist of 4969
money deposited into it from the minority business enterprise loan 4970
fund pursuant to section 122.80 of the Revised Code and the 4971
facilities establishment fund pursuant to section 166.03 of the 4972
Revised Code and all money deposited into it pursuant to section 4973
122.602 of the Revised Code. The total amount of money deposited 4974
into the fund from the minority business enterprise loan fund or 4975
the facilities establishment fund shall not exceed three million 4976
dollars during any particular fiscal year of the department of 4977
development ~~services agency~~. 4978

The ~~agency~~ department shall disburse money from the fund only 4979
to pay the operating costs of the program, including the 4980
administrative costs incurred by the ~~agency~~ department in 4981
connection with the program, and only in keeping with the purposes 4982
specified in sections 122.60 to 122.605 of the Revised Code. 4983

Sec. 122.603. (A)(1) Upon approval by the director of 4984
development ~~services~~ and after entering into a participation 4985
agreement with the department of development ~~services agency~~, a 4986
participating financial institution making a capital access loan 4987
shall establish a program reserve account. The account shall be an 4988
interest-bearing account and shall contain only moneys deposited 4989
into it under the program and the interest payable on the moneys 4990
in the account. 4991

(2) All interest payable on the moneys in the program reserve 4992
account shall be added to the moneys and held as an additional 4993
loss reserve. The director may require that a portion or all of 4994
the accrued interest so held in the account be released to the 4995
agency department. If the director causes a release of accrued 4996
interest, the director shall deposit the released amount into the 4997
capital access loan program fund created in section 122.601 of the 4998
Revised Code. The director shall not require the release of that 4999
accrued interest more than twice in a fiscal year. 5000

(B) When a participating financial institution makes a 5001
capital access loan, it shall require the eligible business to pay 5002
to the participating financial institution a fee in an amount that 5003
is not less than one and one-half per cent, and not more than 5004
three per cent, of the principal amount of the loan. The 5005
participating financial institution shall deposit the fee into its 5006
program reserve account, and it also shall deposit into the 5007
account an amount of its own funds equal to the amount of the fee. 5008
The participating financial institution may recover from the 5009
eligible business all or part of the amount that the participating 5010
financial institution is required to deposit into the account 5011
under this division in any manner agreed to by the participating 5012
financial institution and the eligible business. 5013

(C) For each capital access loan made by a participating 5014
financial institution, the participating financial institution 5015
shall certify to the director, within a period specified by the 5016
director, that the participating financial institution has made 5017
the loan. The certification shall include the amount of the loan, 5018
the amount of the fee received from the eligible business, the 5019
amount of its own funds that the participating financial 5020
institution deposited into its program reserve account to reflect 5021
that fee, and any other information specified by the director. The 5022
certification also shall indicate if the eligible business 5023

receiving the capital access loan is a minority business 5024
enterprise as defined in section 122.71 of the Revised Code or 5025
certified by the minority business supplier development council. 5026

(D)(1)(a) Upon receipt of each of the first three 5027
certifications from a participating financial institution made 5028
under division (C) of this section and subject to section 122.602 5029
of the Revised Code, the director shall disburse to the 5030
participating financial institution from the capital access loan 5031
program fund an amount not to exceed fifty per cent of the 5032
principal amount of the particular capital access loan for deposit 5033
into the participating financial institution's program reserve 5034
account. Thereafter, upon receipt of a certification from that 5035
participating financial institution made under division (C) of 5036
this section and subject to section 122.602 of the Revised Code, 5037
the director shall disburse to the participating financial 5038
institution from the capital access loan program fund an amount 5039
equal to ten per cent of the principal amount of the particular 5040
capital access loan for deposit into the participating financial 5041
institution's program reserve account. 5042

(b) Notwithstanding division (D)(1)(a) of this section, and 5043
subject to section 122.602 of the Revised Code, upon receipt of 5044
any certification from a participating financial institution made 5045
under division (C) of this section with respect to a capital 5046
access loan made to an eligible business that is a minority 5047
business enterprise, the director shall disburse to the 5048
participating financial institution from the capital access loan 5049
program fund an amount not to exceed eighty per cent of the 5050
principal amount of the particular capital access loan for deposit 5051
into the participating financial institution's program reserve 5052
account. 5053

(2) The disbursement of moneys from the fund to a 5054
participating financial institution does not require approval from 5055

the controlling board. 5056

(E) If the amount in a program reserve account exceeds an 5057
amount equal to thirty-three per cent of a participating financial 5058
institution's outstanding capital access loans, the ~~agency~~ 5059
department may cause the withdrawal of the excess amount and the 5060
deposit of the withdrawn amount into the capital access loan 5061
program fund. 5062

(F)(1) The ~~agency~~ department may cause the withdrawal of the 5063
total amount in a participating financial institution's program 5064
reserve account if any of the following applies: 5065

(a) The financial institution is no longer eligible to 5066
participate in the program. 5067

(b) The participation agreement expires without renewal by 5068
the ~~agency~~ department or the financial institution. 5069

(c) The financial institution has no outstanding capital 5070
access loans. 5071

(d) The financial institution has not made a capital access 5072
loan within the preceding twenty-four months. 5073

(2) If the ~~agency~~ department causes a withdrawal under 5074
division (F)(1) of this section, the ~~agency~~ department shall 5075
deposit the withdrawn amount into the capital access loan program 5076
fund. 5077

Sec. 122.65. As used in sections 122.65 to 122.659 of the 5078
Revised Code: 5079

(A) "Applicable cleanup standards" means either of the 5080
following: 5081

(1) For property to which Chapter 3734. of the Revised Code 5082
and rules adopted under it apply, the requirements for closure or 5083
corrective action established in rules adopted under section 5084

3734.12 of the Revised Code; 5085

(2) For property to which Chapter 3746. of the Revised Code 5086
and rules adopted under it apply, the cleanup standards that are 5087
established in rules adopted under section 3746.04 of the Revised 5088
Code. 5089

(B) "Applicant" means a county, township, municipal 5090
corporation, port authority, or conservancy district or a park 5091
district, other similar park authority, nonprofit organization, or 5092
organization for profit that has entered into an agreement with a 5093
county, township, municipal corporation, port authority, or 5094
conservancy district to work in conjunction with that county, 5095
township, municipal corporation, port authority, or conservancy 5096
district for the purposes of sections 122.65 to 122.658 of the 5097
Revised Code. 5098

(C) "Assessment" means a phase I and phase II property 5099
assessment conducted in accordance with section 3746.04 of the 5100
Revised Code and rules adopted under that section. 5101

(D) "Brownfield" means an abandoned, idled, or under-used 5102
industrial, commercial, or institutional property where expansion 5103
or redevelopment is complicated by known or potential releases of 5104
hazardous substances or petroleum. 5105

(E) "Certified professional," "hazardous substance," 5106
"petroleum," and "release" have the same meanings as in section 5107
3746.01 of the Revised Code. 5108

(F) "Cleanup or remediation" means any action to contain, 5109
remove, or dispose of hazardous substances or petroleum at a 5110
brownfield. "Cleanup or remediation" includes the acquisition of a 5111
brownfield, demolition performed at a brownfield, and the 5112
installation or upgrade of the minimum amount of infrastructure 5113
that is necessary to make a brownfield operational for economic 5114
development activity. 5115

(G) "Distressed area" means either a municipal corporation 5116
with a population of at least fifty thousand or a county that 5117
meets any two of the following criteria: 5118

(1) Its average rate of unemployment, during the most recent 5119
five-year period for which data are available, is equal to at 5120
least one hundred twenty-five per cent of the average rate of 5121
unemployment for the United States for the same period. 5122

(2) It has a per capita income equal to or below eighty per 5123
cent of the median county per capita income of the United States 5124
as determined by the most recently available figures from the 5125
United States census bureau. 5126

(3)(a) In the case of a municipal corporation, at least 5127
twenty per cent of the residents have a total income for the most 5128
recent census year that is below the official poverty line. 5129

(b) In the case of a county, in intercensal years, the county 5130
has a ratio of transfer payment income to total county income 5131
equal to or greater than twenty-five per cent. 5132

"Distressed area" includes a municipal corporation the 5133
majority of the population of which is situated in a county that 5134
is a distressed area. 5135

(H) "Eligible area" means a distressed area, an inner city 5136
area, a labor surplus area, or a situational distress area. 5137

(I) "Inner city area" means an area in a municipal 5138
corporation that has a population of at least one hundred 5139
thousand, is not a labor surplus area, and is a targeted 5140
investment area established by the municipal corporation that is 5141
comprised of block tracts identified in the most recently 5142
available figures from the United States census bureau in which at 5143
least twenty per cent of the population in the area is at or below 5144
the official poverty line or of contiguous block tracts meeting 5145
those criteria. 5146

(J) "Institutional property" means property currently or 5147
formerly owned or controlled by the state that is or was used for 5148
a public or charitable purpose. However, "institutional property" 5149
does not mean property that is or was used for educational 5150
purposes. 5151

(K) "Integrating committee" means a district public works 5152
integrating committee established under section 164.04 of the 5153
Revised Code. 5154

(L) "Labor surplus area" means an area designated as a labor 5155
surplus area by the United States department of labor. 5156

(M) "Loan" includes credit enhancement. 5157

(N) "No further action letter" means a letter that is 5158
prepared by a certified professional when, on the basis of the 5159
best knowledge, information, and belief of the certified 5160
professional, the certified professional concludes that the 5161
cleanup or remediation of a brownfield meets the applicable 5162
cleanup standards and that contains all of the information 5163
specified in rules adopted under division ~~(B)(7)~~(B)(6) of section 5164
3746.04 of the Revised Code. 5165

(O) "Nonprofit organization" means a corporation, 5166
association, group, institution, society, or other organization 5167
that is exempt from federal income taxation under section 5168
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 5169
26 U.S.C. 501(c)(3), as amended. 5170

(P) "Property" means any parcel of real property, or portion 5171
of such a parcel, and any improvements to it. 5172

(Q) "Public health project" means the cleanup or remediation 5173
of a release or threatened release of hazardous substances or 5174
petroleum at a property where little or no economic redevelopment 5175
potential exists. 5176

(R) "Official poverty line" has the same meaning as in 5177
section 3923.51 of the Revised Code. 5178

(S) "Situational distress area" means a county or a municipal 5179
corporation that has experienced or is experiencing a closing or 5180
downsizing of a major employer that will adversely affect the 5181
county or municipal corporation's economy and that has applied to 5182
the director of development to be designated as a situational 5183
distress area for not more than thirty months by demonstrating all 5184
of the following: 5185

(1) The number of jobs lost by the closing or downsizing; 5186

(2) The impact that the job loss has on the county or 5187
municipal corporation's unemployment rate as measured by the 5188
director of job and family services; 5189

(3) The annual payroll associated with the job loss; 5190

(4) The amount of state and local taxes associated with the 5191
job loss; 5192

(5) The impact that the closing or downsizing has on 5193
suppliers located in the county or municipal corporation. 5194

Sec. 122.72. (A) There is hereby created the minority 5195
development financing advisory board to assist in carrying out the 5196
programs created pursuant to sections 122.71 to 122.83 and 122.87 5197
to 122.89 of the Revised Code. 5198

(B) The board shall consist of ten members. The director of 5199
development or the director's designee shall be a voting member on 5200
the board. Seven members shall be appointed by the governor with 5201
the advice and consent of the senate and selected because of their 5202
knowledge of and experience in industrial, business, and 5203
commercial financing, suretyship, construction, and their 5204
understanding of the problems of minority business enterprises; 5205
one member also shall be a member of the senate and appointed by 5206

the president of the senate, and one member also shall be a member 5207
of the house of representatives and appointed by the speaker of 5208
the house of representatives. With respect to the board, all of 5209
the following apply: 5210

(1) Not more than four of the members of the board appointed 5211
by the governor shall be of the same political party. 5212

(2) Each member shall hold office from the date of the 5213
member's appointment until the end of the term for which the 5214
member was appointed. 5215

(3) The terms of office for the seven members appointed by 5216
the governor shall be for seven years, commencing on the first day 5217
of October and ending on the thirtieth day of September of the 5218
seventh year, except that of the original seven members, three 5219
shall be appointed for three years and two shall be appointed for 5220
five years. 5221

(4) Any member of the board is eligible for reappointment. 5222

(5) Any member appointed to fill a vacancy occurring prior to 5223
the expiration of the term for which the member's predecessor was 5224
appointed shall hold office for the remainder of the predecessor's 5225
term. 5226

(6) Any member shall continue in office subsequent to the 5227
expiration date of the member's term until the member's successor 5228
takes office, or until a period of sixty days has elapsed, 5229
whichever occurs first. 5230

(7) Before entering upon official duties as a member of the 5231
board, each member shall take an oath as provided by Section 7 of 5232
Article XV, Ohio Constitution. 5233

(8) The governor may, at any time, remove any member 5234
appointed by the governor pursuant to section 3.04 of the Revised 5235
Code. 5236

(9) Notwithstanding section 101.26 of the Revised Code, 5237
members shall receive their necessary and actual expenses while 5238
engaged in the business of the board and shall be paid at the per 5239
diem rate of step 1 of pay range 31 of section 124.15 of the 5240
Revised Code. 5241

(10) Six members of the board constitute a quorum and the 5242
affirmative vote of six members is necessary for any action taken 5243
by the board. 5244

(11) In the event of the absence of a member appointed by the 5245
president of the senate or by the speaker of the house of 5246
representatives, either of the following persons may serve in the 5247
member's absence: 5248

(a) The president of the senate or the speaker of the house 5249
of representatives, whoever appointed the absent member; 5250

(b) A member of the senate or of the house of representatives 5251
of the same political party as the absent member, as designated by 5252
the president of the senate or the speaker of the house of 5253
representatives, whoever appointed the absent member. 5254

(12) The board shall annually elect one of its members as 5255
chairperson and another as vice-chairperson. 5256

Sec. 122.73. (A) The minority development financing advisory 5257
board and the director of development are invested with the powers 5258
and duties provided in sections 122.71 to 122.83 and 122.87 to 5259
122.89 of the Revised Code, in order to promote the welfare of the 5260
people of the state by encouraging the establishment and expansion 5261
of minority business enterprises; to stabilize the economy; to 5262
provide employment; to assist in the development within the state 5263
of industrial, commercial, distribution, and research activities 5264
required for the people of the state, and for their gainful 5265
employment; or otherwise to create or preserve jobs and employment 5266

opportunities, or improve the economic welfare of the people of 5267
the state. It is hereby determined that the accomplishment of 5268
those purposes is essential so that the people of the state may 5269
maintain their present high standards of living in comparison with 5270
the people of other states and so that opportunities for 5271
employment and for favorable markets for the products of the 5272
state's natural resources, agriculture, and manufacturing shall be 5273
improved. It further is determined that it is necessary for the 5274
state to establish the programs authorized under sections 122.71 5275
to 122.83 and 122.87 to 122.89 of the Revised Code to establish 5276
the minority development financing advisory board, and to invest 5277
it and the director of development with the powers and duties 5278
provided in those sections ~~122.71 to 122.89 of the Revised Code.~~ 5279

(B) The minority development financing advisory board shall 5280
do all of the following: 5281

(1) Make recommendations to the director as to applications 5282
for assistance pursuant to sections 122.71 to 122.83 and 122.87 to 5283
122.89 of the Revised Code. The board may revise its 5284
recommendations to reflect any changes in the proposed assistance 5285
made by the director. 5286

(2) Advise the director in the administration of sections 5287
122.71 to 122.83 and 122.87 to 122.89 of the Revised Code. 5288

(3) Adopt bylaws to govern the conduct of the business of the 5289
board. 5290

Sec. 122.74. (A)(1) The director of development shall do all 5291
of the following: 5292

(a) Receive applications for assistance under sections 122.71 5293
to 122.83 and 122.87 to 122.89 of the Revised Code and 5294
applications from surety companies for bond guarantees under 5295
section 122.90 of the Revised Code, and, after processing but 5296

subject to division (A)(2) of this section, forward them to the 5297
minority development financing advisory board together with 5298
necessary supporting information; 5299

(b) Receive the recommendations of the board and make a final 5300
determination whether to approve the application for assistance; 5301

(c) Receive recommendations from a regional economic 5302
development entity for loans made under section 122.76 of the 5303
Revised Code and make a final determination, notwithstanding 5304
divisions (A)(1) and (2) of this section, whether to approve the 5305
proposed loan; 5306

(d) Transmit the director's determinations to approve 5307
assistance to the controlling board unless such assistance falls 5308
under section 122.90 of the Revised Code and has been previously 5309
approved by the controlling board, together with any information 5310
the controlling board requires for its review and decision as to 5311
whether to approve the assistance. 5312

(2) The director is not required to submit any determination, 5313
data, terms, or any other application materials or information to 5314
the minority development financing advisory board when provision 5315
of the assistance has been recommended to the director by a 5316
regional economic development entity or when an application for a 5317
surety company for bond guarantees under section 122.90 of the 5318
Revised Code has been previously approved by the controlling 5319
board. 5320

(B) The director may do all of the following: 5321

(1) Fix the rate of interest and charges to be made upon or 5322
with respect to moneys loaned or guaranteed by the director and 5323
the terms upon which mortgages and lease rentals may be guaranteed 5324
and the rates of charges to be made for them and make provisions 5325
for the operation of the funds established by the director in 5326
accordance with this section and sections 122.80, 122.88, and 5327

122.90 of the Revised Code; 5328

(2) Loan and guarantee moneys from the fund established in 5329
accordance with section 122.80 of the Revised Code pursuant to and 5330
in compliance with sections 122.71 to 122.83 and 122.87 to 122.90 5331
of the Revised Code. 5332

(3) Acquire in the name of the director any property of any 5333
kind or character in accordance with sections 122.71 to 122.83 and 5334
122.87 to 122.90 of the Revised Code, by purchase, purchase at 5335
foreclosure, or exchange on such terms and in such manner as the 5336
director considers proper; 5337

(4) Make and enter into all contracts and agreements 5338
necessary or incidental to the performance of the director's 5339
duties and the exercise of the director's powers under sections 5340
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code; 5341

(5) Maintain, protect, repair, improve, and insure any 5342
property that the director has acquired and dispose of it by sale, 5343
exchange, or lease for the consideration and on the terms and in 5344
the manner as the director considers proper, but the director 5345
shall not operate any such property as a business except as the 5346
lessor of it; 5347

(6)(a) When the cost of any contract for the maintenance, 5348
protection, repair, or improvement of any property held by the 5349
director, other than compensation for personal services, involves 5350
an expenditure of more than fifty thousand dollars, the director 5351
shall make a written contract with the lowest responsive and 5352
responsible bidder in accordance with section 9.312 of the Revised 5353
Code after advertisement for not less than two consecutive weeks 5354
in a newspaper of general circulation in the county where such 5355
contract, or some substantial part of it, is to be performed, and 5356
in such other publications as the director determines, which 5357
notice shall state the general character of the work and the 5358

general character of the materials to be furnished, the place 5359
where plans and specifications therefor may be examined, and the 5360
time and place of receiving bids. 5361

(b) Each bid for a contract for the construction, demolition, 5362
alteration, repair, or reconstruction of an improvement shall 5363
contain the full name of every person interested in it and meet 5364
the requirements of section 153.54 of the Revised Code. 5365

(c) Each bid for a contract, except as provided in division 5366
(B)(6)(b) of this section, shall contain the full name of every 5367
person interested in it and shall be accompanied by bond or 5368
certified check on a solvent bank, in such amount as the director 5369
considers sufficient, that if the bid is accepted a contract will 5370
be entered into and the performance of the proposal secured. 5371

(d) The director may reject any and all bids. 5372

(e) A bond with good and sufficient surety, approved by the 5373
director, shall be required of every contractor awarded a contract 5374
except as provided in division (B)(6)(b) of this section, in an 5375
amount equal to at least fifty per cent of the contract price, 5376
conditioned upon faithful performance of the contract. 5377

(7) Employ or contract with financial consultants, 5378
appraisers, consulting engineers, superintendents, managers, 5379
construction and accounting experts, attorneys, and other 5380
employees and agents as are necessary in the director's judgment 5381
and fix their compensation; 5382

(8) Receive and accept grants, gifts, and contributions of 5383
money, property, labor, and other things of value to be held, 5384
used, and applied only for the purpose for which the grants, 5385
gifts, and contributions are made, from individuals, private and 5386
public corporations, from the United States or any agency thereof, 5387
from the state or any agency thereof, and from any political 5388
subdivision of the state, and may agree to repay any contribution 5389

of money or to return any property contributed or the value 5390
thereof at such times, in amounts, and on terms and conditions, 5391
excluding the payment of interest, as the director determines at 5392
the time the contribution is made, and may evidence the 5393
obligations by notes, bonds, or other written instruments; 5394

(9) Establish with the treasurer of state the funds provided 5395
in sections 122.80 and 122.88 of the Revised Code in addition to 5396
such funds as the director determines are necessary or proper; 5397

(10) Adopt rules under Chapter 119. of the Revised Code 5398
necessary to implement sections 122.71 to 122.83 and 122.87 to 5399
122.90 of the Revised Code. 5400

(11) Do all acts and things necessary or proper to carry out 5401
the powers expressly granted and the duties imposed in sections 5402
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code. 5403

(C)(1) All expenses and obligations incurred by the director 5404
in carrying out the director's powers and in exercising the 5405
director's duties under sections 122.71 to 122.83 and 122.87 to 5406
122.90 of the Revised Code shall be payable solely from revenues 5407
or other receipts or income of the director, from grants, gifts, 5408
and contributions, or funds established in accordance with such 5409
sections. Such sections do not authorize the director to incur 5410
indebtedness or to impose liability on the state or any political 5411
subdivision of the state. 5412

(2) Financial statements and other data submitted to the 5413
director by any corporation, partnership, or person in connection 5414
with financial assistance provided under sections 122.71 to 122.83 5415
and 122.87 to 122.90 of the Revised Code, or any information taken 5416
from such statements or data for any purpose, shall not be open to 5417
public inspection. 5418

Sec. 122.751. The minority development financing advisory 5419

board or a regional economic development entity shall only 5420
consider an application for a loan from any applicant after a 5421
determination that the applicant is a community development 5422
corporation, or after a certification by the ~~equal employment~~ 5423
~~opportunity coordinator~~ director of the ~~department of~~ 5424
~~administrative services~~ development under division (B)(1) of 5425
section ~~123.151~~ 122.921 of the Revised Code that the applicant is 5426
a minority business enterprise, or after a certification by the 5427
minority business supplier development council that the applicant 5428
is a minority business, and that the applicant satisfies all 5429
criteria regarding eligibility for assistance pursuant to section 5430
122.76 of the Revised Code. 5431

Sec. 122.76. (A) The director of development ~~services~~, with 5432
controlling board approval, may lend funds to minority business 5433
enterprises and to community improvement corporations, Ohio 5434
development corporations, minority contractors business assistance 5435
organizations, and minority business supplier development councils 5436
for the purpose of loaning funds to minority business enterprises, 5437
for the purpose of procuring or improving real or personal 5438
property, or both, for the establishment, location, or expansion 5439
of industrial, distribution, commercial, or research facilities in 5440
the state, and for the purpose of contract financing, and to 5441
community development corporations that predominantly benefit 5442
minority business enterprises or are located in a census tract 5443
that has a population that is sixty per cent or more minority, if 5444
the director determines, in the director's sole discretion, that 5445
all of the following apply: 5446

(1) The project is economically sound and will benefit the 5447
people of the state by increasing opportunities for employment, by 5448
strengthening the economy of the state, or expanding minority 5449
business enterprises. 5450

(2) The proposed minority business enterprise borrower is 5451
unable to finance the proposed project through ordinary financial 5452
channels at comparable terms. 5453

(3) The value of the project is or, upon completion, will be 5454
at least equal to the total amount of the money expended in the 5455
procurement or improvement of the project. 5456

(4) The amount to be loaned by the director will not exceed 5457
seventy-five per cent of the total amount expended in the 5458
procurement or improvement of the project. 5459

(5) The amount to be loaned by the director will be 5460
adequately secured by a first or second mortgage upon the project 5461
or by mortgages, leases, liens, assignments, or pledges on or of 5462
other property or contracts as the director requires, and such 5463
mortgage will not be subordinate to any other liens or mortgages 5464
except the liens securing loans or investments made by financial 5465
institutions referred to in division (A)(3) of this section, and 5466
the liens securing loans previously made by any financial 5467
institution in connection with the procurement or expansion of all 5468
or part of a project. 5469

(B) Any proposed minority business enterprise borrower 5470
submitting an application for assistance under this section shall 5471
not have defaulted on a previous loan from the director, and no 5472
full or limited partner, major shareholder, or holder of an equity 5473
interest of the proposed minority business enterprise borrower 5474
shall have defaulted on a loan from the director. 5475

(C) The proposed minority business enterprise borrower shall 5476
demonstrate to the satisfaction of the director that it is able to 5477
successfully compete in the private sector if it obtains the 5478
necessary financial, technical, or managerial support and that 5479
support is available through the director, the minority business 5480
development ~~office~~ division of the department of development 5481

~~services agency~~, or other identified and acceptable sources. In 5482
determining whether a minority business enterprise borrower will 5483
be able to successfully compete, the director may give 5484
consideration to such factors as the successful completion of or 5485
participation in courses of study, recognized by the ~~board~~ 5486
department of regents higher education as providing financial, 5487
technical, or managerial skills related to the operation of the 5488
business, by the economically disadvantaged individual, owner, or 5489
partner, and the prior success of the individual, owner, or 5490
partner in personal, career, or business activities, as well as to 5491
other factors identified by the director. 5492

(D) The director shall not lend funds for the purpose of 5493
procuring or improving motor vehicles or accounts receivable. 5494

Sec. 122.77. (A) The director of development with controlling 5495
board approval may make loan guarantees to small businesses and 5496
corporations for the purpose of guaranteeing loans made to small 5497
businesses by financial institutions for the purpose of procuring 5498
or improving real or personal property, or both, for the 5499
establishment, location, or expansion of industrial, distribution, 5500
commercial, or research facilities in the state, if the director 5501
determines, in the director's sole discretion, that all of the 5502
following apply: 5503

(1) The project is economically sound and will benefit the 5504
people of the state by increasing opportunities for employment, by 5505
strengthening the economy of the state, or expanding minority 5506
business enterprises. 5507

(2) The proposed small business borrower is unable to finance 5508
the proposed project through ordinary financial channels at 5509
comparable terms. 5510

(3) The value of the project is, or upon completion of it 5511
will be, at least equal to the total amount of the money expended 5512

in the procurement or improvement of the project and of which 5513
amount one or more financial institutions or other governmental 5514
entities have loaned not less than thirty per cent. 5515

(4) The amount to be guaranteed by the director will not 5516
exceed eighty per cent of the total amount expended in the 5517
procurement or improvement of the project. 5518

(5) The amount to be guaranteed by the director will be 5519
adequately secured by a first or second mortgage upon the project, 5520
or by mortgages, leases, liens, assignments, or pledges on or of 5521
other property or contracts as the director shall require and that 5522
such mortgage will not be subordinate to any other liens or 5523
mortgages except the liens securing loans or investments made by 5524
financial institutions referred to in division (A)(3) of this 5525
section, and the liens securing loans previously made by any 5526
financial institution in connection with the procurement or 5527
expansion of all or part of a project. 5528

(B) The proposed small business borrower shall not have 5529
defaulted on a previous loan or guarantee from the director, and 5530
no full or limited partner, or major shareholder, or holder of any 5531
equity interest of the proposed minority business enterprise 5532
borrower shall have defaulted on a loan or guarantee from the 5533
director. 5534

(C) The proposed small business borrower shall demonstrate to 5535
the satisfaction of the director that it is able to successfully 5536
compete in the private sector if it obtains the necessary 5537
financial, technical, or managerial support and that support is 5538
available through the director, the minority business development 5539
~~office~~ division of the department of development, or other 5540
identified and acceptable sources. In determining whether a small 5541
business borrower will be able to successfully compete, the 5542
director may give consideration to such factors as the successful 5543
completion of or participation in courses of study, recognized by 5544

the ~~board~~ department of ~~regents~~ higher education as providing 5545
financial, technical, or managerial skills related to the 5546
operation of the business, by the economically disadvantaged 5547
individual, owner, or partner, and the prior success of the 5548
individual, owner, or partner in personal, career, or business 5549
activities, as well as to other factors identified by the 5550
director. 5551

(D) The director shall not guarantee funds for the purpose of 5552
procuring or improving motor vehicles or accounts receivable. 5553

Sec. 122.78. Fees, charges, rates of interest, times of 5554
payment of interest and principal, and other terms, conditions, 5555
and provisions of the loans and guarantees made by the director of 5556
development pursuant to sections 122.71 to 122.83 and 122.87 to 5557
122.90 of the Revised Code shall be such as the director 5558
determines to be appropriate and in furtherance of the purpose for 5559
which the loans and guarantees are made, but the mortgage lien 5560
securing any money loaned or guaranteed by the director may be 5561
subordinate to the mortgage lien securing any money loaned or 5562
invested by a financial institution, but shall be superior to that 5563
securing any money loaned or expended by any other corporation or 5564
person. The funds used in making these loans or guarantees shall 5565
be disbursed upon order of the director. 5566

Sec. 122.79. The exercise of the powers granted by sections 5567
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, will be 5568
in all respects for the benefit of the people of the state, for 5569
the increase of their commerce and prosperity, for the increase 5570
and expansion of minority business enterprises, and for the 5571
improvement of conditions of employment, and will constitute the 5572
performance of essential governmental functions; therefore, the 5573
director of development shall not be required to pay any taxes 5574
upon any property or assets held by the director, or upon any 5575

property acquired or used by the director under sections 122.71 to 5576
122.83 and 122.87 to 122.90 of the Revised Code, or upon the 5577
income from it, provided that this exemption shall not apply to 5578
any property held by the director while it is in the possession of 5579
a private person, partnership, or corporation and used for private 5580
purposes for profit, in which case such tax liability shall accrue 5581
to the private person, partnership, or corporation. 5582

Sec. 122.82. All moneys, funds, properties, and assets 5583
acquired by the director of development shall be held by the 5584
director in trust to carry out the director's powers and duties, 5585
shall be used as provided in sections 122.71 to 122.83 and 122.87 5586
to 122.90 of the Revised Code, and shall at no time be part of 5587
other public funds. 5588

Sec. 122.87. As used in sections 122.87 to 122.90 of the 5589
Revised Code: 5590

(A) "Surety company" means a company that is authorized by 5591
the department of insurance to issue bonds as surety. 5592

(B) "Minority business" means any of the following 5593
occupations: 5594

(1) Minority construction contractor; 5595

(2) Minority seller; 5596

(3) Minority service vendor. 5597

(C) "Minority construction contractor" means a person who is 5598
both a construction contractor and an owner of a minority business 5599
enterprise certified under division (B) of section ~~123.151~~ 122.921 5600
of the Revised Code. 5601

(D) "Minority seller" means a person who is both a seller of 5602
goods and an owner of a minority business enterprise listed on the 5603
special minority business enterprise bid notification list under 5604

section 125.08 of the Revised Code. 5605

(E) "Minority service vendor" means a person who is both a 5606
vendor of services and an owner of a minority business enterprise 5607
listed on the special minority business enterprise bid 5608
notification list under section 125.08 of the Revised Code. 5609

(F) "Minority business enterprise" has the meaning given in 5610
section 122.71 of the Revised Code. 5611

(G) "EDGE business enterprise" means a sole proprietorship, 5612
association, partnership, corporation, limited liability 5613
corporation, or joint venture certified as a participant in the 5614
encouraging diversity, growth, and equity program by the director 5615
of administrative services under section ~~123.152~~ 122.922 of the 5616
Revised Code. 5617

Sec. 122.89. (A) The director of development ~~services~~ may 5618
execute bonds as surety for minority businesses as principals, on 5619
contracts with the state, any political subdivision or 5620
instrumentality thereof, or any person as the obligee. The 5621
director as surety may exercise all the rights and powers of a 5622
company authorized by the department of insurance to execute bonds 5623
as surety but shall not be subject to any requirements of a surety 5624
company under Title XXXIX of the Revised Code nor to any rules of 5625
the department of insurance. 5626

(B) The director, with the advice of the minority development 5627
financing advisory board, shall adopt rules under Chapter 119. of 5628
the Revised Code establishing procedures for application for 5629
surety bonds by minority businesses and for review and approval of 5630
applications. The board shall review each application in 5631
accordance with the rules and, based on the bond worthiness of 5632
each applicant, shall refer all qualified applicants to the 5633
director. Based on the recommendation of the board, the director 5634
shall determine whether or not the applicant shall receive 5635

bonding. 5636

(C) The rules of the board shall require the minority 5637
business to pay a premium in advance for the bond to be 5638
established by the director, with the advice of the board after 5639
the director receives advice from the superintendent of insurance 5640
regarding the standard market rates for premiums for similar 5641
bonds. All premiums paid by minority businesses shall be paid into 5642
the minority business bonding program administrative and loss 5643
reserve fund. 5644

(D) The rules of the board shall provide for a retainage of 5645
money paid to the minority business or EDGE business enterprise of 5646
fifteen per cent for a contract valued at more than fifty thousand 5647
dollars and for a retainage of twelve per cent for a contract 5648
valued at fifty thousand dollars or less. 5649

(E) The penal sum amounts of all outstanding bonds issued by 5650
the director shall not exceed the amount of moneys in the minority 5651
business bonding fund and available to the fund under division (B) 5652
of section 169.05 of the Revised Code. 5653

(F) The superintendent of insurance shall provide such 5654
technical and professional assistance as is considered necessary 5655
by the director, including providing advice regarding the standard 5656
market rates for bond premiums as described under division (C) of 5657
this section. 5658

(G) Notwithstanding any provision of the Revised Code to the 5659
contrary, a minority business or EDGE business enterprise may bid 5660
or enter into a contract with the state or with any 5661
instrumentality of the state without being required to provide a 5662
bond as follows: 5663

(1) For the first contract that a minority business or EDGE 5664
business enterprise enters into with the state or with any 5665
particular instrumentality of the state, the minority business or 5666

EDGE business enterprise may bid or enter into a contract valued 5667
at twenty-five thousand dollars or less without being required to 5668
provide a bond, but only if the minority business or EDGE business 5669
enterprise is participating in a qualified contractor assistance 5670
program or has successfully completed a qualified contractor 5671
assistance program after October 16, 2009; 5672

(2) After the state or any particular instrumentality of the 5673
state has accepted the first contract as completed and all 5674
subcontractors and suppliers on the contract have been paid, the 5675
minority business or EDGE business enterprise may bid or enter 5676
into a second contract with the state or with that particular 5677
instrumentality of the state valued at fifty thousand dollars or 5678
less without being required to provide a bond, but only if the 5679
minority business or EDGE business enterprise is participating in 5680
a qualified contractor assistance program or has successfully 5681
completed a qualified contractor assistance program after October 5682
16, 2009; 5683

(3) After the state or any particular instrumentality of the 5684
state has accepted the second contract as completed and all 5685
subcontractors and suppliers on the contract have been paid, the 5686
minority business or EDGE business enterprise may bid or enter 5687
into a third contract with the state or with that particular 5688
instrumentality of the state valued at one hundred thousand 5689
dollars or less without being required to provide a bond, but only 5690
if the minority business or EDGE business enterprise has 5691
successfully completed a qualified contractor assistance program 5692
after October 16, 2009; 5693

(4) After the state or any particular instrumentality of the 5694
state has accepted the third contract as completed and all 5695
subcontractors and suppliers on the contract have been paid, the 5696
minority business or EDGE business enterprise may bid or enter 5697
into a fourth contract with the state or with that particular 5698

instrumentality of the state valued at three hundred thousand 5699
dollars or less without being required to provide a bond, but only 5700
if the minority business or EDGE business enterprise has 5701
successfully completed a qualified contractor assistance program 5702
after October 16, 2009; 5703

(5) After the state or any instrumentality of the state has 5704
accepted the fourth contract as completed and all subcontractors 5705
and suppliers on the contract have been paid, upon a showing that 5706
with respect to a contract valued at four hundred thousand dollars 5707
or less with the state or with any particular instrumentality of 5708
the state, that the minority business or EDGE business enterprise 5709
either has been denied a bond by two surety companies or that the 5710
minority business or EDGE business enterprise has applied to two 5711
surety companies for a bond and, at the expiration of sixty days 5712
after making the application, has neither received nor been denied 5713
a bond, the minority business or EDGE business enterprise may 5714
repeat its participation in the unbonded state contractor program. 5715
Under no circumstances shall a minority business or EDGE business 5716
enterprise be permitted to participate in the unbonded state 5717
contractor program more than twice. 5718

(H) Notwithstanding any provision of the Revised Code to the 5719
contrary, a minority business or EDGE business enterprise may bid 5720
or enter into a contract with any political subdivision of the 5721
state or with any instrumentality of a political subdivision 5722
without being required to provide a bond as follows: 5723

(1) For the first contract that the minority business or EDGE 5724
business enterprise enters into with any particular political 5725
subdivision of the state or with any particular instrumentality of 5726
a political subdivision, the minority business or EDGE business 5727
enterprise may bid or enter into a contract valued at twenty-five 5728
thousand dollars or less without being required to provide a bond, 5729
but only if the minority business or EDGE business enterprise is 5730

participating in a qualified contractor assistance program or has 5731
successfully completed a qualified contractor assistance program 5732
after October 16, 2009; 5733

(2) After any political subdivision of the state or any 5734
instrumentality of a political subdivision has accepted the first 5735
contract as completed and all subcontractors and suppliers on the 5736
contract have been paid, the minority business or EDGE business 5737
enterprise may bid or enter into a second contract with that 5738
particular political subdivision of the state or with that 5739
particular instrumentality of a political subdivision valued at 5740
fifty thousand dollars or less without being required to provide a 5741
bond, but only if the minority business or EDGE business 5742
enterprise is participating in a qualified contractor assistance 5743
program or has successfully completed a qualified contractor 5744
assistance program after October 16, 2009; 5745

(3) After any political subdivision of the state or any 5746
instrumentality of a political subdivision has accepted the second 5747
contract as completed and all subcontractors and suppliers on the 5748
contract have been paid, the minority business or EDGE business 5749
enterprise may bid or enter into a third contract with that 5750
particular political subdivision of the state or with that 5751
particular instrumentality of a political subdivision valued at 5752
one hundred thousand dollars or less without being required to 5753
provide a bond, but only if the minority business or EDGE business 5754
enterprise has successfully completed a qualified contractor 5755
assistance program after October 16, 2009; 5756

(4) After any political subdivision of the state or any 5757
instrumentality of a political subdivision has accepted the third 5758
contract as completed and all subcontractors and suppliers on the 5759
contract have been paid, the minority business or EDGE business 5760
enterprise may bid or enter into a fourth contract with that 5761
particular political subdivision of the state or with that 5762

particular instrumentality of a political subdivision valued at 5763
two hundred thousand dollars or less without being required to 5764
provide a bond, but only if the minority business or EDGE business 5765
enterprise has successfully completed a qualified contractor 5766
assistance program after October 16, 2009; 5767

(5) After any political subdivision of the state or any 5768
instrumentality of a political subdivision has accepted the fourth 5769
contract as completed and all subcontractors and suppliers on the 5770
contract have been paid, upon a showing that with respect to a 5771
contract valued at three hundred thousand dollars or less with any 5772
political subdivision of the state or any instrumentality of a 5773
political subdivision, that the minority business or EDGE business 5774
enterprise either has been denied a bond by two surety companies 5775
or that the minority business or EDGE business enterprise has 5776
applied to two surety companies for a bond and, at the expiration 5777
of sixty days after making the application, has neither received 5778
nor been denied a bond, the minority business or EDGE business 5779
enterprise may repeat its participation in the unbonded political 5780
subdivision contractor program. Under no circumstances shall a 5781
minority business or EDGE business enterprise be permitted to 5782
participate in the unbonded political subdivision contractor 5783
program more than twice. 5784

(I) Notwithstanding any provision of the Revised Code to the 5785
contrary, if a minority business or EDGE business enterprise has 5786
entered into two or more contracts with the state or with any 5787
instrumentality of the state, the minority business or EDGE 5788
business enterprise may bid or enter into a contract with a 5789
political subdivision of the state or with any instrumentality of 5790
a political subdivision valued at the level at which the minority 5791
business or EDGE business enterprise would qualify if entering 5792
into an additional contract with the state. 5793

(J) The director of development ~~services~~ shall coordinate and 5794

oversee the unbonded state contractor program described in 5795
division (G) of this section, the unbonded political subdivision 5796
contractor program described in division (H) of this section, and 5797
the approval of a qualified contractor assistance program. The 5798
director shall prepare an annual report and submit it to the 5799
governor and the general assembly on or before the first day of 5800
August that includes the following: information on the director's 5801
activities for the preceding calendar year regarding the unbonded 5802
state contractor program, the unbonded political subdivision 5803
contractor program, and the qualified contractor assistance 5804
program; a summary and description of the operations and 5805
activities of these programs; an assessment of the achievements of 5806
these programs; and a recommendation as to whether these programs 5807
need to continue. 5808

(K) As used in this section: 5809

(1) "EDGE business enterprise" means an EDGE business 5810
enterprise certified under section ~~123.152~~ 122.922 of the Revised 5811
Code. 5812

(2) "Qualified contractor assistance program" means an 5813
educational program or technical assistance program for business 5814
development that is designed to assist a minority business or EDGE 5815
business enterprise in becoming eligible for bonding and has been 5816
approved by the director of development ~~services~~ for use as 5817
required under this section. 5818

(3) "Successfully completed a qualified contractor assistance 5819
program" means the minority business or EDGE business enterprise 5820
completed such a program on or after October 16, 2009. 5821

(4) "Unbonded state contractor program" means the program 5822
described in division (G) of this section. 5823

(5) "Unbonded political subdivision contractor program" means 5824
the program described in division (H) of this section. 5825

Sec. 122.90. (A) The director of development may guarantee 5826
bonds executed by sureties for minority businesses and EDGE 5827
business enterprises certified under section ~~123.152~~ 122.922 of 5828
the Revised Code as principals on contracts with the state, any 5829
political subdivision or instrumentality, or any person as the 5830
obligee. The director, as guarantor, may exercise all the rights 5831
and powers of a company authorized by the department of insurance 5832
to guarantee bonds under Chapter 3929. of the Revised Code but 5833
otherwise is not subject to any laws related to a guaranty company 5834
under Title XXXIX of the Revised Code nor to any rules of the 5835
department of insurance. 5836

(B) The director shall adopt rules under Chapter 119. of the 5837
Revised Code to establish procedures for the application for bond 5838
guarantees and the review and approval of applications for bond 5839
guarantees submitted by sureties that execute bonds eligible for 5840
guarantees under division (A) of this section. 5841

(C) In accordance with rules adopted pursuant to this 5842
section, the director may guarantee up to ninety per cent of the 5843
loss incurred and paid by sureties on bonds guaranteed under 5844
division (A) of this section. 5845

(D) The penal sum amounts of all outstanding guarantees made 5846
by the director under this section shall not exceed three times 5847
the difference between the amount of moneys in the minority 5848
business bonding fund and available to the fund under division (B) 5849
of section 169.05 of the Revised Code and the amount of all 5850
outstanding bonds issued by the director in accordance with 5851
division (A) of section 122.89 of the Revised Code. 5852

(E) The director of development, with controlling board 5853
approval, may approve one application per fiscal year from each 5854
surety bond company for bond guarantees in an amount requested to 5855
support one fiscal year of that company's activity under this 5856

section. A surety bond company that applies for a bond guarantee 5857
under this division, whether or not the guarantee is approved, is 5858
not restricted from also applying for individual bond guarantees 5859
under division (A) of this section. 5860

Sec. 122.92. There is hereby created in the department of 5861
development a minority business development division. The division 5862
shall do all of the following: 5863

(A) Provide technical, managerial, and counseling services 5864
and assistance to minority business enterprises; 5865

(B) Provide procurement and bid packaging assistance to 5866
minority business enterprises; 5867

(C) Provide bonding technical assistance to minority business 5868
enterprises; 5869

(D) Participate with other state departments and agencies as 5870
appropriate in developing specific plans and specific program 5871
goals for programs to assist in the establishment and development 5872
of minority business enterprises and establish regular performance 5873
monitoring and reporting systems to ensure that those goals are 5874
being achieved; 5875

(E) Implement state law and policy supporting minority 5876
business enterprise development, and assist in the coordination of 5877
plans, programs, and operations of state government which affect 5878
or may contribute to the establishment, preservation, and 5879
strengthening of minority business enterprises; 5880

(F) Assist in the coordination of activities and resources of 5881
state agencies and local governments, business and trade 5882
associations, universities, foundations, professional 5883
organizations, and volunteer and other groups, to promote the 5884
growth of minority business enterprises; 5885

(G) Establish a center for the development, collection, and 5886

dissemination of information that will be helpful to persons in 5887
establishing or expanding minority business enterprises in this 5888
state; 5889

(H) Design, implement, and assist in experimental and 5890
demonstration projects designed to overcome the special problems 5891
of minority business enterprises; 5892

(I) Coordinate reviews of all proposed state training and 5893
technical assistance activities in direct support of minority 5894
business enterprise programs to ensure consistency with program 5895
goals and to preclude duplication of efforts by other state 5896
agencies; 5897

(J) Recommend appropriate legislative or executive actions to 5898
enhance minority business enterprise opportunities in the state; 5899

(K) Assist minority business enterprises in obtaining 5900
governmental or commercial financing for business expansion, 5901
establishment of new businesses, or industrial development 5902
projects; 5903

(L) Assist minority business enterprises in contract 5904
procurement from government and commercial sources; 5905

(M) Establish procedures to identify groups who have been 5906
disadvantaged because of racial, cultural, or ethnic circumstances 5907
without regard to the individual qualities of the members of the 5908
group; 5909

(N) Establish procedures to identify persons who have been 5910
economically disadvantaged; 5911

(O) Provide grant assistance to nonprofit entities that 5912
promote economic development, development corporations, community 5913
improvement corporations, and incubator business entities, if the 5914
entities or corporations focus on business, technical, and 5915
financial assistance to minority business enterprises to assist 5916

the enterprises with fixed asset financing; 5917

(P) Implement the minority business enterprise program 5918
described in section 122.921 of the Revised Code, the encouraging 5919
diversity, growth, and equity program described in section 122.922 5920
of the Revised Code, the women-owned business enterprise program 5921
described in section 122.924 of the Revised Code, and the 5922
veteran-friendly business enterprise program described in section 5923
122.925 of the Revised Code. 5924

(Q) Do all acts and things necessary or proper to carry out 5925
the powers expressly granted and duties imposed by sections 122.92 5926
to 122.94 of the Revised Code. 5927

Sec. ~~123.151~~ 122.921. (A) As used in this section, "minority 5928
business enterprise" has the same meaning as in division (E)(1) of 5929
section 122.71 of the Revised Code. 5930

(B)(1) The director of ~~administrative services~~ development 5931
shall make rules in accordance with Chapter 119. of the Revised 5932
Code establishing procedures by which minority businesses may 5933
apply to the ~~equal employment opportunity coordinator~~ department 5934
of development for certification as minority business enterprises. 5935

(2) The ~~coordinator~~ director shall approve the application of 5936
any minority business enterprise that complies with the rules 5937
adopted under this division. Any person adversely affected by an 5938
order of the ~~coordinator~~ director denying certification as a 5939
minority business enterprise may appeal as provided in Chapter 5940
119. of the Revised Code. The ~~coordinator~~ director shall prepare 5941
and maintain a list of certified minority business enterprises. 5942

(C) ~~The department of administrative services, every other~~ 5943
Every state agency authorized to enter into contracts for 5944
construction or contracts for purchases of equipment, materials, 5945
supplies, insurance, or services, and every port authority shall 5946

file a report every ninety days with the ~~equal employment~~ 5947
~~opportunity coordinator~~ department of development. The report 5948
shall be filed at a time and in a form prescribed by the 5949
~~coordinator~~ director of development. The report shall include the 5950
name of each minority business enterprise that the state agency or 5951
port authority entered into a contract with during the preceding 5952
ninety-day period and the total value and type of each such 5953
contract. No later than thirty days after the end of each fiscal 5954
year, the ~~coordinator~~director shall notify in writing each state 5955
agency and port authority that has not complied with the reporting 5956
requirements of this division for the prior fiscal year. A copy of 5957
this notification regarding a state agency shall be submitted to 5958
the director of budget and management. No later than thirty days 5959
after the notification, the state agency or port authority shall 5960
submit to the ~~coordinator~~ director the information necessary to 5961
comply with the reporting requirements of this division. 5962

If, after the expiration of this thirty-day period, a state 5963
agency has not complied with the reporting requirements of this 5964
division, the ~~coordinator~~ director of development shall certify to 5965
the director of budget and management that the state agency has 5966
not complied with the reporting requirements. A copy of this 5967
certification shall be submitted to the state agency. Thereafter, 5968
no funds of the state agency shall be expended during the fiscal 5969
year for construction or purchases of equipment, materials, 5970
supplies, contracts of insurance, or services until the 5971
~~coordinator~~ director of development certifies to the director of 5972
budget and management that the state agency has complied with the 5973
reporting requirements of this division for the prior fiscal year. 5974

If any port authority has not complied with the reporting 5975
requirement after the expiration of the thirty-day period, the 5976
~~coordinator~~ director of development shall certify to the speaker 5977
of the house of representatives and the president of the senate 5978

that the port authority has not complied with the reporting 5979
requirements of this division. A copy of this certification shall 5980
be submitted to the port authority. Upon receipt of the 5981
certification, the speaker of the house of representatives and the 5982
president of the senate shall take such action or make such 5983
recommendations to the members of the general assembly as they 5984
consider necessary to correct the situation. 5985

Sec. ~~123.152~~ 122.922. (A) As used in this section, "EDGE 5986
business enterprise" means a sole proprietorship, association, 5987
partnership, corporation, limited liability corporation, or joint 5988
venture certified as a participant in the encouraging diversity, 5989
growth, and equity program by the director of ~~administrative~~ 5990
~~services~~ development under this section of the Revised Code. 5991

(B) The director of ~~administrative services~~ development shall 5992
establish a business assistance program known as the encouraging 5993
diversity, growth, and equity program and shall adopt rules in 5994
accordance with Chapter 119. of the Revised Code to administer the 5995
program that do all of the following: 5996

(1) Establish procedures by which a sole proprietorship, 5997
association, partnership, corporation, limited liability 5998
corporation, or joint venture may apply for certification as an 5999
EDGE business enterprise; 6000

(2) Except as provided in division (B)(14) of this section, 6001
establish agency procurement goals for contracting with EDGE 6002
business enterprises in the award of contracts under Chapters 6003
123., 125., and 153. of the Revised Code based on the availability 6004
of eligible program participants by region or geographic area, as 6005
determined by the director, and by standard industrial code or 6006
equivalent code classification. 6007

(a) Goals established under division (B)(2) of this section 6008
shall be based on a percentage level of participation and a 6009

percentage of contractor availability. 6010

(b) Goals established under division (B)(2) of this section 6011
shall be applied at the contract level, relative to an overall 6012
dollar goal for each state agency, in accordance with the 6013
following certification categories: construction, architecture, 6014
and engineering; professional services; goods and services; and 6015
information technology services. 6016

(3) Establish a system of certifying EDGE business 6017
enterprises based on a requirement that the business owner or 6018
owners show both social and economic disadvantage based on the 6019
following, as determined to be sufficient by the director: 6020

(a) Relative wealth of the business seeking certification as 6021
well as the personal wealth of the owner or owners of the 6022
business; 6023

(b) Social disadvantage based on any of the following: 6024

(i) A rebuttable presumption when the business owner or 6025
owners demonstrate membership in a racial minority group or show 6026
personal disadvantage due to color, ethnic origin, gender, 6027
physical disability, long-term residence in an environment 6028
isolated from the mainstream of American society, location in an 6029
area of high unemployment; 6030

(ii) Some other demonstration of personal disadvantage not 6031
common to other small businesses; 6032

(iii) By business location in a qualified census tract. 6033

(c) Economic disadvantage based on economic and business size 6034
thresholds and eligibility criteria designed to stimulate economic 6035
development through contract awards to businesses located in 6036
qualified census tracts. 6037

(4) Establish standards to determine when an EDGE business 6038
enterprise no longer qualifies for EDGE business enterprise 6039

certification;	6040
(5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director;	6041 6042 6043 6044
(6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;	6045 6046 6047 6048
(7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;	6049 6050 6051
(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;	6052 6053
(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;	6054 6055 6056
(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;	6057 6058 6059
(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise;	6060 6061 6062
(12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises;	6063 6064 6065 6066
(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective	6067 6068 6069

agencies; 6070

(14) Establish guidelines for state universities as defined 6071
in section 3345.011 of the Revised Code and the Ohio facilities 6072
construction commission created in section 123.20 of the Revised 6073
Code for awarding contracts pursuant to Chapters 153., 3318., and 6074
3345. of the Revised Code to allow the universities and commission 6075
to establish agency procurement goals for contracting with EDGE 6076
business enterprises. 6077

(C) Business and personal financial information and trade 6078
secrets submitted by encouraging diversity, growth, and equity 6079
program applicants to the director pursuant to this section are 6080
not public records for purposes of section 149.43 of the Revised 6081
Code, unless the director presents the financial information or 6082
trade secrets at a public hearing or public proceeding regarding 6083
the applicant's eligibility to participate in the program. 6084

Sec. ~~123.153~~ 122.923. (A) As used in this section: 6085

(1) "Minority business enterprise" has the same meaning as in 6086
section ~~123.151~~ 122.921 of the Revised Code. 6087

(2) "EDGE business enterprise" has the same meaning as in 6088
section ~~123.152~~ 122.922 of the Revised Code. 6089

(3) "Women-owned business enterprise" has the same meaning as 6090
in section ~~123.154~~ 122.924 of the Revised Code. 6091

"Veteran-friendly business enterprise" has the same meaning 6092
as in section 122.925 of the Revised Code. 6093

(B) Not later than the first day of October in each year, the 6094
director of ~~administrative services~~ development shall submit a 6095
written report to the governor and to each member of the general 6096
assembly describing the progress made by state agencies in 6097
advancing the minority business enterprise program, the 6098
encouraging diversity, growth, and equity program, ~~and~~ the 6099

women-owned business enterprise program, and the veteran-friendly
business enterprise program. The report shall highlight the
initiatives implemented to encourage participation of
minority-owned, socially and economically disadvantaged, ~~and~~
women-owned businesses, and veteran-friendly businesses in
programs funded by state money or federal money received by the
state. The report shall also include the total number of
procurement contracts each agency has entered into with certified
minority business enterprises, EDGE business enterprises, ~~and~~
women-owned business enterprises, and veteran-friendly business
enterprises.

Sec. ~~123.154~~ 122.924. (A) As used in this section:

"Women-owned business enterprise" means any individual,
partnership, corporation, or joint venture of any kind that is
owned and controlled by women who are United States citizens and
residents of this state or of a reciprocal state.

"Owned and controlled" means that at least fifty-one per cent
of the business, including corporate stock if it is a corporation,
is owned by women and that such owners have control over the
day-to-day operations of the business and an interest in the
capital, assets, and profits and losses of the business
proportionate to their percentage of ownership. In order to
qualify as a women-owned business, a business shall have been
owned by such owners at least one year.

(B) The director of ~~administrative services~~ development shall
establish a business assistance program known as the women-owned
business enterprise program and shall adopt rules in accordance
with Chapter 119. of the Revised Code to administer the program
that do all of the following:

(1) Establish procedures by which a business enterprise may
apply for certification as a women-owned business enterprise;

(2) Establish standards to determine when a women-owned business enterprise no longer qualifies for women-owned business enterprise certification; 6131
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(3) Establish a system to make publicly available a list of women-owned business enterprises certified under this section; 6134
6135

(4) Establish a process to mediate complaints and to review women-owned business enterprise certification appeals; 6136
6137

(5) Implement an outreach program to educate potential participants about the women-owned business enterprise program; 6138
6139

(6) Establish a system to assist state agencies in identifying and utilizing women-owned business enterprises in their contracting processes; 6140
6141
6142

(7) Implement a system of self-reporting by women-owned business enterprises as well as an on-site inspection process to validate the qualifications of women-owned business enterprises. 6143
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(C) Business and personal financial information and trade secrets submitted by women-owned business enterprise applicants to the director pursuant to this section are not public records for purposes of section 149.43 of the Revised Code, unless the director presents the financial information or trade secrets at a public hearing or public proceeding regarding the applicant's eligibility to participate in the program. 6146
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(D) The director of ~~administrative services~~development, upon approval of the attorney general, may enter into a reciprocal agreement with the appropriate officials of one or more states, when the other state has a business assistance program or programs substantially similar to the women-owned business enterprise program of this state. The agreement shall provide that a business certified by the other state as a women-owned business enterprise, which is owned and controlled by a resident or residents of that other state, shall be considered a women-owned business enterprise 6153
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in this state under this section. The agreement shall provide that 6162
a women-owned business enterprise certified under this section, 6163
which is owned and controlled by a resident or residents of this 6164
state, shall be considered certified in the other state and 6165
eligible for programs of that state that provide an advantage or 6166
benefit to such businesses. 6167

Sec. ~~9.318~~ 122.925. (A) As used in this section: 6168

"Armed forces" means the armed forces of the United States, 6169
including the army, navy, air force, marine corps, coast guard, or 6170
any reserve component of those forces; the national guard of any 6171
state; the commissioned corps of the United States public health 6172
service; the merchant marine service during wartime; such other 6173
service as may be designated by congress; and the Ohio organized 6174
militia when engaged in full-time national guard duty for a period 6175
of more than thirty days. 6176

"State agency" has the meaning defined in section 1.60 of the 6177
Revised Code. 6178

"Veteran" means any person who has completed service in the 6179
armed forces, including the national guard of any state, or a 6180
reserve component of the armed forces, who has been honorably 6181
discharged or discharged under honorable conditions from the armed 6182
forces or who has been transferred to the reserve with evidence of 6183
satisfactory service. 6184

"Veteran-friendly business enterprise" means a sole 6185
proprietorship, association, partnership, corporation, limited 6186
liability company, or joint venture that meets veteran employment 6187
standards established by the director of ~~administrative~~ 6188
~~services~~development and the director of transportation under this 6189
section. 6190

(B) The director of ~~administrative services~~development and 6191

the director of transportation shall establish and maintain the 6192
veteran-friendly business procurement program. The director of 6193
~~administrative services~~development shall adopt rules to administer 6194
the program for all state agencies except the department of 6195
transportation, and the director of transportation shall adopt 6196
rules to administer the program for the department of 6197
transportation. The rules shall be adopted under Chapter 119. of 6198
the Revised Code. The rules, as adopted separately by but with the 6199
greatest degree of consistency possible between the two directors, 6200
shall do all of the following: 6201

(1) Establish criteria, based on the percentage of an 6202
applicant's employees who are veterans, that qualifies an 6203
applicant for certification as a veteran-friendly business 6204
enterprise; 6205

(2) Establish procedures by which a sole proprietorship, 6206
association, partnership, corporation, limited liability company, 6207
or joint venture may apply for certification as a veteran-friendly 6208
business enterprise; 6209

(3) Establish procedures for certifying a sole 6210
proprietorship, association, partnership, corporation, limited 6211
liability company, or joint venture as a veteran-friendly business 6212
enterprise; 6213

(4) Establish standards for determining when a 6214
veteran-friendly business enterprise no longer qualifies for 6215
certification as a veteran-friendly business enterprise; 6216

(5) Establish procedures, to be used by state agencies or the 6217
department of transportation, for the evaluation and ranking of 6218
proposals, which provide preference or bonus points to each 6219
certified veteran-friendly business enterprise that submits a bid 6220
or other proposal for a contract with the state or an agency of 6221
the state other than the department of transportation, or with the 6222

department of transportation, for the rendering of services, or 6223
the supplying of materials, or for the construction, demolition, 6224
alteration, repair, or reconstruction of any public building, 6225
structure, highway, or other improvement; 6226

(6) Implement an outreach program to educate potential 6227
participants about the veteran-friendly business procurement 6228
program; and 6229

(7) Establish a process for monitoring overall performance of 6230
the veteran-friendly business procurement program. 6231

Sec. 123.01. (A) The department of administrative services, 6232
in addition to those powers enumerated in Chapters 124. and 125. 6233
of the Revised Code and provided elsewhere by law, shall exercise 6234
the following powers: 6235

(1) To prepare and suggest comprehensive plans for the 6236
development of grounds and buildings under the control of a state 6237
agency; 6238

(2) To acquire, by purchase, gift, devise, lease, or grant, 6239
all real estate required by a state agency, in the exercise of 6240
which power the department may exercise the power of eminent 6241
domain, in the manner provided by sections 163.01 to 163.22 of the 6242
Revised Code; 6243

(3) To erect, supervise, and maintain all public monuments 6244
and memorials erected by the state, except where the supervision 6245
and maintenance is otherwise provided by law; 6246

(4) To procure, by lease, storage accommodations for a state 6247
agency; 6248

(5) To lease or grant easements or licenses for unproductive 6249
and unused lands or other property under the control of a state 6250
agency. Such leases, easements, or licenses may be granted to any 6251
person or entity, shall be for a period not to exceed fifteen 6252

years, unless a longer period is authorized by division (A)(5) of 6253
this section, and shall be executed for the state by the director 6254
of administrative services, ~~provided that the~~. The director shall 6255
grant leases, easements, or licenses of university land for 6256
periods not to exceed twenty-five years for purposes approved by 6257
the respective university's board of trustees wherein the uses are 6258
compatible with the uses and needs of the university and may grant 6259
leases of university land for periods not to exceed forty years 6260
for purposes approved by the respective university's board of 6261
trustees pursuant to section 123.17 of the Revised Code. The 6262
director may grant perpetual easements to public utilities, as 6263
defined in section 4905.02 of the Revised Code or described in 6264
section 4905.03 of the Revised Code. 6265

(6) To lease space for the use of a state agency; 6266

(7) To have general supervision and care of the storerooms, 6267
offices, and buildings leased for the use of a state agency; 6268

(8) To exercise general custodial care of all real property 6269
of the state; 6270

(9) To assign and group together state offices in any city in 6271
the state and to establish, in cooperation with the state agencies 6272
involved, rules governing space requirements for office or storage 6273
use; 6274

(10) To lease for a period not to exceed forty years, 6275
pursuant to a contract providing for the construction thereof 6276
under a lease-purchase plan, buildings, structures, and other 6277
improvements for any public purpose, and, in conjunction 6278
therewith, to grant leases, easements, or licenses for lands under 6279
the control of a state agency for a period not to exceed forty 6280
years. The lease-purchase plan shall provide that at the end of 6281
the lease period, the buildings, structures, and related 6282
improvements, together with the land on which they are situated, 6283

shall become the property of the state without cost. 6284

(a) Whenever any building, structure, or other improvement is 6285
to be so leased by a state agency, the department shall retain 6286
either basic plans, specifications, bills of materials, and 6287
estimates of cost with sufficient detail to afford bidders all 6288
needed information or, alternatively, all of the following plans, 6289
details, bills of materials, and specifications: 6290

(i) Full and accurate plans suitable for the use of mechanics 6291
and other builders in the improvement; 6292

(ii) Details to scale and full sized, so drawn and 6293
represented as to be easily understood; 6294

(iii) Accurate bills showing the exact quantity of different 6295
kinds of material necessary to the construction; 6296

(iv) Definite and complete specifications of the work to be 6297
performed, together with such directions as will enable a 6298
competent mechanic or other builder to carry them out and afford 6299
bidders all needed information; 6300

(v) A full and accurate estimate of each item of expense and 6301
of the aggregate cost thereof. 6302

(b) The department shall give public notice, in such 6303
newspaper, in such form, and with such phraseology as the director 6304
of administrative services prescribes, published once each week 6305
for four consecutive weeks, of the time when and place where bids 6306
will be received for entering into an agreement to lease to a 6307
state agency a building, structure, or other improvement. The last 6308
publication shall be at least eight days preceding the day for 6309
opening the bids. The bids shall contain the terms upon which the 6310
builder would propose to lease the building, structure, or other 6311
improvement to the state agency. The form of the bid approved by 6312
the department shall be used, and a bid is invalid and shall not 6313
be considered unless that form is used without change, alteration, 6314

or addition. Before submitting bids pursuant to this section, any 6315
builder shall comply with Chapter 153. of the Revised Code. 6316

(c) On the day and at the place named for receiving bids for 6317
entering into lease agreements with a state agency, the director 6318
of administrative services shall open the bids and shall publicly 6319
proceed immediately to tabulate the bids upon duplicate sheets. No 6320
lease agreement shall be entered into until the bureau of workers' 6321
compensation has certified that the person to be awarded the lease 6322
agreement has complied with Chapter 4123. of the Revised Code, 6323
until, if the builder submitting the lowest and best bid is a 6324
foreign corporation, the secretary of state has certified that the 6325
corporation is authorized to do business in this state, until, if 6326
the builder submitting the lowest and best bid is a person 6327
nonresident of this state, the person has filed with the secretary 6328
of state a power of attorney designating the secretary of state as 6329
its agent for the purpose of accepting service of summons in any 6330
action brought under Chapter 4123. of the Revised Code, and until 6331
the agreement is submitted to the attorney general and the 6332
attorney general's approval is certified thereon. Within thirty 6333
days after the day on which the bids are received, the department 6334
shall investigate the bids received and shall determine that the 6335
bureau and the secretary of state have made the certifications 6336
required by this section of the builder who has submitted the 6337
lowest and best bid. Within ten days of the completion of the 6338
investigation of the bids, the department shall award the lease 6339
agreement to the builder who has submitted the lowest and best bid 6340
and who has been certified by the bureau and secretary of state as 6341
required by this section. If bidding for the lease agreement has 6342
been conducted upon the basis of basic plans, specifications, 6343
bills of materials, and estimates of costs, upon the award to the 6344
builder the department, or the builder with the approval of the 6345
department, shall appoint an architect or engineer licensed in 6346
this state to prepare such further detailed plans, specifications, 6347

and bills of materials as are required to construct the building, 6348
structure, or improvement. The department shall adopt such rules 6349
as are necessary to give effect to this section. The department 6350
may reject any bid. Where there is reason to believe there is 6351
collusion or combination among bidders, the bids of those 6352
concerned therein shall be rejected. 6353

(11) To acquire by purchase, gift, devise, or grant and to 6354
transfer, lease, or otherwise dispose of all real property 6355
required to assist in the development of a conversion facility as 6356
defined in section 5709.30 of the Revised Code as that section 6357
existed before its repeal by Amended Substitute House Bill 95 of 6358
the 125th general assembly; 6359

(12) To lease for a period not to exceed forty years, 6360
notwithstanding any other division of this section, the 6361
state-owned property located at 408-450 East Town Street, 6362
Columbus, Ohio, formerly the state school for the deaf, to a 6363
developer in accordance with this section. "Developer," as used in 6364
this section, has the same meaning as in section 123.77 of the 6365
Revised Code. 6366

Such a lease shall be for the purpose of development of the 6367
land for use by senior citizens by constructing, altering, 6368
renovating, repairing, expanding, and improving the site as it 6369
existed on June 25, 1982. A developer desiring to lease the land 6370
shall prepare for submission to the department a plan for 6371
development. Plans shall include provisions for roads, sewers, 6372
water lines, waste disposal, water supply, and similar matters to 6373
meet the requirements of state and local laws. The plans shall 6374
also include provision for protection of the property by insurance 6375
or otherwise, and plans for financing the development, and shall 6376
set forth details of the developer's financial responsibility. 6377

The department may employ, as employees or consultants, 6378
persons needed to assist in reviewing the development plans. Those 6379

persons may include attorneys, financial experts, engineers, and 6380
other necessary experts. The department shall review the 6381
development plans and may enter into a lease if it finds all of 6382
the following: 6383

(a) The best interests of the state will be promoted by 6384
entering into a lease with the developer; 6385

(b) The development plans are satisfactory; 6386

(c) The developer has established the developer's financial 6387
responsibility and satisfactory plans for financing the 6388
development. 6389

The lease shall contain a provision that construction or 6390
renovation of the buildings, roads, structures, and other 6391
necessary facilities shall begin within one year after the date of 6392
the lease and shall proceed according to a schedule agreed to 6393
between the department and the developer or the lease will be 6394
terminated. The lease shall contain such conditions and 6395
stipulations as the director considers necessary to preserve the 6396
best interest of the state. Moneys received by the state pursuant 6397
to this lease shall be paid into the general revenue fund. The 6398
lease shall provide that at the end of the lease period the 6399
buildings, structures, and related improvements shall become the 6400
property of the state without cost. 6401

(13) To manage the use of space owned and controlled by the 6402
department by doing all of the following: 6403

(a) Biennially implementing, by state agency location, a 6404
census of agency employees assigned space; 6405

(b) Periodically in the discretion of the director of 6406
administrative services: 6407

(i) Requiring each state agency to categorize the use of 6408
space allotted to the agency between office space, common areas, 6409

storage space, and other uses, and to report its findings to the 6410
department; 6411

(ii) Creating and updating a master space utilization plan 6412
for all space allotted to state agencies. The plan shall 6413
incorporate space utilization metrics. 6414

(iii) Conducting a cost-benefit analysis to determine the 6415
effectiveness of state-owned buildings; 6416

(iv) Assessing the alternatives associated with consolidating 6417
the commercial leases for buildings located in Columbus. 6418

(c) Commissioning a comprehensive space utilization and 6419
capacity study in order to determine the feasibility of 6420
consolidating existing commercially leased space used by state 6421
agencies into a new state-owned facility. 6422

(14) To adopt rules to ensure that energy efficiency and 6423
conservation is considered in the purchase of products and 6424
equipment, except motor vehicles, by any state agency, department, 6425
division, bureau, office, unit, board, commission, authority, 6426
quasi-governmental entity, or institution. The department may 6427
require minimum energy efficiency standards for purchased products 6428
and equipment based on federal testing and labeling if available 6429
or on standards developed by the department. When possible, the 6430
rules shall apply to the competitive selection of energy consuming 6431
systems, components, and equipment under Chapter 125. of the 6432
Revised Code. 6433

(15) To ensure energy efficient and energy conserving 6434
purchasing practices by doing all of the following: 6435

(a) Identifying available energy efficiency and conservation 6436
opportunities; 6437

(b) Providing for interchange of information among purchasing 6438
agencies; 6439

(c) Identifying laws, policies, rules, and procedures that should be modified; 6440
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(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government; 6442
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(e) Providing technical assistance and training to state employees involved in the purchasing process; 6447
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(f) Working with the department of development services ~~agency~~ to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation. 6449
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(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year. 6453
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Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing the total number of passenger vehicles acquired during the fiscal year, 6466
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except for those passenger vehicles acquired for use in law enforcement or emergency rescue work, by a sum of terms, each of which is a fraction created by dividing the number of passenger vehicles of a given make, model, and year, except for passenger vehicles acquired for use in law enforcement or emergency rescue work, acquired during the fiscal year by the fuel economy measured by the administrator of the United States environmental protection agency, for the given make, model, and year of vehicle, that constitutes an average fuel economy for combined city and highway driving.

As used in division (A)(16) of this section, "acquired" means leased for a period of sixty continuous days or more, or purchased.

(17) To correct legal descriptions or title defects, or release fractional interests in real property, as necessary to cure title clouds reflected in public records, including those resulting from boundary disputes, ingress or egress issues, title transfers precipitated through retirement of bond requirements, and the retention of fractional interests in real estate otherwise disposed of in previous title transfers.

(18) To, with controlling board approval, sell state-owned real property that is appraised at not more than one hundred thousand dollars by an independent third-party appraiser.

Notwithstanding any provision of law to the contrary, net proceeds from any disposition of real property made pursuant to division (A)(18) of this section shall, at the direction of the director of budget and management, be credited to a fund or funds in the state treasury, or to accounts held by a state institution of higher education for purposes to be determined by the institution.

(B) This section and section 125.02 of the Revised Code shall

not interfere with any of the following: 6502

(1) The power of the adjutant general to purchase military 6503
supplies, or with the custody of the adjutant general of property 6504
leased, purchased, or constructed by the state and used for 6505
military purposes, or with the functions of the adjutant general 6506
as director of state armories; 6507

(2) The power of the director of transportation in acquiring 6508
rights-of-way for the state highway system, or the leasing of 6509
lands for division or resident district offices, or the leasing of 6510
lands or buildings required in the maintenance operations of the 6511
department of transportation, or the purchase of real property for 6512
garage sites or division or resident district offices, or in 6513
preparing plans and specifications for and constructing such 6514
buildings as the director may require in the administration of the 6515
department; 6516

(3) The power of the director of public safety and the 6517
registrar of motor vehicles to purchase or lease real property and 6518
buildings to be used solely as locations to which a deputy 6519
registrar is assigned pursuant to division (B) of section 4507.011 6520
of the Revised Code and from which the deputy registrar is to 6521
conduct the deputy registrar's business, the power of the director 6522
of public safety to purchase or lease real property and buildings 6523
to be used as locations for division or district offices as 6524
required in the maintenance of operations of the department of 6525
public safety, and the power of the superintendent of the state 6526
highway patrol in the purchase or leasing of real property and 6527
buildings needed by the patrol, to negotiate the sale of real 6528
property owned by the patrol, to rent or lease real property owned 6529
or leased by the patrol, and to make or cause to be made repairs 6530
to all property owned or under the control of the patrol; 6531

(4) The power of the division of liquor control in the 6532
leasing or purchasing of retail outlets and warehouse facilities 6533

for the use of the division; 6534

(5) The power of the director of development ~~services~~ to 6535
enter into leases of real property, buildings, and office space to 6536
be used solely as locations for the state's foreign offices to 6537
carry out the purposes of section 122.05 of the Revised Code; 6538

(6) The power of the director of environmental protection to 6539
enter into environmental covenants, to grant and accept easements, 6540
or to sell property pursuant to division (G) of section 3745.01 of 6541
the Revised Code; 6542

(7) The power of the department of public safety under 6543
section 5502.01 of the Revised Code to direct security measures 6544
and operations for the Vern Riffe center and the James A. Rhodes 6545
state office tower. The department of administrative services 6546
shall implement all security measures and operations at the Vern 6547
Riffe center and the James A. Rhodes state office tower as 6548
directed by the department of public safety. 6549

(C) Purchases for, and the custody and repair of, buildings 6550
under the management and control of the capitol square review and 6551
advisory board, the opportunities for Ohioans with disabilities 6552
agency, the bureau of workers' compensation, or the departments of 6553
public safety, job and family services, mental health and 6554
addiction services, developmental disabilities, and rehabilitation 6555
and correction; buildings of educational and benevolent 6556
institutions under the management and control of boards of 6557
trustees; and purchases or leases for, and the custody and repair 6558
of, office space used for the purposes of any agency of the 6559
legislative branch of state government are not subject to the 6560
control and jurisdiction of the department of administrative 6561
services. 6562

An agency of the legislative branch of state government that 6563
uses office space in a building under the management and control 6564

of the department of administrative services may exercise the 6565
agency's authority to improve the agency's office space as 6566
authorized under this division only if, upon review, the 6567
department of administrative services concludes the proposed 6568
improvements do not adversely impact the structural integrity of 6569
the building. 6570

If an agency of the legislative branch of state government, 6571
except the capitol square review and advisory board, so requests, 6572
the agency and the director of administrative services may enter 6573
into a contract under which the department of administrative 6574
services agrees to perform any services requested by the agency 6575
that the department is authorized under this section to perform. 6576
In performing such services, the department shall not use 6577
competitive selection. As used in this division, "competitive 6578
selection" has the meaning defined in section 125.01 of the 6579
Revised Code and includes any other type of competitive process 6580
for the selection of persons producing or dealing in the services 6581
to be provided. 6582

(D) Any instrument by which real property is acquired 6583
pursuant to this section shall identify the agency of the state 6584
that has the use and benefit of the real property as specified in 6585
section 5301.012 of the Revised Code. 6586

Sec. 123.02. The director of administrative services shall be 6587
appointed superintendent of public works and shall have the care 6588
and control of the public works of the state and shall protect, 6589
maintain, and keep them in repair. 6590

Subject to the approval of the governor, the director may 6591
purchase on behalf of the state such real or personal property, 6592
rights, or privileges as are necessary, in the director's 6593
judgment, to acquire in the maintenance of the public works or 6594
their improvement. 6595

The document that evidences the vesting of any right, title, or interest in real property, other than public lands, belonging to or used by the state shall be recorded in the office of the county recorder of the county in which the property is situated. When recorded, such document and related papers shall be deposited with the director of administrative services and kept in the director of administrative services' office, except that evidence of title to highway rights-of-way shall be deposited with the director of transportation and kept in the director of transportation's office. The director of administrative services shall register the document, except title to highway rights-of-way, in a record system prepared for that purpose and open for inspection by all persons interested.

Any instrument by which the state or an agency of the state acquires real property pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 124.136. (A) As used in this section:

(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code.

(2) "Stillborn" means that an infant of at least twenty weeks of gestation suffered a fetal death.

(B)(1) Each permanent full-time and permanent part-time employee paid in accordance with section 124.152 of the Revised Code and each employee listed in division (B)(2), ~~(3)~~, or (4) of section 124.14 of the Revised Code who works thirty or more hours per week, and who meets the requirement of division ~~(A)(2)~~ (B)(2)(a) of this section is eligible, upon the birth, stillbirth, or adoption of a child, for a parental leave of absence and parental leave benefits under this section. Parental leave of absence shall begin on the day of the birth of a child, on the day

of the delivery of a stillborn child, or on the day on which 6627
custody of a child is taken for adoption placement by the 6628
prospective parents. 6629

(2)(a) To be eligible for leave and benefits under this 6630
section, an employee must be ~~a~~ one of the following: 6631

(i) A parent, as listed on the birth certificate, of a newly 6632
born child ~~or the~~; 6633

(ii) A parent, as listed on the fetal death certificate, of a 6634
stillborn child; 6635

(iii) A legal guardian of and reside in the same household as 6636
a newly adopted child. 6637

(b) Employees may elect to receive ~~two~~ five thousand dollars 6638
for adoption expenses in lieu of receiving the paid leave benefit 6639
provided under this section. Such payment may be requested upon 6640
placement of the child in the employee's home. If the child is 6641
already residing in the home, payment may be requested at the time 6642
the adoption is approved. 6643

(3) The average number of regular hours worked, which shall 6644
include all hours of holiday pay and other types of paid leave, 6645
during the three-month period immediately preceding the day 6646
parental leave of absence begins shall be used to determine 6647
eligibility and benefits under this section for part-time 6648
employees, but such benefits shall not exceed forty hours per 6649
week. If an employee has not worked for a three-month period, the 6650
number of hours for which the employee has been scheduled to work 6651
per week during the employee's period of employment shall be used 6652
to determine eligibility and benefits under this section. 6653

~~(B)~~(C) Parental leave granted under this section shall not 6654
exceed six continuous weeks, which shall include four weeks or one 6655
hundred sixty hours of paid leave for permanent full-time 6656
employees and a prorated number of hours of paid leave for 6657

permanent part-time employees. All employees granted parental 6658
leave shall serve a waiting period of fourteen days that begins on 6659
the day parental leave begins and during which they shall not 6660
receive paid leave under this section. Employees may choose to 6661
work during the waiting period. During the remaining four weeks of 6662
the leave period, employees shall receive paid leave equal to 6663
seventy per cent of their base rate of pay. All of the following 6664
apply to employees granted parental leave: 6665

(1) They remain eligible to receive all employer-paid 6666
benefits and continue to accrue all other forms of paid leave as 6667
if they were in active pay status. 6668

(2) They are ineligible to receive overtime pay, and no 6669
portion of their parental leave shall be included in calculating 6670
their overtime pay. 6671

(3) They are ineligible to receive holiday pay. A holiday 6672
occurring during the leave period shall be counted as one day of 6673
parental leave and be paid as such. 6674

~~(C)~~(D) Employees receiving parental leave may utilize 6675
available sick leave, personal leave, vacation leave, or 6676
compensatory time balances in order to be paid during the 6677
fourteen-day waiting period and to supplement the seventy per cent 6678
of their base rate of pay received during the remaining part of 6679
their parental leave period, in an amount sufficient to give them 6680
up to one hundred per cent of their pay for time on parental 6681
leave. 6682

Use of parental leave does not affect an employee's 6683
eligibility for other forms of paid leave granted under this 6684
chapter and does not prohibit an employee from taking leave under 6685
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 6686
U.S.C.A. 2601, except that parental leave shall be included in any 6687
leave time provided under that act. 6688

~~(D)~~(E) Employees receiving disability leave benefits under 6689
section 124.385 of the Revised Code prior to becoming eligible for 6690
parental leave shall continue to receive disability leave benefits 6691
for the duration of their disabling condition or as otherwise 6692
provided under the disability leave benefits program. If an 6693
employee is receiving disability leave benefits because of 6694
pregnancy and these benefits expire prior to the expiration date 6695
of any benefits the employee would have been entitled to receive 6696
under this section, the employee shall receive parental leave for 6697
such additional time without being required to serve an additional 6698
waiting period. 6699

Sec. 124.1312. (A) As used in this section: 6700

(1) "Foster caregiver" has the same meaning as in section 6701
5103.02 of the Revised Code. 6702

(2) "Kinship caregiver" has the same meaning as in section 6703
5101.85 of the Revised Code. 6704

(B) Each permanent full-time and permanent part-time employee 6705
paid in accordance with section 124.152 of the Revised Code and 6706
each employee listed in division (B)(2), (3), or (4) of section 6707
124.14 of the Revised Code who works thirty or more hours per 6708
week, and who is a foster caregiver or kinship caregiver is 6709
eligible, on placement of a child in the employee's home, to a 6710
maximum of five days of caregiver leave with full pay in a 6711
calendar year. Caregiver leave begins on the day on which the 6712
child is placed with the prospective foster caregiver or kinship 6713
caregiver. 6714

(C) The average number of regular hours worked, which shall 6715
include all hours of holiday pay and other types of paid leave, 6716
during the three-month period immediately preceding the day 6717
caregiver leave begins shall be used to determine eligibility for 6718
leave under this section for part-time employees. If an employee 6719

has not worked for a three-month period, the number of hours for 6720
which the employee has been scheduled to work per week during the 6721
employee's period of employment shall be used to determine 6722
eligibility for leave under this section. 6723

(D) Use of caregiver leave does not affect an employee's 6724
eligibility for other forms of paid leave granted under this 6725
chapter and does not prohibit an employee from taking leave under 6726
the "Family and Medical Leave Act of 1993," 29 U.S.C. 2601, except 6727
that caregiver leave shall be included in any leave time provided 6728
under that act. 6729

(E) The director of administrative services may adopt rules 6730
in accordance with Chapter 119. of the Revised Code governing 6731
caregiver leave established under this section. 6732

Sec. 125.02. (A) The department of administrative services 6733
shall establish contracts for supplies and services, including 6734
telephone, other telecommunications, and computer services, for 6735
the use of state agencies, and may establish such contracts for 6736
the use of any political subdivision as described in division (B) 6737
of section 125.04 of the Revised Code, except for the following: 6738

(1) The adjutant general for military supplies and services; 6739

(2) The general assembly; 6740

(3) The judicial branch; 6741

(4) State institutions of higher education; 6742

(5) State elected officials as set forth in section 125.041 6743
of the Revised Code; 6744

(6) The capitol square review and advisory board. 6745

The entities set forth in divisions (A)(1) to (6) of this 6746
section may request the department of administrative services' 6747
assistance in the procurement of supplies and services for their 6748

respective offices and, upon the department's approval, may 6749
participate in contracts awarded by the department. 6750

(B) For purchases under division (C) of section 125.05 of the 6751
Revised Code, the department shall grant a state agency a release 6752
and permit to make the purchase if the department determines that 6753
it is not possible or advantageous for the department to make a 6754
purchase. 6755

(C) Upon request, the department may grant a blanket release 6756
and permit to a state agency for specific purchases. The 6757
department may grant the blanket release and permit for a fiscal 6758
year or for a biennium as determined by the director of 6759
administrative services. 6760

(D) The director of administrative services shall adopt rules 6761
regarding circumstances and criteria for obtaining a release and 6762
permit under this section. The director of administrative services 6763
shall prescribe uniform rules governing forms of specifications, 6764
advertisements for proposals, the opening of bids, the making of 6765
awards and contracts, and the purchase of supplies and performance 6766
of work. 6767

(E) The director may ~~enter into~~ participate in cooperative 6768
purchasing ~~agreements to purchase supplies or services~~ with the 6769
following: 6770

(1) The entities set forth in divisions (A)(1) to ~~(5)~~ (6) of 6771
this section; 6772

(2) One or more other states; 6773

(3) Groups of states; 6774

(4) The United States or any department, division, or agency 6775
of the United States; 6776

(5) Other purchasing consortia; 6777

(6) The department of transportation; or 6778

(7) Any political subdivision of this state described in 6779
division (B) of section 125.04 of the Revised Code. 6780

(F) The United States or any department, division, or agency 6781
of the United States, one or more other states, groups of states, 6782
other purchasing consortia, or any agency, commission, or 6783
authority established under an interstate compact or agreement may 6784
purchase supplies and services from contracts established by the 6785
department of administrative services. 6786

(G) Except as provided in section 125.04 of the Revised Code, 6787
the department of administrative services shall purchase any 6788
policy of insurance, including a surety or fidelity bond, covering 6789
officers or employees of a state agency, for which the annual 6790
premium is more than one thousand dollars and which the state may 6791
procure. The department shall purchase the insurance in conformity 6792
with sections 125.04 to 125.15 of the Revised Code. As used in 6793
this division, "annual premium" means the total premium for one 6794
year for one type of insurance regardless of the number of 6795
policies. 6796

Sec. 125.035. (A) Except as otherwise provided in the Revised 6797
Code, a state agency wanting to purchase supplies or services 6798
shall make the purchase subject to the requirements of an 6799
applicable first or second requisite procurement program described 6800
in this section, or obtain a determination from the department of 6801
administrative services that the purchase is not subject to a 6802
first or second requisite procurement program. State agencies 6803
shall submit a purchase request to the department of 6804
administrative services unless the department has determined the 6805
request does not require a review. The director of administrative 6806
services shall adopt rules under Chapter 119. of the Revised Code 6807
to provide for the manner of carrying out the function and the 6808
power and duties imposed upon and vested in the director by this 6809

section. 6810

(B) The following programs are first requisite procurement 6811
programs that shall be given preference in the following order in 6812
fulfilling a purchase request: 6813

(1) Ohio penal industries within the department of 6814
rehabilitation and correction; and 6815

(2) Community rehabilitation programs administered by the 6816
department of administrative services under sections 125.601 to 6817
125.6012 of the Revised Code. 6818

(C) The following programs are second requisite procurement 6819
programs that may be able to fulfill the purchase request if the 6820
first requisite procurement programs are unable to do so: 6821

(1) Business enterprise program at the opportunities for 6822
Ohioans with disabilities agency as prescribed in sections 3304.28 6823
to 3304.33 of the Revised Code; 6824

(2) Office of information technology at the department of 6825
administrative services as established in section 125.18 of the 6826
Revised Code; 6827

(3) Office of state printing and mail services at the 6828
department of administrative services as prescribed in Chapter 6829
125. of the Revised Code; 6830

(4) Ohio pharmacy services at the department of mental health 6831
and addiction services as prescribed in section 5119.44 of the 6832
Revised Code; 6833

(5) Ohio facilities construction commission established in 6834
section 123.20 of the Revised Code; and 6835

(6) Any other program within, or administered by, a state 6836
agency that, by law, requires purchases to be made by, or with the 6837
approval of, the state agency. 6838

(D) Upon receipt of a purchase request, the department of 6839
administrative services shall provide the requesting agency a 6840
notification of receipt of the purchase request. The department 6841
then shall determine whether the request can be fulfilled through 6842
a first requisite procurement program. In making the 6843
determination, the department may consult with each of the first 6844
requisite procurement programs. When the department has made its 6845
determination, it shall: 6846

(1) Direct the requesting agency to obtain the desired 6847
supplies or services through the proper first requisite 6848
procurement program; 6849

(2) Provide the agency with a waiver from the use of the 6850
applicable first requisite procurement programs under sections 6851
125.609 or 5147.07 of the Revised Code; or 6852

(3) Determine whether the purchase can be fulfilled through a 6853
second requisite procurement program under division (E) of this 6854
section. 6855

(E) In making the determination that a purchase is subject to 6856
a second requisite procurement program, the department shall 6857
identify potentially applicable programs and notify each program 6858
of the requested purchase. The notified second requisite 6859
procurement program shall respond to the department within two 6860
business days with regard to its ability to provide the requested 6861
purchase. If the second requisite procurement program can provide 6862
the requested purchase, the department shall direct the requesting 6863
agency to make the requested purchase from the appropriate second 6864
requisite procurement program. If the department has not received 6865
notification from a second requisite procurement program within 6866
two business days and the department has made the determination 6867
that the purchase is not subject to a second requisite procurement 6868
program, the department shall provide a waiver to the requesting 6869
agency. 6870

(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section, division (E) of section 125.05, and section 127.16 of the Revised Code.

(G) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the time during which it is operative, and the reason for its issuance. A release and permit for telephone, other telecommunications, and computer services shall be provided in accordance with section 125.18 of the Revised Code and shall specify the type of services to be rendered, the number and type of hardware to be used, and may specify the amount of such services to be performed. No requesting agency shall proceed with such purchase until it has received an approved release and permit from the director of administrative services or the director's designee.

Sec. 125.04. (A) Except for the requirements of division (B) of this section, section 125.092, and division (B) of section 125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not apply to or affect state institutions of higher education.

(B)(1) As used in this division:

(a) "Chartered nonpublic school" has the same meaning as in

section 3310.01 of the Revised Code. 6902

(b) "Emergency medical service organization" has the same 6903
meaning as in section 4765.01 of the Revised Code. 6904

(c) "Governmental agency" means a political subdivision or 6905
special district in this state or any other state established by 6906
or under law, or any combination of these entities; the United 6907
States or any department, division, or agency of the United 6908
States; one or more other states or groups of states; other 6909
purchasing consortia; and any agency, commission, or authority 6910
established under an interstate compact or agreement. 6911

(d) "Political subdivision" means any county, township, 6912
municipal corporation, school district, conservancy district, 6913
township park district, park district created under Chapter 1545. 6914
of the Revised Code, regional transit authority, regional airport 6915
authority, regional water and sewer district, or port authority. 6916
"Political subdivision" also includes any other political 6917
subdivision described in the Revised Code that has been approved 6918
by the department of administrative services to participate in the 6919
department's contracts under this division. 6920

(e) "Private fire company" has the same meaning as in section 6921
9.60 of the Revised Code. 6922

(f) "State institution of higher education" has the meaning 6923
defined in section 3345.011 of the Revised Code. 6924

(2) Subject to division (C) of this section, the department 6925
of administrative services may permit a state institution of 6926
higher education, governmental agency, political subdivision, 6927
~~county board of elections,~~ private fire company, private, 6928
nonprofit emergency medical service organization, or chartered 6929
nonpublic school to participate in contracts into which the 6930
department has entered for the purchase of supplies and services. 6931
The department may charge the entity a reasonable fee to cover the 6932

administrative costs the department incurs as a result of 6933
participation by the entity in such a purchase contract. 6934

A political subdivision desiring to participate in such 6935
purchase contracts shall file with the department a certified copy 6936
of an ordinance or resolution of the legislative authority or 6937
governing board of the political subdivision. The resolution or 6938
ordinance shall request that the political subdivision be 6939
authorized to participate in such contracts and shall agree that 6940
the political subdivision will be bound by such terms and 6941
conditions as the department prescribes and that it will directly 6942
pay the vendor under each purchase contract. ~~A board of elections 6943
desiring to participate in such purchase contracts shall file with 6944
the purchasing authority a written request for inclusion in the 6945
program.~~ A private fire company, private, nonprofit emergency 6946
medical service organization, or chartered nonpublic school 6947
desiring to participate in such purchase contracts shall file with 6948
the department a written request for inclusion in the program 6949
signed by the chief officer of the company, organization, or 6950
chartered nonpublic school. A governmental agency desiring to 6951
participate in such purchase contracts shall file with the 6952
department a written request for inclusion in the program. A state 6953
institution of higher education desiring to participate in such 6954
purchase contracts shall file with the department a certified copy 6955
of resolution of the board of trustees or similar authorizing 6956
body. The resolution shall request that the state institution of 6957
higher education be authorized to participate in such contracts. 6958

A request for inclusion shall include an agreement to be 6959
bound by such terms and conditions as the department prescribes 6960
and to make direct payments to the vendor under each purchase 6961
contract. 6962

(3) The board of elections of a county that is authorized to 6963
participate in contracts under division (B)(2) of this section may 6964

participate in contracts under that division under the same terms 6965
and conditions that apply to the county. 6966

(4) The department shall include in its annual report, an 6967
estimate of the purchases made by state institutions of higher 6968
education, governmental agencies, political subdivisions, ~~county~~ 6969
boards of elections, private fire companies, private, nonprofit 6970
emergency medical service organizations, and chartered nonpublic 6971
schools from contracts pursuant to this division. The department 6972
may require such entities to file a report with the department, as 6973
often as it finds necessary, stating how many such contracts the 6974
entities participated in within a specified period of time, and 6975
any other information the department requires. 6976

~~(3)~~(5) Purchases made by a political subdivision or a ~~county~~ 6977
board of elections under this division are exempt from any 6978
competitive selection procedures otherwise required by law. No 6979
political subdivision shall make any purchase under this division 6980
when bids have been received for such purchase by the subdivision, 6981
unless such purchase can be made upon the same terms, conditions, 6982
and specifications at a lower price under ~~this~~ division (B)(2) of 6983
this section. 6984

(C) A political subdivision as defined in division (B) of 6985
this section or a ~~county~~ board of elections may purchase supplies 6986
or services from another party, including a political subdivision, 6987
instead of through participation in contracts described in 6988
division (B) of this section if the political subdivision or 6989
~~county~~ board of elections can purchase those supplies or services 6990
from the other party upon equivalent terms, conditions, and 6991
specifications but at a lower price than it can through those 6992
contracts. Purchases that a political subdivision or ~~county~~ board 6993
of elections makes under this division are exempt from any 6994
competitive selection procedures otherwise required by law. A 6995
political subdivision or ~~county~~ board of elections that makes any 6996

purchase under this division shall maintain sufficient information 6997
regarding the purchase to verify that the political subdivision or 6998
~~county~~ board of elections satisfied the conditions for making a 6999
purchase under this division. Nothing in this division restricts 7000
any action taken by a county or township as authorized by division 7001
(B)(1) of section 9.48 of the Revised Code. 7002

(D) This section does not apply to supplies or services 7003
purchased by a state agency directly as provided in section 125.05 7004
of the Revised Code, or to purchases of supplies or services for 7005
the emergency management agency or other state agencies as 7006
provided in section 125.061 of the Revised Code. 7007

Sec. 125.05. Except as provided in division (D) or (E) of 7008
this section, no state agency shall purchase any supplies or 7009
services except as provided in divisions (A) to (C) of this 7010
section. 7011

(A) A state agency may, without competitive selection, make 7012
any purchase of supplies or services that cost less than fifty 7013
thousand dollars after complying with divisions (A) to (E) of 7014
section 125.035 of the Revised Code. The agency may make the 7015
purchase directly or may make the purchase from or through the 7016
department of administrative services, whichever the agency 7017
determines. The agency shall adopt written procedures consistent 7018
with the department's purchasing procedures and shall use those 7019
procedures when making purchases under this division. 7020

Section 127.16 of the Revised Code does not apply to 7021
purchases made under this division. 7022

(B) A state agency shall make purchases of supplies and 7023
services that cost fifty thousand dollars or more through the 7024
department of administrative services and the process provided in 7025
section 125.035 of the Revised Code, unless the department grants 7026
a waiver under ~~divisions~~ division (D) or (E) of that section and a 7027

release and permit under division (G) of that section. 7028

(C) An agency that has been granted a release and permit 7029
under division (G) of section 125.035 of the Revised Code to make 7030
a purchase may make the purchase without competitive selection if 7031
after making the purchase the cumulative purchase threshold as 7032
computed under division (E) of section 127.16 of the Revised Code 7033
would: 7034

(1) Be exceeded and the controlling board approves the 7035
purchase; 7036

(2) Not be exceeded and the department of administrative 7037
services approves the purchase. 7038

(D) If the department of education or the Ohio education 7039
computer network determines that it can purchase software services 7040
or supplies for specified school districts at a price less than 7041
the price for which the districts could purchase the same software 7042
services or supplies for themselves, the department or network 7043
shall certify that fact to the department of administrative 7044
services and, acting as an agent for the specified school 7045
districts, shall make that purchase without following the 7046
provisions in divisions (A) to (D) of this section. 7047

(E) When the purchase cost of personal protective equipment 7048
is less than fifty thousand dollars, a state agency shall comply 7049
with divisions (A) to (E) of section 125.035 of the Revised Code. 7050
If the purchase is not subject to the requirements of an 7051
applicable first or second requisite procurement program, the 7052
agency shall apply the same preferences in section 125.09 of the 7053
Revised Code when making the purchase. As used in this division, 7054
"personal protective equipment" means equipment worn to minimize 7055
exposure to hazards that cause workplace injuries and illnesses. 7056

Sec. 125.08. ~~(A)~~ Any person who is certified by the equal 7057

~~employment opportunity coordinator of the department~~ director of 7058
~~administrative services~~ development in accordance with the rules 7059
adopted under division (B)(1) of section ~~123.151~~ 122.921 of the 7060
Revised Code as a minority business enterprise may have that 7061
person's name placed on a special minority business enterprise 7062
notification list to be used in connection with contracts awarded 7063
under section 125.081 of the Revised Code. The minority business 7064
enterprise notification list shall be used for bidding on 7065
contracts set aside for minority business enterprises only. 7066

Sec. 125.081. (A) From the purchases that the department of 7067
administrative services is required by law to make through 7068
competitive selection, the director of administrative services 7069
shall select a number of such purchases, the aggregate value of 7070
which equals approximately fifteen per cent of the estimated total 7071
value of all such purchases to be made in the current fiscal year. 7072
The director shall set aside the purchases selected for 7073
competition only by minority business enterprises, as defined in 7074
division (E)(1) of section 122.71 of the Revised Code. The 7075
competitive selection procedures for such purchases set aside 7076
shall be the same as for all other purchases the department is 7077
required to make through competitive selection, except that only 7078
minority business enterprises certified by the ~~equal employment~~ 7079
~~opportunity coordinator of the department~~ director of 7080
~~administrative services~~ development in accordance with the rules 7081
adopted under division (B)(1) of section ~~123.151~~ 122.921 of the 7082
Revised Code and listed ~~by the director~~ under section 125.08 of 7083
the Revised Code shall be qualified to compete. 7084

(B) To the extent that any agency of the state, other than 7085
the department of administrative services, the legislative and 7086
judicial branches, boards of elections, and the adjutant general, 7087
is authorized to make purchases, the agency shall set aside a 7088

number of purchases, the aggregate value of which equals 7089
approximately fifteen per cent of the aggregate value of such 7090
purchases for the current fiscal year for competition by minority 7091
business enterprises only. The procedures for such purchases shall 7092
be the same as for all other such purchases made by the agency, 7093
except that only minority business enterprises certified by the 7094
~~equal employment opportunity coordinator~~ director of development 7095
in accordance with rules adopted under division (B)(1) of section 7096
123.151 of the Revised Code shall be qualified to compete. 7097

(C) In the case of purchases set aside under division (A) or 7098
(B) of this section, if no bid is submitted by a minority business 7099
enterprise, the purchase shall be made according to usual 7100
procedures. The contracting agency shall from time to time set 7101
aside such additional purchases for which only minority business 7102
enterprises may compete, as are necessary to replace those 7103
purchases previously set aside for which no minority business 7104
enterprises bid and to ensure that, in any fiscal year, the 7105
aggregate amount of contracts awarded to minority business 7106
enterprises will equal approximately fifteen per cent of the total 7107
amount of contracts awarded by the agency. 7108

(D) The provisions of this section shall not preclude any 7109
minority business enterprise from competing for any other state 7110
purchases that are not specifically set aside for minority 7111
business enterprises. 7112

(E) No funds of any state agency shall be expended in any 7113
fiscal year for any purchase for which competitive selection is 7114
required, until the director of the department of administrative 7115
services certifies to the ~~equal employment opportunity~~ 7116
~~coordinator, the clerk of the senate, and the clerk of the house~~ 7117
of representatives of the general assembly that approximately 7118
fifteen per cent of the aggregate amount of the projected 7119
expenditure for such purchases in the fiscal year has been set 7120

aside as provided for in this section. 7121

(F) Any person who intentionally misrepresents self as 7122
owning, controlling, operating, or participating in a minority 7123
business enterprise for the purpose of obtaining contracts, 7124
subcontracts, or any other benefits under this section shall be 7125
guilty of theft by deception as provided for in section 2913.02 of 7126
the Revised Code. 7127

Sec. 125.09. (A) Pursuant to ~~section~~ sections 125.07, 7128
125.071, and 125.072 of the Revised Code, the department of 7129
administrative services may prescribe such conditions under which 7130
competitive sealed bids, competitive sealed proposals, and bids in 7131
reverse auctions will be received and terms of the proposed 7132
purchase as it considers necessary; provided, that all such 7133
conditions and terms shall be reasonable and shall not 7134
unreasonably restrict competition, and bidders may bid and 7135
offerors may propose upon all or any item of the products, 7136
supplies, or services listed in such notice. Those bidders and 7137
offerors claiming the preference ~~for United States and Ohio~~ 7138
~~products~~ outlined in this chapter shall designate in their ~~bids~~ 7139
bid or offer either that the product ~~to be supplied~~ or supply is 7140
produced or mined in the United States and is either an Ohio 7141
product or that the product, supply, or service is provided by a 7142
bidder or offeror that qualifies as having a significant Ohio 7143
economic presence under the rules established by the director of 7144
administrative services ~~they qualify as having a significant Ohio~~ 7145
~~economic presence.~~ 7146

(B) The department may require that each bidder or offeror 7147
provide sufficient information about the energy efficiency or 7148
energy usage of the bidder's or offeror's product, supply, or 7149
service. 7150

(C) The director of administrative services shall, by rule 7151

adopted pursuant to Chapter 119. of the Revised Code, prescribe 7152
criteria and procedures for use by all state agencies in giving 7153
preference ~~to United States and Ohio products~~ under this section 7154
as required by division (B) of section 125.11 of the Revised Code. 7155
The rules shall extend to: 7156

(1) Criteria for determining that a product is produced or 7157
mined in the United States rather than in another country or 7158
territory; 7159

(2) Criteria for determining that a product is produced or 7160
mined in Ohio; 7161

(3) Information to be submitted by bidders or offerors as to 7162
the nature of a product and the location where it is produced or 7163
mined; 7164

(4) Criteria and procedures to be used by the director to 7165
qualify bidders or offerors located in states bordering Ohio who 7166
might otherwise be excluded from being awarded a contract by 7167
operation of this section and section 125.11 of the Revised Code. 7168
The criteria and procedures shall recognize the level and 7169
regularity of interstate commerce between Ohio and the border 7170
states and provide that the non-Ohio businesses may qualify for 7171
award of a contract as long as they are located in a state that 7172
imposes no greater restrictions than are contained in this section 7173
and section 125.11 of the Revised Code upon persons located in 7174
Ohio selling products or services to agencies of that state. The 7175
criteria and procedures shall also provide that a non-Ohio 7176
business shall not bid on a contract for state printing in this 7177
state if the business is located in a state that excludes Ohio 7178
businesses from bidding on state printing contracts in that state. 7179

(5) Criteria and procedures to be used to qualify bidders and 7180
offerors whose manufactured products, except for mined products, 7181
are produced in other states or in North America, but the bidders 7182

or offerors have a significant Ohio economic presence in terms of 7183
the number of employees or capital investment a bidder or offeror 7184
has in this state. Bidders and offerors with a significant Ohio 7185
economic presence shall qualify for award of a contract on the 7186
same basis as if their products were produced in this state or as 7187
if the bidder or offeror was domiciled in this state. 7188

(6) Criteria and procedures for the director to grant waivers 7189
of the requirements of division (B) of section 125.11 of the 7190
Revised Code on a contract-by-contract basis where compliance with 7191
those requirements would result in the state agency paying an 7192
excessive price for the product or acquiring a disproportionately 7193
inferior product; 7194

(7) Such other requirements or procedures reasonably 7195
necessary to implement the system of preferences established 7196
pursuant to division (B) of section 125.11 of the Revised Code. 7197

In adopting the rules required under this division, the 7198
director shall, to the maximum extent possible, conform to the 7199
requirements of the federal "Buy America Act," 47 Stat. 1520, 7200
(1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations 7201
adopted thereunder. 7202

Sec. 125.111. (A) Every contract for or on behalf of the 7203
state or any of its political subdivisions for any purchase shall 7204
contain provisions similar to those required by section 153.59 of 7205
the Revised Code in the case of construction contracts by which 7206
the contractor agrees to both of the following: 7207

(1) That, in the hiring of employees for the performance of 7208
work under the contract or any subcontract, no contractor or 7209
subcontractor, by reason of race, color, religion, sex, age, 7210
disability or military status as defined in section 4112.01 of the 7211
Revised Code, national origin, or ancestry, shall discriminate 7212
against any citizen of this state in the employment of a person 7213

qualified and available to perform the work to which the contract 7214
relates; 7215

(2) That no contractor, subcontractor, or person acting on 7216
behalf of any contractor or subcontractor, in any manner, shall 7217
discriminate against, intimidate, or retaliate against any 7218
employee hired for the performance of work under the contract on 7219
account of race, color, religion, sex, age, disability or military 7220
status as defined in section 4112.01 of the Revised Code, national 7221
origin, or ancestry. 7222

(B) All contractors from whom the state or any of its 7223
political subdivisions make purchases shall have a written 7224
affirmative action program for the employment and effective 7225
utilization of economically disadvantaged persons, as referred to 7226
in division (E)(1) of section 122.71 of the Revised Code. 7227
Annually, each such contractor shall file a description of the 7228
affirmative action program and a progress report on its 7229
implementation with the ~~equal employment opportunity office of the~~ 7230
department of ~~administrative services~~ development. 7231

Sec. 125.112. (A) As used in this section: 7232

(1) "Agency" means a department created under section 121.02 7233
of the Revised Code. 7234

(2) "Entity" means, whether for profit or nonprofit, a 7235
corporation, association, partnership, limited liability company, 7236
sole proprietorship, or other business entity. "Entity" does not 7237
include an individual who receives state assistance that is not 7238
related to the individual's business. 7239

(3)(a) "State award" means a contract awarded by the state 7240
costing over twenty-five thousand dollars. 7241

(b) "State award" does not include compensation received as 7242
an employee of the state or any state financial assistance and 7243

expenditure received from the general assembly or any legislative 7244
agency, any court or judicial agency, the secretary of state, 7245
auditor of state, treasurer of state, or attorney general and 7246
their respective offices. 7247

(B) The department of administrative services shall establish 7248
and maintain a single searchable web site, accessible by the 7249
public at no cost, that includes all of the following information 7250
for each state award: 7251

(1) The name of the entity receiving the award; 7252

(2) The amount of the award; 7253

(3) Information on the award, the agency or other 7254
instrumentality of the state that is providing the award, and the 7255
commodity code; 7256

(4) Any other relevant information determined by the 7257
department of administrative services. 7258

(C) The department of administrative services may consult 7259
with other state agencies in the development, establishment, 7260
operation, and support of the web site required by division (B) of 7261
this section. State awards shall be posted on the web site within 7262
thirty days after being made. The department of administrative 7263
services shall provide an opportunity for public comment as to the 7264
utility of the web site required by division (B) of this section 7265
and any suggested improvements. 7266

(D) The web site required by division (B) of this section 7267
shall be fully operational not later than one year after December 7268
30, 2008, and shall include information on state awards made in 7269
fiscal year 2008 and thereafter. It shall also provide an 7270
electronic link to the daily journals of the senate and house of 7271
representatives. 7272

(E) The director of administrative services shall submit to 7273

the general assembly an annual report regarding the implementation 7274
of the web site established pursuant to division (B) of this 7275
section. The report shall include data regarding the usage of the 7276
web site and any public comments on the utility of the site, 7277
including recommendations for improving data quality and 7278
collection. The director shall post each report on the web site. 7279

(F) Each agency awarding a grant to an entity in fiscal year 7280
2008 and thereafter shall establish and maintain a separate web 7281
site listing the name of the entity receiving each grant, the 7282
grant amount, information on each grant, and any other relevant 7283
information determined by the department of administrative 7284
services. Each agency shall provide the link to such a web site to 7285
the department of administrative services within a reasonable time 7286
after December 30, 2008, and shall thereafter update its web site 7287
within thirty days of awarding a new grant. Not later than one 7288
year after December 30, 2008, the department of administrative 7289
services shall establish and maintain a separate web site, 7290
accessible to the public at no cost, which contains the links to 7291
the agency web sites required by this division. 7292

~~(G) At the end of the closeout year, the attorney general 7293
shall determine the extent to which an entity has complied with 7294
the terms and conditions, including performance metrics, of a 7295
state award for economic development received by that entity. As 7296
necessary, the agency that makes and administers the state award 7297
for economic development shall assist the attorney general with 7298
that determination. The attorney general shall submit to the 7299
general assembly pursuant to section 101.68 of the Revised Code an 7300
annual report regarding the level of compliance of each such 7301
entity with the terms and conditions, including performance 7302
metrics, of their state awards for economic development. When the 7303
attorney general determines appropriate and to the extent that an 7304
entity that receives or has received a state award for economic 7305~~

~~development does not comply with a performance metric that is 7306
specified in the terms and conditions of the award, the attorney 7307
general shall pursue against and from that entity such remedies 7308
and recoveries as are available under law. For purposes of this 7309
division, "Closeout year" means the calendar year by which an 7310
entity that receives a state award for economic development must 7311
comply with a performance metric specified in the terms and 7312
conditions of the award. "State award for economic development" 7313
means state financial assistance and expenditure in any of the 7314
following forms: grants, subgrants, loans, awards, cooperative 7315
agreements, or other similar and related forms of financial 7316
assistance and contracts, subcontracts, purchase orders, task 7317
orders, delivery orders, or other similar and related 7318
transactions. "State award for economic development" does not 7319
include compensation received as an employee of the state or any 7320
state financial assistance and expenditure received from the 7321
general assembly or any legislative agency, any court or judicial 7322
agency, the secretary of state, auditor of state, treasurer of 7323
state, or attorney general and their respective offices. 7324~~

~~(H) Nothing in this section shall be construed as requiring 7325
the disclosure of information that is not a public record under 7326
section 149.43 of the Revised Code. 7327~~

Sec. 125.14. (A) The director of administrative services 7328
shall allocate any proceeds from the transfer, sale, or lease of 7329
excess and surplus supplies in the following manner: 7330

(1) Except as otherwise provided in division (A)(2) or (3) of 7331
this section, the proceeds of such a transfer, sale, or lease 7332
shall be paid into the state treasury to the credit of the 7333
investment recovery fund, which is hereby created. 7334

(2) Except as otherwise provided in division (A)(2) of this 7335
section, when supplies originally were purchased with funds from 7336

nongeneral revenue fund sources, the director shall determine what 7337
fund or account originally was used to purchase the supplies, and 7338
the credit for the proceeds from any transfer, sale, or lease of 7339
those supplies shall be transferred to that fund or account. If 7340
the director cannot determine which fund or account originally was 7341
used to purchase the supplies, if the fund or account is no longer 7342
active, or if the proceeds from the transfer, sale, or lease of a 7343
unit of supplies are less than one hundred dollars or any larger 7344
amount the director may establish with the approval of the 7345
director of budget and management, then the proceeds from the 7346
transfer, sale, or lease of such supplies shall be paid into the 7347
state treasury to the credit of the investment recovery fund. 7348

(3) In accordance with division (H)(2) of section 125.832 of 7349
the Revised Code, when vehicles originally were purchased with 7350
moneys derived from the general revenue fund, the proceeds shall 7351
be deposited, in the director's discretion, into the state 7352
treasury to the credit of either the fleet management fund created 7353
by section 125.83 of the Revised Code or to the credit of the 7354
investment recovery fund created by this section. Any such 7355
proceeds deposited into the state treasury to the credit of the 7356
investment recovery fund may be transferred from the investment 7357
recovery fund to the fleet management fund. 7358

(B) The investment recovery fund shall be used to pay for the 7359
operating expenses of the state surplus property program and of 7360
the federal surplus property program described in sections 125.84 7361
to 125.90 of the Revised Code. Any amounts in excess of these 7362
operating expenses shall periodically be transferred to the 7363
general revenue fund of the state. If proceeds paid into the 7364
investment recovery fund are insufficient to pay for the program's 7365
operating expenses, a service fee may be charged to state agencies 7366
to eliminate the deficit. 7367

(C) Proceeds from the sale of recyclable goods and materials 7368

shall be paid into the state treasury to the credit of the 7369
recycled materials fund, which is hereby created, except that the 7370
director of environmental protection, upon request, may grant an 7371
exemption from this requirement. The director shall administer the 7372
fund for the benefit of recycling programs in state agencies. 7373

Sec. 125.18. (A) There is hereby established the office of 7374
information technology within the department of administrative 7375
services. The office shall be under the supervision of a state 7376
chief information officer to be appointed by the director of 7377
administrative services and subject to removal at the pleasure of 7378
the director. The chief information officer is an assistant 7379
director of administrative services. 7380

(B) Under the direction of the director of administrative 7381
services, the state chief information officer shall lead, oversee, 7382
and direct state agency activities related to information 7383
technology development and use. In that regard, the state chief 7384
information officer shall do all of the following: 7385

(1) Coordinate and superintend statewide efforts to promote 7386
common use and development of technology by state agencies. The 7387
office of information technology shall establish policies and 7388
standards that govern and direct state agency participation in 7389
statewide programs and initiatives. 7390

(2) Coordinate with the office of procurement services to 7391
establish policies and standards for state agency acquisition of 7392
information technology supplies and services; 7393

(3) Establish policies and standards for the ~~acquisition and~~ 7394
use of common information technology by state agencies, including, 7395
but not limited to, hardware, software, technology services, and 7396
security, and the extension of the service life of information 7397
technology systems, with which state agencies shall comply; 7398

~~(3)~~(4) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;

~~(4)~~(5) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

~~(5)~~(6) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division ~~(B)~~(4) ~~(B)~~(5) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

~~(6)~~(7) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;

~~(7)~~(8) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;

~~(8)~~(9) Establish policies for the reduction of printing and for the increased use of electronic records by state agencies;

~~(9)~~(10) Establish policies for the reduction of energy consumption by state agencies;

~~(10)~~(11) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems

from information technology service delivery and major information 7430
technology purchases, MARCS administration, enterprise 7431
applications, and the professions licensing system operating 7432
appropriation items and major computer purchases capital 7433
appropriation items that is recovered as part of the information 7434
technology services rates the department of administrative 7435
services charges and deposits into the information technology fund 7436
created in section 125.15 of the Revised Code, the user fees the 7437
department of administrative services charges and deposits in the 7438
MARCS administration fund created in section 4501.29 of the 7439
Revised Code, the rates the department of administrative services 7440
charges to benefiting agencies for the operation and management of 7441
information technology applications and deposits in the enterprise 7442
applications fund, and the rates the department of administrative 7443
services charges for the cost of ongoing maintenance of the 7444
professions licensing system and deposits in the professions 7445
licensing system fund. The enterprise applications fund is hereby 7446
created in the state treasury. 7447

~~(11)~~(12) Regularly review and make recommendations regarding 7448
improving the infrastructure of the state's cybersecurity 7449
operations with existing resources and through partnerships 7450
between government, business, and institutions of higher 7451
education; 7452

~~(12)~~(13) Assist, as needed, with general state efforts to 7453
grow the cybersecurity industry in this state. 7454

(C)(1) The chief information security officer shall assist 7455
each state agency with the development of an information 7456
technology security strategic plan and review that plan, and each 7457
state agency shall submit that plan to the state chief information 7458
officer. The chief information security officer may require that 7459
each state agency update its information technology security 7460
strategic plan annually as determined by the state chief 7461

information officer. 7462

(2) Prior to the implementation of any information technology 7463
data system, a state agency shall prepare or have prepared a 7464
privacy impact statement for that system. 7465

(D) When a state agency requests a purchase of information 7466
technology supplies or services under Chapter 125. of the Revised 7467
Code, the state chief information officer may review and reject 7468
the requested purchase for noncompliance with information 7469
technology direction, plans, policies, standards, or 7470
project-alignment criteria. 7471

(E) The office of information technology may operate 7472
technology services for state agencies in accordance with this 7473
chapter. 7474

Notwithstanding any provision of the Revised Code to the 7475
contrary, the office of information technology may assess a 7476
transaction fee on each license or registration issued as part of 7477
an electronic licensing system operated by the office in an amount 7478
determined by the office not to exceed three dollars and fifty 7479
cents. The transaction fee shall apply to all transactions, 7480
regardless of form, that immediately precede the issuance, 7481
renewal, reinstatement, reactivation of, or other activity that 7482
results in, a license or registration to operate as a regulated 7483
professional or entity. Each license or registration is a separate 7484
transaction to which a fee under this division applies. 7485
Notwithstanding any provision of the Revised Code to the contrary, 7486
if a fee is assessed under this section, no agency, board, or 7487
commission shall issue a license or registration unless a fee 7488
required by this division has been received. The director of 7489
administrative services may collect the fee or require a state 7490
agency, board, or commission for which the system is being 7491
operated to collect the fee. Amounts received under this division 7492
shall be deposited in or transferred to the professions licensing 7493

system fund created in division ~~(I)~~ (H) of this section. 7494

(F) With the approval of the director of administrative 7495
services, the office of information technology may establish 7496
cooperative agreements with federal and local government agencies 7497
and state agencies that are not under the authority of the 7498
governor for the provision of technology services and the 7499
development of technology projects. 7500

(G) The office of information technology may operate a 7501
program to make information technology purchases. The director of 7502
administrative services may recover the cost of operating the 7503
program from all participating government entities by issuing 7504
intrastate transfer voucher billings for the procured technology 7505
or through any pass-through billing method agreed to by the 7506
director of administrative services, the director of budget and 7507
management, and the participating government entities that will 7508
receive the procured technology. 7509

If the director of administrative services chooses to recover 7510
the program costs through intrastate transfer voucher billings, 7511
the participating government entities shall process the intrastate 7512
transfer vouchers to pay for the cost. Amounts received under this 7513
section for the information technology purchase program shall be 7514
deposited to the credit of the information technology governance 7515
fund created in section 125.15 of the Revised Code. 7516

(H) Upon request from the director of administrative 7517
services, the director of budget and management may transfer cash 7518
from the information technology fund created in section 125.15 of 7519
the Revised Code, the MARCS administration fund created in section 7520
4501.29 of the Revised Code, the enterprise applications fund 7521
created in division ~~(B)(10)~~ (B)(11) of this section, or the 7522
professions licensing system fund created in division (I) of this 7523
section to the major information technology purchases fund in an 7524
amount not to exceed the amount computed under division ~~(B)(10)~~ 7525

(B)(11) of this section. The major information technology 7526
purchases fund is hereby created in the state treasury. 7527

(I) There is hereby created in the state treasury the 7528
professions licensing system fund. The fund shall be used to 7529
operate the electronic licensing system referenced in division (E) 7530
of this section. 7531

(J) As used in this section: 7532

(1) "Personal information" has the same meaning as in section 7533
149.45 of the Revised Code. 7534

(2) "State agency" means every organized body, office, or 7535
agency established by the laws of the state for the exercise of 7536
any function of state government, other than any state-supported 7537
institution of higher education, the office of the auditor of 7538
state, treasurer of state, secretary of state, or attorney 7539
general, the adjutant general's department, the bureau of workers' 7540
compensation, the industrial commission, the public employees 7541
retirement system, the Ohio police and fire pension fund, the 7542
state teachers retirement system, the school employees retirement 7543
system, the state highway patrol retirement system, the general 7544
assembly or any legislative agency, the capitol square review 7545
advisory board, or the courts or any judicial agency. 7546

Sec. 125.65. (A) As used in this section, "small business" 7547
has the same meaning as in section 107.63 of the Revised Code. 7548

(B) The LeanOhio office in the department of administrative 7549
services shall establish and operate an entrepreneur in residence 7550
pilot program. The mission of the entrepreneur in residence pilot 7551
program is to provide for better outreach by state government to 7552
small businesses, to strengthen coordination and interaction 7553
between state government and small businesses, and to make state 7554
government programs and functions simpler, easier to access, more 7555

efficient, and more responsive to the needs of small businesses. 7556

(C) Not later than the first day of the seventh month after 7557
~~the effective date of this section~~ March 3, 2015, the LeanOhio 7558
office shall appoint not more than five entrepreneurs in residence 7559
from among individuals who are successful in their fields and 7560
shall make reasonable efforts to market the entrepreneur in 7561
residence program across the state and attract participation from 7562
entrepreneurs with various backgrounds, including female 7563
entrepreneurs, minority business enterprises as defined in section 7564
122.71 of the Revised Code, and owners of EDGE business 7565
enterprises as defined in section ~~123.152~~122.922 of the Revised 7566
Code. The LeanOhio office may give preference to individuals who 7567
have achieved quantifiable improvements using LeanOhio tools and 7568
strategies such as lean six sigma and individuals who have 7569
achieved a black belt or master black belt certification from the 7570
LeanOhio office or an equivalent certification from a private 7571
sector office or entity. 7572

The appointment of an entrepreneur in residence is for one 7573
year. 7574

The office shall monitor the work of entrepreneurs in 7575
residence during the pilot program. 7576

An entrepreneur in residence serves at the pleasure of the 7577
LeanOhio office, and the office may discharge without cause an 7578
entrepreneur in residence. 7579

(D) The duties of an entrepreneur in residence may include 7580
any or all of the following: 7581

(1) Assisting the LeanOhio office in facilitating and 7582
developing the scope of lean process improvement events throughout 7583
state government; 7584

(2) Assisting the LeanOhio office in holding follow-up 7585
meetings to ensure the improvements developed at lean process 7586

improvement events are implemented;	7587
(3) Participating in strategic planning efforts for the LeanOhio office or other areas of state government;	7588
(4) Assisting the LeanOhio office with presentations on opportunities for state government to become more efficient and effective;	7590
(5) Facilitating meetings with businesses, state agencies, and local governments that may be affected by process improvements recommended by the LeanOhio office;	7593
(6) Assisting the LeanOhio office in providing continuous improvement training to state employees.	7596
(E) An entrepreneur in residence shall report directly to the LeanOhio office.	7598
An entrepreneur in residence is not entitled to compensation or any reimbursement from the LeanOhio office for expenses the entrepreneur in residence incurs in discharge of the entrepreneur in residence's duties.	7600
(F)(1) Not later than the date that is one year after an entrepreneur in residence was appointed, the entrepreneur in residence shall prepare a report about the entrepreneur's experiences in the program. In the report, the entrepreneur in residence shall make recommendations to the LeanOhio office that further the mission of the entrepreneur in residence program. In particular, the entrepreneur in residence shall make recommendations regarding all of the following:	7604
(a) Elimination of inefficient or duplicative programs or functions of state government that affect small businesses;	7612
(b) Methods of improving the efficiency of the programs or functions of state government that affect small businesses;	7614
(c) Any new program or function affecting small businesses	7616

that should be established and implemented by state government; 7617

(d) Any other matter that will further the mission of the 7618
entrepreneur in residence pilot program. 7619

The entrepreneur in residence shall provide a copy of the 7620
report to the LeanOhio office. 7621

(2) During or upon conclusion of the entrepreneur in 7622
residence pilot program, the LeanOhio office may convene an 7623
informal working group of entrepreneurs in residence to discuss 7624
best practices, experiences, and opportunities for and obstacles 7625
to operating small businesses as well as the recommendations in 7626
the reports prepared by the entrepreneurs in residence. 7627

(G) Upon conclusion of the entrepreneur in residence pilot 7628
program, and after considering the reports of the entrepreneurs in 7629
residence and information learned from any informal working group, 7630
the LeanOhio office shall prepare a report on the entrepreneur in 7631
residence pilot program. In the report, the office shall recommend 7632
whether the entrepreneur in residence pilot program should be 7633
repeated with or without modifications, made permanent with or 7634
without modifications, or abandoned. The office shall append the 7635
reports of the entrepreneurs in residence to its report. If the 7636
pilot program is repeated or made permanent, an individual who 7637
previously was assigned as an entrepreneur in residence shall not 7638
be reassigned as an entrepreneur in residence. 7639

The LeanOhio office shall provide a copy of its report to the 7640
common sense initiative office. The common sense initiative office 7641
promptly shall transmit a copy of the report to the officials 7642
designated in the last paragraph of section 107.55 of the Revised 7643
Code. 7644

Sec. 125.832. (A) The department of administrative services 7645
is granted exclusive authority over the acquisition and management 7646

of all motor vehicles used by state agencies. In carrying out this 7647
authority, the department shall do both of the following: 7648

(1) Approve the purchase or lease of each motor vehicle for 7649
use by a state agency. The department shall decide if a motor 7650
vehicle shall be leased or purchased for that use. 7651

Except as otherwise provided in division (A)(1) of this 7652
section, on and after July 1, 2005, each state agency shall 7653
acquire all passenger motor vehicles under the department's master 7654
leasing program. If the department determines that acquisition 7655
under that program is not the most economical method and if the 7656
department and the state agency acquiring the passenger motor 7657
vehicle can provide economic justification for doing so, the 7658
department may approve the purchase, rather than the lease, of a 7659
passenger motor vehicle for the acquiring state agency. 7660

(2) Direct and approve all funds that are expended for the 7661
purchase, lease, repair, maintenance, registration, insuring, and 7662
other costs related to the possession and operation of motor 7663
vehicles for the use of state agencies. 7664

(B) The director of administrative services shall establish 7665
and operate a fleet management program. The director shall operate 7666
the program for purposes including, but not limited to, 7667
cost-effective acquisition, maintenance, management, analysis, and 7668
disposal of all motor vehicles owned or leased by the state. All 7669
state agencies shall comply with statewide fleet management 7670
policies and procedures established by the director for the 7671
program, including, but not limited to, motor vehicle assignments, 7672
additions of motor vehicles to fleets or motor vehicle 7673
replacements, motor vehicle fueling, and motor vehicle repairs. 7674

(C) The director shall establish and maintain a fleet 7675
reporting system and shall require state agencies to submit to the 7676
department information relative to state motor vehicles, including 7677

motor vehicles described in division (G)(2) of section 125.831 of 7678
the Revised Code, to be used in operating the fleet management 7679
program. State agencies shall provide to the department fleet data 7680
and other information, including, but not limited to, mileage and 7681
costs. The data and other information shall be submitted in 7682
formats and in a manner determined by the department. 7683

(D) All state agency purchases or leases of motor vehicles 7684
are subject to the prior approval of the director under division 7685
(A)(1) of this section. 7686

(E) State agencies that utilize state motor vehicles or pay 7687
mileage reimbursements to employees shall provide a fleet plan to 7688
the department as directed by the department. 7689

(F)(1) The fleets of state agencies that consist of one 7690
hundred or less vehicles on July 1, 2004, shall be managed by the 7691
department's fleet management program on a time schedule 7692
determined by the department, unless the state agency has received 7693
delegated authority as described in division (G) of this section. 7694

(2) The fleets of state agencies that consist of greater than 7695
one hundred motor vehicles, but less than five hundred motor 7696
vehicles, on July 1, 2005, also shall be managed by the 7697
department's fleet management program on a time schedule 7698
determined by the department, unless the state agency has received 7699
delegated authority as described in division (G) of this section. 7700

(G)(1) The department may delegate any or all of its duties 7701
regarding fleet management to a state agency, if the state agency 7702
demonstrates to the satisfaction of the department both of the 7703
following: 7704

(a) Capabilities to institute and manage a fleet management 7705
program, including, but not limited to, the presence of a 7706
certified fleet manager; 7707

(b) Fleet management performance, as demonstrated by fleet 7708

data and other information submitted pursuant to annual reporting 7709
requirements and any other criteria the department considers 7710
necessary in evaluating the performance. 7711

(2) The department may determine that a state agency is not 7712
in compliance with this section and direct that the agency's fleet 7713
management duties be transferred to the department. 7714

(H) The proceeds derived from the disposition of any motor 7715
vehicles under this section shall be paid to whichever of the 7716
following applies: 7717

(1) The fund that originally provided moneys for the purchase 7718
or lease of the motor vehicles; 7719

(2) If the motor vehicles were originally purchased with 7720
moneys derived from the general revenue fund, the proceeds shall 7721
be deposited, in the director's discretion, into the state 7722
treasury to the credit of either the fleet management fund created 7723
by section 125.83 of the Revised Code or the investment recovery 7724
fund created by section 125.14 of the Revised Code. Any such 7725
proceeds deposited into the state treasury to the credit of the 7726
investment recovery fund may be transferred from the investment 7727
recovery fund to the fleet management fund. 7728

(I)(1) The department shall create and maintain a certified 7729
fleet manager program. 7730

(2) State agencies that have received delegated authority as 7731
described in division (G) of this section shall have a certified 7732
fleet manager. 7733

(J) The department annually shall prepare and submit a 7734
statewide fleet report to the governor, the speaker of the house 7735
of representatives, and the president of the senate. The report 7736
shall be submitted not later than the thirty-first day of January 7737
following the end of each fiscal year. It may include, but is not 7738
limited to, the numbers and types of motor vehicles, their 7739

mileage, miles per gallon, and cost per mile, mileage 7740
reimbursements, accident and insurance data, and information 7741
regarding compliance by state agencies having delegated authority 7742
under division (G) of this section with applicable fleet 7743
management requirements. 7744

(K) The director shall adopt rules for implementing the fleet 7745
management program that are consistent with recognized best 7746
practices. The program shall be supported by reasonable fee 7747
charges for the services provided. The director shall collect 7748
these fees and deposit them into the state treasury to the credit 7749
for the fleet management fund created by section 125.83 of the 7750
Revised Code. The setting and collection of fees under this 7751
division is not subject to any restriction imposed by law upon the 7752
director's or the department's authority to set or collect fees. 7753

(L) The director also shall adopt rules that prohibit, except 7754
in very limited circumstances, the exclusive assignment of 7755
state-owned, leased, or pooled motor vehicles to state employees 7756
and that prohibit the reimbursement under section 126.31 of the 7757
Revised Code of state employees who use their own motor vehicles 7758
for any mileage they incur above an amount that the department 7759
shall determine annually unless reimbursement for the excess 7760
mileage is approved by the department in accordance with standards 7761
for that approval the director shall establish in those rules. 7762
Beginning on September 26, 2003, no state-owned, leased, or pooled 7763
motor vehicle shall be personally assigned as any form of 7764
compensation or benefit of state employment, and no state-owned, 7765
leased, or pooled motor vehicle shall be assigned to an employee 7766
solely for commuting to and from home and work. 7767

(M) The director shall do both of the following: 7768

(1) Implement to the greatest extent possible the 7769
recommendations from the 2002 report entitled "Administrative 7770
Analysis of the Ohio Fleet Management Program" in connection with 7771

the authority granted to the department by this section; 7772

(2) Attempt to reduce the number of passenger vehicles used 7773
by state agencies during the fiscal years ending on June 30, 2004, 7774
and June 30, 2005. 7775

(N) Each state agency shall reimburse the department for all 7776
costs incurred in the assignment of motor vehicles to the state 7777
agency. 7778

(O) The director shall do all of the following in managing 7779
the fleet management program: 7780

(1) Determine how motor vehicles will be maintained, insured, 7781
operated, financed, and licensed; 7782

(2) Pursuant to the formula in division (O)(3) of this 7783
section, annually establish the minimum number of business miles 7784
per year an employee of a state agency must drive in order to 7785
qualify for approval by the department to receive a motor vehicle 7786
for business use; 7787

(3) Establish the minimum number of business miles per year 7788
at an amount that results when the annual motor vehicle cost is 7789
divided by the amount that is the reimbursement rate per mile 7790
minus the amount that is the sum of the fuel cost, the operating 7791
cost, and the insurance cost. As used in this division: 7792

(a) "Annual motor vehicle cost" means the price of a motor 7793
vehicle divided by the number of years an average motor vehicle is 7794
used. 7795

(b) "Fuel cost" means the average price per gallon of motor 7796
fuel divided by the miles per gallon fuel efficiency of a motor 7797
vehicle. 7798

(c) "Insurance cost" means the cost of insuring a motor 7799
vehicle per year divided by the number of miles an average motor 7800
vehicle is driven per year. 7801

(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by ~~the product resulting when~~ the number of miles an average motor vehicle is driven per year ~~is multiplied by the number of years an average motor vehicle is used.~~

(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code.

Sec. 125.95. (A) There is hereby created within the department of administrative services the prescription drug transparency and affordability advisory council. The department shall provide administrative support to the advisory council as necessary for the advisory council to carry out its duties under this section.

(1) Members of the advisory council shall include the following:

- (a) The director of administrative services;
- (b) The director of health;
- (c) The medicaid director;
- (d) The director of mental health and addiction services;
- (e) The administrator of workers' compensation.

(2) Members of the advisory council shall also include individuals who are working to address prescription drug availability and affordability in any of the following areas:

- (a) Insurance;
- (b) Local, state, and federal government service;
- (c) Private industry;
- (d) Organizations of faith;

(e) Health care providers;	7830
(f) Consumer organizations;	7831
(g) Prescription drug manufacturers;	7832
(h) Prescription drug wholesale distributors;	7833
(i) Pharmacists;	7834
(j) Business organizations;	7835
(k) Individuals concerned about mental health or substance abuse matters;	7836 7837
(l) Advocates for individuals struggling to afford prescription drugs.	7838 7839
The governor, the senate president, and the speaker of the house of representatives shall each appoint three members, each of whom represents at least one of the categories listed in divisions (A)(2)(a) to (l) of this section.	7840 7841 7842 7843
(B) Members shall serve without compensation. Initial appointments shall be made not later than sixty days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments.	7844 7845 7846 7847
(C) Not later than six months after the date of initial appointments under division (B) of this section, the advisory council shall submit a report to the governor, the general assembly, and the chairperson of the joint medicaid oversight committee in accordance with section 101.68 of the Revised Code. The report shall include recommendations on all of the following:	7848 7849 7850 7851 7852 7853
(1) How this state can best achieve prescription drug price transparency;	7854 7855
(2) New payment models or other avenues to create the most affordable environment for purchasing prescription drugs;	7856 7857
(3) Leveraging this state's purchasing power across all state	7858

agencies, boards, commissions, and similar entities; 7859

(4) Creating efficiencies across different health care 7860
systems, such as hospitals, the criminal justice system, treatment 7861
and recovery support programs, and employer-sponsored health 7862
insurance, to reduce duplicative service delivery across these 7863
systems, ensure that patients receive high quality and affordable 7864
prescription drugs, and support quality care and outcomes; 7865

(5) Which critical outcomes can be measured and used to 7866
improve this state's system of purchasing affordable prescribed 7867
drugs; 7868

(6) How federal, state, and local resources are being used to 7869
optimize these outcomes and identify where the resources can be 7870
better coordinated or redirected to meet the needs of consumers in 7871
this state. 7872

(D) State agencies, boards, commissions, and similar entities 7873
shall cooperate with and provide assistance to the advisory 7874
council as necessary for the advisory council to carry out its 7875
duties under this section. 7876

(E) ~~Upon completion of the report described in division (C)~~ 7877
~~of this section, the advisory council shall meet not less than~~ 7878
~~quarterly to provide assistance and guidance relating to the~~ 7879
~~recommendations in the report. On the effective date of this~~ 7880
~~amendment, the advisory council shall cease to exist. Thereafter,~~ 7881
~~the joint medicaid oversight committee may examine any of the~~ 7882
~~topics described in the report prepared by the former advisory~~ 7883
~~council under division (C) of this section upon the request of a~~ 7884
~~member of the committee.~~ 7885

Sec. 126.021. Whenever, pursuant to section 126.06 of the 7886
Revised Code, the department of ~~administrative services~~ 7887
development files with the director of budget and management its 7888

estimate of proposed expenditures for the succeeding biennium, the 7889
department shall request, and the director of budget and 7890
management shall approve the request for, the following general 7891
revenue fund appropriations for operating the construction 7892
compliance section of the ~~equal employment opportunity office of~~ 7893
the department of ~~administrative services~~ development: 7894

(A) For the first fiscal year of the biennium, an 7895
appropriation equal to fifty-three one-thousandths of one per cent 7896
of the total new capital appropriations provided for in the most 7897
recently enacted main capital appropriations act; 7898

(B) For the second fiscal year of the biennium, an 7899
appropriation equal to the amount computed under division (A) of 7900
this section, adjusted for anticipated changes in operating costs 7901
based upon the inflation/deflation factor used by the director of 7902
budget and management for that fiscal year. 7903

The amounts of the appropriations requested pursuant to 7904
divisions (A) and (B) of this section shall be in addition to the 7905
amounts provided for staff in the construction compliance section 7906
of the equal employment opportunity office of the department of 7907
administrative services as of January 1, 1988. 7908

Sec. 128.55. (A)(1) The tax commissioner, not later than the 7909
last day of each month, shall disburse moneys from the wireless 7910
9-1-1 government assistance fund, plus any accrued interest on the 7911
fund, to each county treasurer. 7912

~~(a) If there are sufficient funds in the wireless 9-1-1~~ 7913
~~government assistance fund, each county treasurer shall receive~~ 7914
the same ~~amount~~ proportion distributed to that county by the 7915
~~public utilities commission tax commissioner~~ in the corresponding 7916
calendar month ~~in 2013.~~ 7917

~~(b) If the funds available are insufficient to make the~~ 7918

~~distributions as provided in division (A)(1)(a) of this section,~~ 7919
~~each county's share shall be reduced in proportion to the amounts~~ 7920
~~received in the corresponding calendar month in 2013, until the~~ 7921
~~total amount to be distributed to the counties is equivalent to~~ 7922
~~the amount available in the wireless 9-1-1 government assistance~~ 7923
~~fund of the previous year.~~ Any shortfall in distributions 7924
resulting from ~~insufficient~~ the timing of funds from received in a 7925
previous month shall be ~~remedied~~ distributed in the following 7926
month. 7927

(2) The tax commissioner shall disburse moneys from the next 7928
generation 9-1-1 fund in accordance with the guidelines 7929
established under section 128.022 of the Revised Code. 7930

(B) Immediately upon receipt by a county treasurer of a 7931
disbursement under division (A) of this section, the county shall 7932
disburse, in accordance with the allocation formula set forth in 7933
the final plan, the amount the county so received to any other 7934
subdivisions in the county and any regional councils of 7935
governments in the county that pay the costs of a public safety 7936
answering point providing wireless enhanced 9-1-1 under the plan. 7937

(C) Nothing in this chapter affects the authority of a 7938
subdivision operating or served by a public safety answering point 7939
of a 9-1-1 system or a regional council of governments operating a 7940
public safety answering point of a 9-1-1 system to use, as 7941
provided in the final plan for the system or in an agreement under 7942
section 128.09 of the Revised Code, any other authorized revenue 7943
of the subdivision or the regional council of governments for the 7944
purposes of providing basic or enhanced 9-1-1. 7945

Sec. 131.02. (A) Except as otherwise provided in section 7946
4123.37, section 5703.061, and division (K) of section 4123.511 of 7947
the Revised Code, whenever any amount is payable to the state, the 7948
officer, employee, or agent responsible for administering the law 7949

under which the amount is payable shall immediately proceed to 7950
collect the amount or cause the amount to be collected and shall 7951
pay the amount into the state treasury or into the appropriate 7952
custodial fund in the manner set forth pursuant to section 113.08 7953
of the Revised Code. Except as otherwise provided in this 7954
division, if the amount is not paid within forty-five days after 7955
payment is due, the officer, employee, or agent shall certify the 7956
amount due to the attorney general, in the form and manner 7957
prescribed by the attorney general, and notify the director of 7958
budget and management thereof. In the case of an amount payable by 7959
a student enrolled in a state institution of higher education, the 7960
amount shall be certified within the later of forty-five days 7961
after the amount is due or the tenth day after the beginning of 7962
the next academic semester, quarter, or other session following 7963
the session for which the payment is payable. The attorney general 7964
may assess the collection cost to the amount certified in such 7965
manner and amount as prescribed by the attorney general. If an 7966
amount payable to a political subdivision is past due, the 7967
political subdivision may, with the approval of the attorney 7968
general, certify the amount to the attorney general pursuant to 7969
this section. 7970

For the purposes of this section, the attorney general and 7971
the officer, employee, or agent responsible for administering the 7972
law under which the amount is payable shall agree on the time a 7973
payment is due, and that agreed upon time shall be one of the 7974
following times: 7975

(1) If a law, including an administrative rule, of this state 7976
prescribes the time a payment is required to be made or reported, 7977
when the payment is required by that law to be paid or reported. 7978

(2) If the payment is for services rendered, when the 7979
rendering of the services is completed. 7980

(3) If the payment is reimbursement for a loss, when the loss 7981

is incurred. 7982

(4) In the case of a fine or penalty for which a law or 7983
administrative rule does not prescribe a time for payment, when 7984
the fine or penalty is first assessed. 7985

(5) If the payment arises from a legal finding, judgment, or 7986
adjudication order, when the finding, judgment, or order is 7987
rendered or issued. 7988

(6) If the payment arises from an overpayment of money by the 7989
state to another person, when the overpayment is discovered. 7990

(7) The date on which the amount for which an individual is 7991
personally liable under section 5735.35, section 5739.33, or 7992
division (G) of section 5747.07 of the Revised Code is determined. 7993

(8) Upon proof of claim being filed in a bankruptcy case. 7994

(9) Any other appropriate time determined by the attorney 7995
general and the officer, employee, or agent responsible for 7996
administering the law under which the amount is payable on the 7997
basis of statutory requirements or ordinary business processes of 7998
the ~~state~~ agency, institution, or political subdivision to which 7999
the payment is owed. 8000

(B)(1) The attorney general shall give immediate notice by 8001
mail or otherwise to the party indebted of the nature and amount 8002
of the indebtedness. 8003

(2) If the amount payable to this state arises from a tax 8004
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 8005
Revised Code, the notice also shall specify all of the following: 8006

(a) The assessment or case number; 8007

(b) The tax pursuant to which the assessment is made; 8008

(c) The reason for the liability, including, if applicable, 8009
that a penalty or interest is due; 8010

(d) An explanation of how and when interest will be added to 8011
the amount assessed; 8012

(e) That the attorney general and tax commissioner, acting 8013
together, have the authority, but are not required, to compromise 8014
the claim and accept payment over a reasonable time, if such 8015
actions are in the best interest of the state. 8016

(C) The attorney general shall collect the claim or secure a 8017
judgment and issue an execution for its collection. 8018

(D) Each claim shall bear interest, from the day on which the 8019
claim became due, at the rate per annum required by section 8020
5703.47 of the Revised Code. 8021

(E) The attorney general and the chief officer of the agency 8022
reporting a claim, acting together, may do any of the following if 8023
such action is in the best interests of the state: 8024

(1) Compromise the claim; 8025

(2) Extend for a reasonable period the time for payment of 8026
the claim by agreeing to accept monthly or other periodic 8027
payments. The agreement may require security for payment of the 8028
claim. 8029

(3) Add fees to recover the cost of processing checks or 8030
other draft instruments returned for insufficient funds and the 8031
cost of providing electronic payment options. 8032

(F)(1) Except as provided in division (F)(2) of this section, 8033
if the attorney general finds, after investigation, that any claim 8034
due and owing to the state is uncollectible, the attorney general, 8035
with the consent of the chief officer of the agency reporting the 8036
claim, may do the following: 8037

(a) Sell, convey, or otherwise transfer the claim to one or 8038
more private entities for collection; 8039

(b) Cancel the claim or cause it to be canceled. 8040

(2) The attorney general shall cancel or cause to be canceled 8041
an unsatisfied claim on the date that is forty years after the 8042
date the claim is certified, unless the attorney general has 8043
adopted a rule under division (F)(5) of this section shortening 8044
this time frame with respect to a subset of claims. 8045

(3) No initial action shall be commenced to collect any tax 8046
payable to the state that is administered by the tax commissioner, 8047
whether or not such tax is subject to division (B) of this 8048
section, or any penalty, interest, or additional charge on such 8049
tax, after the expiration of the period ending on the later of the 8050
dates specified in divisions (F)(3)(a) and (b) of this section, 8051
provided that such period shall be extended by the period of any 8052
stay to such collection or by any other period to which the 8053
parties mutually agree. If the initial action in aid of execution 8054
is commenced before the later of the dates specified in divisions 8055
(F)(3)(a) and (b) of this section, any and all subsequent actions 8056
may be pursued in aid of execution of judgment for as long as the 8057
debt exists. 8058

(a) Seven years after the assessment of the tax, penalty, 8059
interest, or additional charge is issued. 8060

(b) Four years after the assessment of the tax, penalty, 8061
interest, or additional charge becomes final. For the purposes of 8062
division (F)(3)(b) of this section, the assessment becomes final 8063
at the latest of the following: upon expiration of the period to 8064
petition for reassessment, or if applicable, to appeal a final 8065
determination of the commissioner or decision of the board of tax 8066
appeals or a court, or, if applicable, upon decision of the United 8067
States supreme court. 8068

For the purposes of division (F)(3) of this section, an 8069
initial action to collect a tax debt is commenced at the time when 8070
a certified copy of the tax commissioner's entry making an 8071
assessment final has been filed in the office of the clerk of 8072

court of common pleas in the county in which the taxpayer resides 8073
or has its principal place of business in this state, or in the 8074
office of the clerk of court of common pleas of Franklin county, 8075
as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of 8076
the Revised Code or in any other applicable law requiring such a 8077
filing. If an assessment has not been issued and there is no time 8078
limitation on the issuance of an assessment under applicable law, 8079
an action to collect a tax debt commences when the action is filed 8080
in the courts of this state to collect the liability. 8081

(4) If information contained in a claim that is sold, 8082
conveyed, or transferred to a private entity pursuant to this 8083
section is confidential pursuant to federal law or a section of 8084
the Revised Code that implements a federal law governing 8085
confidentiality, such information remains subject to that law 8086
during and following the sale, conveyance, or transfer. 8087

(5) The attorney general may adopt rules to aid in the 8088
implementation of this section. 8089

Sec. 131.025. The attorney general shall enter into an 8090
agreement with the United States secretary of the treasury to 8091
participate in the federal treasury offset program for the 8092
collection of the following debts certified to the attorney 8093
general pursuant to section 131.02 of the Revised Code: 8094

(A) State income tax obligations pursuant to 26 U.S.C. 8095
6402(e); 8096

(B) Covered unemployment compensation debts pursuant to 26 8097
U.S.C. 6402(f). 8098

For the purpose of this section, "state income tax" includes 8099
taxes levied pursuant to Chapter 718. of the Revised Code to the 8100
extent that such taxes qualify for the federal treasury offset 8101
program under 26 U.S.C. 6402(e). Notwithstanding section 718.01 of 8102

the Revised Code, for the sole purpose of meeting the requirements 8103
of the federal treasury offset program, the attorney general is 8104
the tax administrator, as defined in that section, respecting 8105
delinquencies arising from taxes levied pursuant to Chapter 718. 8106
of the Revised Code once delinquency is certified to the attorney 8107
general for collection under section 131.02 of the Revised Code. 8108

Sec. 133.06. (A) A school district shall not incur, without a 8109
vote of the electors, net indebtedness that exceeds an amount 8110
equal to one-tenth of one per cent of its tax valuation, except as 8111
provided in divisions (G) and (H) of this section and in division 8112
(D) of section 3313.372 of the Revised Code, or as prescribed in 8113
section 3318.052 or 3318.44 of the Revised Code, or as provided in 8114
division (J) of this section. 8115

(B) Except as provided in divisions (E), (F), and (I) of this 8116
section, a school district shall not incur net indebtedness that 8117
exceeds an amount equal to nine per cent of its tax valuation. 8118

(C) A school district shall not submit to a vote of the 8119
electors the question of the issuance of securities in an amount 8120
that will make the district's net indebtedness after the issuance 8121
of the securities exceed an amount equal to four per cent of its 8122
tax valuation, unless the superintendent of public instruction, 8123
acting under policies adopted by the state board of education, and 8124
the tax commissioner, acting under written policies of the 8125
commissioner, consent to the submission. A request for the 8126
consents shall be made at least one hundred twenty days prior to 8127
the election at which the question is to be submitted. 8128

The superintendent of public instruction shall certify to the 8129
district the superintendent's and the tax commissioner's decisions 8130
within thirty days after receipt of the request for consents. 8131

If the electors do not approve the issuance of securities at 8132
the election for which the superintendent of public instruction 8133

and tax commissioner consented to the submission of the question, 8134
the school district may submit the same question to the electors 8135
on the date that the next special election may be held under 8136
section 3501.01 of the Revised Code without submitting a new 8137
request for consent. If the school district seeks to submit the 8138
same question at any other subsequent election, the district shall 8139
first submit a new request for consent in accordance with this 8140
division. 8141

(D) In calculating the net indebtedness of a school district, 8142
none of the following shall be considered: 8143

(1) Securities issued to acquire school buses and other 8144
equipment used in transporting pupils or issued pursuant to 8145
division (D) of section 133.10 of the Revised Code; 8146

(2) Securities issued under division (F) of this section and, 8147
to the extent in excess of the limitation stated in division (B) 8148
of this section, under division (E) of this section; 8149

(3) Indebtedness resulting from the dissolution of a joint 8150
vocational school district under section 3311.217 of the Revised 8151
Code, evidenced by outstanding securities of that joint vocational 8152
school district; 8153

(4) Loans, evidenced by any securities, received under 8154
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 8155

(5) Debt incurred under section 3313.374 of the Revised Code; 8156

(6) Debt incurred pursuant to division (B)(5) of section 8157
3313.37 of the Revised Code to acquire computers and related 8158
hardware; 8159

(7) Debt incurred under section 3318.042 of the Revised Code; 8160

(8) Debt incurred under section 5705.2112 or 5705.2113 of the 8161
Revised Code by the fiscal board of a qualifying partnership of 8162
which the school district is a participating school district. 8163

(E) A school district may become a special needs district as 8164
to certain securities as provided in division (E) of this section. 8165

(1) A board of education, by resolution, may declare its 8166
school district to be a special needs district by determining both 8167
of the following: 8168

(a) The student population is not being adequately serviced 8169
by the existing permanent improvements of the district. 8170

(b) The district cannot obtain sufficient funds by the 8171
issuance of securities within the limitation of division (B) of 8172
this section to provide additional or improved needed permanent 8173
improvements in time to meet the needs. 8174

(2) The board of education shall certify a copy of that 8175
resolution to the superintendent of public instruction with a 8176
statistical report showing all of the following: 8177

(a) The history of and a projection of the growth of the tax 8178
valuation; 8179

(b) The projected needs; 8180

(c) The estimated cost of permanent improvements proposed to 8181
meet such projected needs. 8182

(3) The superintendent of public instruction shall certify 8183
the district as an approved special needs district if the 8184
superintendent finds both of the following: 8185

(a) The district does not have available sufficient 8186
additional funds from state or federal sources to meet the 8187
projected needs. 8188

(b) The projection of the potential average growth of tax 8189
valuation during the next five years, according to the information 8190
certified to the superintendent and any other information the 8191
superintendent obtains, indicates a likelihood of potential 8192
average growth of tax valuation of the district during the next 8193

five years of an average of not less than one and one-half per 8194
cent per year. The findings and certification of the 8195
superintendent shall be conclusive. 8196

(4) An approved special needs district may incur net 8197
indebtedness by the issuance of securities in accordance with the 8198
provisions of this chapter in an amount that does not exceed an 8199
amount equal to the greater of the following: 8200

(a) Twelve per cent of the sum of its tax valuation plus an 8201
amount that is the product of multiplying that tax valuation by 8202
the percentage by which the tax valuation has increased over the 8203
tax valuation on the first day of the sixtieth month preceding the 8204
month in which its board determines to submit to the electors the 8205
question of issuing the proposed securities; 8206

(b) Twelve per cent of the sum of its tax valuation plus an 8207
amount that is the product of multiplying that tax valuation by 8208
the percentage, determined by the superintendent of public 8209
instruction, by which that tax valuation is projected to increase 8210
during the next ten years. 8211

(F) A school district may issue securities for emergency 8212
purposes, in a principal amount that does not exceed an amount 8213
equal to three per cent of its tax valuation, as provided in this 8214
division. 8215

(1) A board of education, by resolution, may declare an 8216
emergency if it determines both of the following: 8217

(a) School buildings or other necessary school facilities in 8218
the district have been wholly or partially destroyed, or condemned 8219
by a constituted public authority, or that such buildings or 8220
facilities are partially constructed, or so constructed or planned 8221
as to require additions and improvements to them before the 8222
buildings or facilities are usable for their intended purpose, or 8223
that corrections to permanent improvements are necessary to remove 8224

or prevent health or safety hazards. 8225

(b) Existing fiscal and net indebtedness limitations make 8226
adequate replacement, additions, or improvements impossible. 8227

(2) Upon the declaration of an emergency, the board of 8228
education may, by resolution, submit to the electors of the 8229
district pursuant to section 133.18 of the Revised Code the 8230
question of issuing securities for the purpose of paying the cost, 8231
in excess of any insurance or condemnation proceeds received by 8232
the district, of permanent improvements to respond to the 8233
emergency need. 8234

(3) The procedures for the election shall be as provided in 8235
section 133.18 of the Revised Code, except that: 8236

(a) The form of the ballot shall describe the emergency 8237
existing, refer to this division as the authority under which the 8238
emergency is declared, and state that the amount of the proposed 8239
securities exceeds the limitations prescribed by division (B) of 8240
this section; 8241

(b) The resolution required by division (B) of section 133.18 8242
of the Revised Code shall be certified to the county auditor and 8243
the board of elections at least one hundred days prior to the 8244
election; 8245

(c) The county auditor shall advise and, not later than 8246
ninety-five days before the election, confirm that advice by 8247
certification to, the board of education of the information 8248
required by division (C) of section 133.18 of the Revised Code; 8249

(d) The board of education shall then certify its resolution 8250
and the information required by division (D) of section 133.18 of 8251
the Revised Code to the board of elections not less than ninety 8252
days prior to the election. 8253

(4) Notwithstanding division (B) of section 133.21 of the 8254

Revised Code, the first principal payment of securities issued 8255
under this division may be set at any date not later than sixty 8256
months after the earliest possible principal payment otherwise 8257
provided for in that division. 8258

(G)(1) The board of education may contract with an architect, 8259
professional engineer, or other person experienced in the design 8260
and implementation of energy conservation measures for an analysis 8261
and recommendations pertaining to installations, modifications of 8262
installations, or remodeling that would significantly reduce 8263
energy consumption in buildings owned by the district. The report 8264
shall include estimates of all costs of such installations, 8265
modifications, or remodeling, including costs of design, 8266
engineering, installation, maintenance, repairs, measurement and 8267
verification of energy savings, and debt service, forgone residual 8268
value of materials or equipment replaced by the energy 8269
conservation measure, as defined by the Ohio facilities 8270
construction commission, a baseline analysis of actual energy 8271
consumption data for the preceding three years with the utility 8272
baseline based on only the actual energy consumption data for the 8273
preceding twelve months, and estimates of the amounts by which 8274
energy consumption and resultant operational and maintenance 8275
costs, as defined by the commission, would be reduced. 8276

If the board finds after receiving the report that the amount 8277
of money the district would spend on such installations, 8278
modifications, or remodeling is not likely to exceed the amount of 8279
money it would save in energy and resultant operational and 8280
maintenance costs over the ensuing fifteen years, the board may 8281
submit to the commission a copy of its findings and a request for 8282
approval to incur indebtedness to finance the making or 8283
modification of installations or the remodeling of buildings for 8284
the purpose of significantly reducing energy consumption. 8285

The facilities construction commission, in consultation with 8286

the auditor of state, may deny a request under division (G)(1) of 8287
this section by the board of education of any school district that 8288
is in a state of fiscal watch pursuant to division (A) of section 8289
3316.03 of the Revised Code, if it determines that the expenditure 8290
of funds is not in the best interest of the school district. 8291

No district board of education of a school district that is 8292
in a state of fiscal emergency pursuant to division (B) of section 8293
3316.03 of the Revised Code shall submit a request without 8294
submitting evidence that the installations, modifications, or 8295
remodeling have been approved by the district's financial planning 8296
and supervision commission established under section 3316.05 of 8297
the Revised Code. 8298

No board of education of a school district for which an 8299
academic distress commission has been established under section 8300
3302.10 of the Revised Code shall submit a request without first 8301
receiving approval to incur indebtedness from the district's 8302
academic distress commission established under that section, for 8303
so long as such commission continues to be required for the 8304
district. 8305

(2) The board of education may contract with a person 8306
experienced in the implementation of student transportation to 8307
produce a report that includes an analysis of and recommendations 8308
for the use of alternative fuel vehicles by school districts. The 8309
report shall include cost estimates detailing the return on 8310
investment over the life of the alternative fuel vehicles and 8311
environmental impact of alternative fuel vehicles. The report also 8312
shall include estimates of all costs associated with alternative 8313
fuel transportation, including facility modifications and vehicle 8314
purchase costs or conversion costs. 8315

If the board finds after receiving the report that the amount 8316
of money the district would spend on purchasing alternative fuel 8317
vehicles or vehicle conversion is not likely to exceed the amount 8318

of money it would save in fuel and resultant operational and 8319
maintenance costs over the ensuing five years, the board may 8320
submit to the commission a copy of its findings and a request for 8321
approval to incur indebtedness to finance the purchase of new 8322
alternative fuel vehicles or vehicle conversions for the purpose 8323
of reducing fuel costs. 8324

The facilities construction commission, in consultation with 8325
the auditor of state, may deny a request under division (G)(2) of 8326
this section by the board of education of any school district that 8327
is in a state of fiscal watch pursuant to division (A) of section 8328
3316.03 of the Revised Code, if it determines that the expenditure 8329
of funds is not in the best interest of the school district. 8330

No district board of education of a school district that is 8331
in a state of fiscal emergency pursuant to division (B) of section 8332
3316.03 of the Revised Code shall submit a request without 8333
submitting evidence that the purchase or conversion of alternative 8334
fuel vehicles has been approved by the district's financial 8335
planning and supervision commission established under section 8336
3316.05 of the Revised Code. 8337

No board of education of a school district for which an 8338
academic distress commission has been established under section 8339
3302.10 of the Revised Code shall submit a request without first 8340
receiving approval to incur indebtedness from the district's 8341
academic distress commission established under that section, for 8342
so long as such commission continues to be required for the 8343
district. 8344

(3) The facilities construction commission shall approve the 8345
board's request provided that the following conditions are 8346
satisfied: 8347

(a) The commission determines that the board's findings are 8348
reasonable. 8349

(b) The request for approval is complete. 8350

(c) If the request was submitted under division (G)(1) of 8351
this section, the installations, modifications, or remodeling are 8352
consistent with any project to construct or acquire classroom 8353
facilities, or to reconstruct or make additions to existing 8354
classroom facilities under sections 3318.01 to 3318.20 or sections 8355
3318.40 to 3318.45 of the Revised Code. 8356

Upon receipt of the commission's approval, the district may 8357
issue securities without a vote of the electors in a principal 8358
amount not to exceed nine-tenths of one per cent of its tax 8359
valuation for the purpose specified in division (G)(1) or (2) of 8360
this section, but the total net indebtedness of the district 8361
without a vote of the electors incurred under this and all other 8362
sections of the Revised Code, except section 3318.052 of the 8363
Revised Code, shall not exceed one per cent of the district's tax 8364
valuation. 8365

(4)(a) So long as any securities issued under division (G)(1) 8366
of this section remain outstanding, the board of education shall 8367
monitor the energy consumption and resultant operational and 8368
maintenance costs of buildings in which installations or 8369
modifications have been made or remodeling has been done pursuant 8370
to that division. Except as provided in division (G)(4)(b) of this 8371
section, the board shall maintain and annually update a report in 8372
a form and manner prescribed by the facilities construction 8373
commission documenting the reductions in energy consumption and 8374
resultant operational and maintenance cost savings attributable to 8375
such installations, modifications, or remodeling. The resultant 8376
operational and maintenance cost savings shall be certified by the 8377
school district treasurer. The report shall be submitted annually 8378
to the commission. 8379

(b) If the facilities construction commission verifies that 8380
the certified annual reports submitted to the commission by a 8381

board of education under division (G)(4)(a) of this section 8382
fulfill the guarantee required under division (B) of section 8383
3313.372 of the Revised Code for three consecutive years, the 8384
board of education shall no longer be subject to the annual 8385
reporting requirements of division (G)(4)(a) of this section. 8386

(5) So long as any securities issued under division (G)(2) of 8387
this section remain outstanding, the board of education shall 8388
monitor the purchase of new alternative fuel vehicles or vehicle 8389
conversions pursuant to that division. The board shall maintain 8390
and annually update a report in a form and manner prescribed by 8391
the facilities construction commission documenting the purchase of 8392
new alternative fuel vehicles or vehicle conversions, the 8393
associated environmental impact, and return on investment. The 8394
resultant fuel and operational and maintenance cost savings shall 8395
be certified by the school district treasurer. The report shall be 8396
submitted annually to the commission. 8397

(H) With the consent of the superintendent of public 8398
instruction, a school district may incur without a vote of the 8399
electors net indebtedness that exceeds the amounts stated in 8400
divisions (A) and (G) of this section for the purpose of paying 8401
costs of permanent improvements, if and to the extent that both of 8402
the following conditions are satisfied: 8403

(1) The fiscal officer of the school district estimates that 8404
receipts of the school district from payments made under or 8405
pursuant to agreements entered into pursuant to section 725.02, 8406
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 8407
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 8408
of the Revised Code, or distributions under division (C) of 8409
section 5709.43 or division (B) of section 5709.47 of the Revised 8410
Code, or any combination thereof, are, after accounting for any 8411
appropriate coverage requirements, sufficient in time and amount, 8412
and are committed by the proceedings, to pay the debt charges on 8413

the securities issued to evidence that indebtedness and payable 8414
from those receipts, and the taxing authority of the district 8415
confirms the fiscal officer's estimate, which confirmation is 8416
approved by the superintendent of public instruction; 8417

(2) The fiscal officer of the school district certifies, and 8418
the taxing authority of the district confirms, that the district, 8419
at the time of the certification and confirmation, reasonably 8420
expects to have sufficient revenue available for the purpose of 8421
operating such permanent improvements for their intended purpose 8422
upon acquisition or completion thereof, and the superintendent of 8423
public instruction approves the taxing authority's confirmation. 8424

The maximum maturity of securities issued under division (H) 8425
of this section shall be the lesser of twenty years or the maximum 8426
maturity calculated under section 133.20 of the Revised Code. 8427

(I) A school district may incur net indebtedness by the 8428
issuance of securities in accordance with the provisions of this 8429
chapter in excess of the limit specified in division (B) or (C) of 8430
this section when necessary to raise the school district portion 8431
of the basic project cost and any additional funds necessary to 8432
participate in a project under Chapter 3318. of the Revised Code, 8433
including the cost of items designated by the facilities 8434
construction commission as required locally funded initiatives, 8435
the cost of other locally funded initiatives in an amount that 8436
does not exceed fifty per cent of the district's portion of the 8437
basic project cost, and the cost for site acquisition. ~~The~~ 8438
~~commission~~ A school district shall notify the superintendent of 8439
public instruction whenever ~~a school~~ that district will exceed 8440
either limit pursuant to this division. 8441

(J) A school district whose portion of the basic project cost 8442
of its classroom facilities project under sections 3318.01 to 8443
3318.20 of the Revised Code is greater than or equal to one 8444
hundred million dollars may incur without a vote of the electors 8445

net indebtedness in an amount up to two per cent of its tax 8446
valuation through the issuance of general obligation securities in 8447
order to generate all or part of the amount of its portion of the 8448
basic project cost if the controlling board has approved the 8449
facilities construction commission's conditional approval of the 8450
project under section 3318.04 of the Revised Code. The school 8451
district board and the Ohio facilities construction commission 8452
shall include the dedication of the proceeds of such securities in 8453
the agreement entered into under section 3318.08 of the Revised 8454
Code. No state moneys shall be released for a project to which 8455
this section applies until the proceeds of any bonds issued under 8456
this section that are dedicated for the payment of the school 8457
district portion of the project are first deposited into the 8458
school district's project construction fund. 8459

Sec. 135.02. There shall be a state board of deposit 8460
consisting of the treasurer of state or an employee of the 8461
treasurer of state's department designated by the treasurer of 8462
state, the auditor of state or an employee of the auditor of 8463
state's department designated by the auditor of state, and the 8464
attorney general or an employee of the attorney general's 8465
department designated by the attorney general. The board shall 8466
meet on the call of the chairperson at least annually to perform 8467
the duties prescribed in sections 135.01 to 135.21 of the Revised 8468
Code. At any time, two members of the board may request that the 8469
chairperson call a meeting of the board, and the chairperson shall 8470
call the meeting within thirty days after receiving such requests. 8471
The treasurer of state or the treasurer of state's designated 8472
representative shall be chairperson of the board. The ~~cashier~~ 8473
treasurer of the state ~~treasury~~ shall be designate an employee of 8474
the treasurer of state's department to serve as the secretary of 8475
the board and ~~shall~~ keep its records. A certified copy of such 8476
records shall be prima-facie evidence of the matter appearing 8477

therein in any court of record. 8478

The chairperson shall provide a monthly report to the board 8479
of deposit consisting of the notifications required under division 8480
(B) of section 135.143 of the Revised Code and shall post that 8481
report monthly to a web site maintained by the treasurer of state. 8482

The necessary expenses of the board shall be paid from the 8483
state treasury from appropriations for that purpose upon the order 8484
of the board certified by the chairperson and the secretary. 8485

Sec. 135.143. (A) The treasurer of state may invest or 8486
execute transactions for any part or all of the interim funds of 8487
the state in the following classifications of obligations: 8488

(1) United States treasury bills, notes, bonds, or any other 8489
obligations or securities issued by the United States treasury or 8490
any other obligation guaranteed as to principal and interest by 8491
the United States; 8492

(2) Bonds, notes, debentures, or any other obligations or 8493
securities issued by any federal government agency or 8494
instrumentality; 8495

(3)(a) Bonds, notes, and other obligations of the state of 8496
Ohio, including, but not limited to, any obligations issued by the 8497
treasurer of state, the Ohio public facilities commission, the 8498
Ohio building authority, the Ohio housing finance agency, the Ohio 8499
water development authority, and the Ohio turnpike infrastructure 8500
commission; 8501

(b) Bonds, notes, and other obligations of any state or 8502
political subdivision thereof rated in the three highest 8503
categories by at least one nationally recognized standard rating 8504
service and purchased through a registered securities broker or 8505
dealer, provided the treasurer of state is not the sole purchaser 8506
of the bonds, notes, or other obligations at original issuance. 8507

(4)(a) Written repurchase agreements with any eligible Ohio 8508
financial institution that is a member of the federal reserve 8509
system or federal home loan bank, or any registered United States 8510
government securities dealer, under the terms of which agreement 8511
the treasurer of state purchases and the eligible financial 8512
institution or dealer agrees unconditionally to repurchase any of 8513
the securities that are listed in division (A)(1), (2), or (6) of 8514
this section. The market value of securities subject to these 8515
transactions must exceed the principal value of the repurchase 8516
agreement by an amount specified by the treasurer of state, and 8517
the securities must be delivered into the custody of the treasurer 8518
of state or the qualified trustee or agent designated by the 8519
treasurer of state. The agreement shall contain the requirement 8520
that for each transaction pursuant to the agreement, the 8521
participating institution or dealer shall provide all of the 8522
following information: 8523

(i) The par value of the securities; 8524

(ii) The type, rate, and maturity date of the securities; 8525

(iii) A numerical identifier generally accepted in the 8526
securities industry that designates the securities. 8527

(b) The treasurer of state also may sell any securities, 8528
listed in division (A)(1), (2), or (6) of this section, regardless 8529
of maturity or time of redemption of the securities, under the 8530
same terms and conditions for repurchase, provided that the 8531
securities have been fully paid for and are owned by the treasurer 8532
of state at the time of the sale. 8533

(5) Securities lending agreements with any eligible financial 8534
institution that is a member of the federal reserve system or 8535
federal home loan bank or any recognized United States government 8536
securities dealer, under the terms of which agreements the 8537
treasurer of state lends securities and the eligible financial 8538

institution or dealer agrees to simultaneously exchange similar 8539
securities or cash, equal value for equal value. 8540

Securities and cash received as collateral for a securities 8541
lending agreement are not interim funds of the state. The 8542
investment of cash collateral received pursuant to a securities 8543
lending agreement may be invested only in such instruments 8544
specified by the treasurer of state in accordance with a written 8545
investment policy. 8546

(6) Various forms of commercial paper issued by any entity 8547
that is organized under the laws of the United States or a state, 8548
which notes are rated in the two highest categories by two 8549
nationally recognized standard rating services, provided that the 8550
total amount invested under this section in any commercial paper 8551
at any time shall not exceed forty per cent of the state's total 8552
average portfolio, as determined and calculated by the treasurer 8553
of state; 8554

(7) Bankers acceptances, maturing in two hundred seventy days 8555
or less, provided that the total amount invested in bankers 8556
acceptances at any time shall not exceed ten per cent of the 8557
state's total average portfolio, as determined and calculated by 8558
the treasurer of state; 8559

(8) Certificates of deposit in eligible institutions applying 8560
for interim moneys as provided in section 135.08 of the Revised 8561
Code, including linked deposits as provided in sections 135.61 to 8562
135.67 of the Revised Code, agricultural linked deposits as 8563
provided in sections 135.71 to 135.76 of the Revised Code, 8564
business linked deposits as provided in sections 135.77 to 135.774 8565
of the Revised Code, and housing linked deposits as provided in 8566
sections 135.81 to 135.87 of the Revised Code; 8567

(9) Negotiable certificates of deposit denominated in United 8568
States dollars issued by a nationally or state-chartered bank, a 8569

savings association or a federal association, a state or federal 8570
credit union, or a federally licensed or state-licensed branch of 8571
a foreign bank, which are rated in the two highest categories by 8572
two nationally recognized standard rating services, provided that 8573
the total amount invested under this section in negotiable 8574
certificates of deposit at any time shall not exceed twenty-five 8575
per cent of the state's total average portfolio, as determined and 8576
calculated by the treasurer of state. Interim funds invested in 8577
accordance with division (A)(9) of this section are not limited to 8578
institutions applying for interim moneys under section 135.08 of 8579
the Revised Code, nor are they subject to any pledging 8580
requirements described in sections 135.18, 135.181, or 135.182 of 8581
the Revised Code. 8582

(10) The state treasurer's investment pool authorized under 8583
section 135.45 of the Revised Code; 8584

~~(10)~~(11) Debt interests, other than commercial paper 8585
described in division (A)(6) of this section, rated in the three 8586
highest categories by two nationally recognized standard rating 8587
services and issued by entities that are organized under the laws 8588
of the United States or a state, or issued by foreign nations 8589
diplomatically recognized by the United States government, or any 8590
instrument based on, derived from, or related to such interests, 8591
provided that: 8592

(a) The investments in debt interests other than commercial 8593
paper shall not exceed in the aggregate twenty-five per cent of 8594
the state's portfolio. 8595

(b) The investments in debt interests issued by foreign 8596
nations shall not exceed in the aggregate two per cent of the 8597
state's portfolio. 8598

The treasurer of state shall invest under division 8599
(A)~~(10)~~(11) of this section in a debt interest issued by a foreign 8600

nation only if the debt interest is backed by the full faith and 8601
credit of that foreign nation, and provided that all interest and 8602
principal shall be denominated and payable in United States funds. 8603

(c) When added to the investment in commercial paper and 8604
negotiable certificates of deposit, the investments in the debt 8605
interests of a single issuer shall not exceed in the aggregate 8606
five per cent of the state's portfolio. 8607

(d) For purposes of division (A)~~(10)~~(11) of this section, a 8608
debt interest is rated in the three highest categories by two 8609
nationally recognized standard rating services if either the debt 8610
interest itself or the issuer of the debt interest is rated, or is 8611
implicitly rated, in the three highest categories by two 8612
nationally recognized standard rating services. 8613

(e) For purposes of division (A)~~(10)~~(11) of this section, the 8614
"state's portfolio" means the state's total average portfolio, as 8615
determined and calculated by the treasurer of state. 8616

~~(11)~~(12) No-load money market mutual funds rated in the 8617
highest category by one nationally recognized standard rating 8618
service or consisting exclusively of obligations described in 8619
division (A)(1), (2), or (6) of this section and repurchase 8620
agreements secured by such obligations. 8621

~~(12)~~(13) Obligations issued by, or on behalf of, an Ohio 8622
political subdivision under Chapter 133. of the Revised Code or 8623
Section 12 of Article XVIII, Ohio Constitution, and identified in 8624
an agreement described in division (G) of this section. 8625

(B) Whenever, during a period of designation, the treasurer 8626
of state classifies public moneys as interim moneys, the treasurer 8627
of state shall notify the state board of deposit of such action. 8628
The notification shall be given within thirty days after such 8629
classification and, in the event the state board of deposit does 8630
not concur in such classification or in the investments or 8631

deposits made under this section, the board may order the 8632
treasurer of state to sell or liquidate any of the investments or 8633
deposits, and any such order shall specifically describe the 8634
investments or deposits and fix the date upon which they are to be 8635
sold or liquidated. Investments or deposits so ordered to be sold 8636
or liquidated shall be sold or liquidated for cash by the 8637
treasurer of state on the date fixed in such order at the then 8638
current market price. Neither the treasurer of state nor the 8639
members of the state board of deposit shall be held accountable 8640
for any loss occasioned by sales or liquidations of investments or 8641
deposits at prices lower than their cost. Any loss or expense 8642
incurred in making these sales or liquidations is payable as other 8643
expenses of the treasurer's office. 8644

(C) If any securities or obligations invested in by the 8645
treasurer of state pursuant to this section are registrable either 8646
as to principal or interest, or both, such securities or 8647
obligations shall be registered in the name of the treasurer of 8648
state. 8649

(D) The treasurer of state is responsible for the safekeeping 8650
of all securities or obligations under this section. Any such 8651
securities or obligations may be deposited for safekeeping as 8652
provided in section 113.05 of the Revised Code. 8653

(E) Interest earned on any investments or deposits authorized 8654
by this section shall be collected by the treasurer of state and 8655
credited by the treasurer of state to the proper fund of the 8656
state. 8657

(F) Whenever investments or deposits acquired under this 8658
section mature and become due and payable, the treasurer of state 8659
shall present them for payment according to their tenor, and shall 8660
collect the moneys payable thereon. The moneys so collected shall 8661
be treated as public moneys subject to sections 135.01 to 135.21 8662
of the Revised Code. 8663

(G) The treasurer of state and any entity issuing obligations referred to in division (A)~~(12)~~(13) of this section, which obligations mature within one year from the original date of issuance, may enter into an agreement providing for:

(1) The purchase of those obligations by the treasurer of state on terms and subject to conditions set forth in the agreement;

(2) The payment to the treasurer of state of a reasonable fee as consideration for the agreement of the treasurer of state to purchase those obligations; provided, however, that the treasurer of state shall not be authorized to enter into any such agreement with a board of education of a school district that has an outstanding obligation with respect to a loan received under authority of section 3313.483 of the Revised Code.

(H) For purposes of division (G) of this section, a fee shall not be considered reasonable unless it is set to recover only the direct costs, a reasonable estimate of the indirect costs associated with the purchasing of obligations under division (G) of this section and any reselling of the obligations or any interest in the obligations, including interests in a fund comprised of the obligations, and the administration thereof. No money from the general revenue fund shall be used to subsidize the purchase or resale of these obligations.

(I) All money collected by the treasurer of state from the fee imposed by division (G) of this section shall be deposited to the credit of the state political subdivision obligations fund, which is hereby created in the state treasury. Money credited to the fund shall be used solely to pay the treasurer of state's direct and indirect costs associated with purchasing and reselling obligations under division (G) of this section.

(J) As used in this section, "political subdivision" means a

county, township, municipal corporation, school district, or other 8695
body corporate and politic responsible for governmental activities 8696
in a geographic area smaller than that of the state. 8697

Sec. 135.45. (A) Subject to division (B) of this section, a 8698
treasurer, governing board, or investing authority of a 8699
subdivision may pay public moneys of the subdivision into the Ohio 8700
subdivision's fund, which may be established in the custody of the 8701
treasurer of state. The treasurer of state shall invest the moneys 8702
in the fund in separately managed accounts and pooled accounts, 8703
including the state treasurer's investment pool, in the same 8704
manner, in the same types of instruments, and subject to the same 8705
limitations provided for the deposit and investment of interim 8706
moneys of the state, except that the fund shall not be invested in 8707
the linked deposits authorized under sections 135.61 to 135.67 of 8708
the Revised Code. 8709

(B)(1) On and after July 1, 1997, a treasurer, governing 8710
board, or investing authority of a subdivision that has not 8711
entered into an agreement with the treasurer of state under 8712
division (C) of this section shall not invest public moneys of the 8713
subdivision in a pooled account of the Ohio subdivision's fund 8714
under division (B)(6) of section 135.14 of the Revised Code or 8715
division (A)(6) of section 135.35 of the Revised Code if the pool 8716
does not maintain the highest letter or numerical rating provided 8717
by at least one nationally recognized standard rating service. 8718

(2) Upon receipt of notice that the pool does not maintain 8719
the highest letter or numerical rating required under division 8720
(B)(1) of this section, the treasurer of state shall have ninety 8721
days to obtain the required highest letter or numerical rating. If 8722
the treasurer of state fails to obtain the required highest letter 8723
or numerical rating, the treasurer of state shall have an 8724
additional one hundred eighty days to develop a plan to dissolve 8725

the pool. The plan shall include reasonable standards for the 8726
equitable return of public moneys in the pool to those 8727
subdivisions participating in the pool. 8728

(3) Treasurers, governing boards, or investing authorities of 8729
subdivisions participating in the pool shall not be required to 8730
divest in the pool during the initial one hundred eighty days 8731
following the treasurer of state's receipt of notice under 8732
division (B)(2) of this section. 8733

(C) A treasurer, governing board, or investing authority of a 8734
subdivision that wishes to invest public moneys of the subdivision 8735
in a separately managed account or pooled account of the Ohio 8736
subdivision's fund may enter into an agreement with the treasurer 8737
of state that sets forth the manner in which the money is to be 8738
invested. The treasurer of state shall invest the moneys in 8739
accordance with the agreement, subject to the limitations set 8740
forth in division (A) of this section. For purposes of this 8741
division, the limitation on investments in debt interests provided 8742
in division ~~(A)(10)(a)~~ (A)(11)(a) of section 135.143 of the 8743
Revised Code shall not apply to a subdivision's excess reserves. 8744

(D) The treasurer of state shall adopt such rules as are 8745
necessary for the implementation of this section, including the 8746
efficient administration of and accounting for the separately 8747
managed accounts and pooled accounts, including the state 8748
treasurer's investment pool, and the specification of minimum 8749
amounts that may be paid into such pools and minimum periods of 8750
time for which such payments shall be retained in the pools. The 8751
rules shall provide for the administrative expenses of the 8752
separately managed accounts and pooled accounts, including the 8753
state treasurer's investment pool, to be paid from the earnings 8754
and for the interest earnings in excess of such expenses to be 8755
credited to the several treasurers, governing boards, and 8756
investing authorities participating in a pool in a manner which 8757

equitably reflects the differing amounts of their respective 8758
investments in the pool and the differing periods of time for 8759
which such amounts are in the pool. 8760

(E) The treasurer of state shall give bond with sufficient 8761
sureties, payable to the treasurers, governing boards, and 8762
investing authorities of subdivisions participating in the fund, 8763
for the benefit of the subdivisions whose moneys are paid into the 8764
fund for investment, in the total penal sum of two hundred fifty 8765
thousand dollars, conditioned for the faithful discharge of the 8766
treasurer of state's duties in relation to the fund. 8767

(F) The treasurer of state and the treasurer of state's 8768
bonders or surety are liable for the loss of any interim moneys of 8769
the state and subdivisions invested under this section to the same 8770
extent the treasurer of state and the treasurer of state's bonders 8771
or surety are liable for the loss of public moneys under section 8772
135.19 of the Revised Code. 8773

(G) As used in this section: 8774

(1) "Interim moneys" and "governing board" have the same 8775
meanings as in section 135.01 of the Revised Code. 8776

(2)(a) "Subdivision" has the same meaning as in section 8777
135.01 of the Revised Code, but also includes a county, a 8778
municipal corporation that has adopted a charter under Article 8779
XVIII, Ohio Constitution, or any government entity for which the 8780
fund is a permissible investment. 8781

(b) "Public moneys of a subdivision" has the same meaning as 8782
in section 135.01 of the Revised Code, but also includes "public 8783
moneys" as defined in section 135.31 of the Revised Code, and 8784
funds held in the custody of the treasurer of state 8785
notwithstanding any limitations on the permissible investments of 8786
such funds. 8787

(3) "Treasurer" has the same meaning as in sections 135.01 8788

and 135.31 of the Revised Code. 8789

(4) "Investing authority" has the same meaning as in section 8790
135.31 of the Revised Code. 8791

(5) "Excess reserves" means the amount of a subdivision's 8792
public moneys that exceed the average of a subdivision's annual 8793
operating expenses in the immediately preceding three fiscal 8794
years. 8795

Sec. 149.08. Within sixty days after each engrossed bill is 8796
filed with the secretary of state, ~~he~~ the secretary of state shall 8797
~~forward~~ provide a copy of each such law to each clerk of the court 8798
of common pleas. The secretary of state may provide the copy 8799
required by this section in person, by mail, or by electronic 8800
means. 8801

Sec. 149.311. (A) As used in this section: 8802

(1) "Historic building" means a building, including its 8803
structural components, that is located in this state and that is 8804
either individually listed on the national register of historic 8805
places under 16 U.S.C. 470a, located in a registered historic 8806
district, and certified by the state historic preservation officer 8807
as being of historic significance to the district, or is 8808
individually listed as an historic landmark designated by a local 8809
government certified under 16 U.S.C. 470a(c). 8810

(2) "Qualified rehabilitation expenditures" means 8811
expenditures paid or incurred during the rehabilitation period, 8812
and before and after that period as determined under 26 U.S.C. 47, 8813
by an owner or qualified lessee of an historic building to 8814
rehabilitate the building. "Qualified rehabilitation expenditures" 8815
includes architectural or engineering fees paid or incurred in 8816
connection with the rehabilitation, and expenses incurred in the 8817
preparation of nomination forms for listing on the national 8818

register of historic places. "Qualified rehabilitation expenditures" does not include any of the following: 8819

(a) The cost of acquiring, expanding, or enlarging an historic building; 8820

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(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping; 8823

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(c) New building construction costs. 8826

(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code. 8827

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(4) "Qualified lessee" means a person subject to a lease agreement for an historic building and eligible for the federal rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code. 8831

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(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section. 8836

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(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9. 8839

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(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values. 8844

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(8) "Rehabilitation period" means one of the following: 8849

(a) If the rehabilitation initially was not planned to be 8850
completed in stages, a period chosen by the owner or qualified 8851
lessee not to exceed twenty-four months during which 8852
rehabilitation occurs; 8853

(b) If the rehabilitation initially was planned to be 8854
completed in stages, a period chosen by the owner or qualified 8855
lessee not to exceed sixty months during which rehabilitation 8856
occurs. Each stage shall be reviewed as a phase of a 8857
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 8858
successor to that section. 8859

(9) "State historic preservation officer" or "officer" means 8860
the state historic preservation officer appointed by the governor 8861
under 16 U.S.C. 470a. 8862

(10) "Catalytic project" means the rehabilitation of an 8863
historic building, the rehabilitation of which will foster 8864
economic development within two thousand five hundred feet of the 8865
historic building. 8866

(B) The owner or qualified lessee of an historic building may 8867
apply to the director of development ~~services~~ for a rehabilitation 8868
tax credit certificate for qualified rehabilitation expenditures 8869
paid or incurred by such owner or qualified lessee after April 4, 8870
2007, for rehabilitation of an historic building. If the owner of 8871
an historic building enters a pass-through agreement with a 8872
qualified lessee for the purposes of the federal rehabilitation 8873
tax credit under 26 U.S.C. 47, the qualified rehabilitation 8874
expenditures paid or incurred by the owner after April 4, 2007, 8875
may be attributed to the qualified lessee. 8876

The form and manner of filing such applications shall be 8877
prescribed by rule of the director. Each application shall state 8878
the amount of qualified rehabilitation expenditures the applicant 8879

estimates will be paid or incurred. The director may require 8880
applicants to furnish documentation of such estimates. 8881

The director, after consultation with the tax commissioner 8882
and in accordance with Chapter 119. of the Revised Code, shall 8883
adopt rules that establish all of the following: 8884

(1) Forms and procedures by which applicants may apply for 8885
rehabilitation tax credit certificates; 8886

(2) Criteria for reviewing, evaluating, and approving 8887
applications for certificates within the limitations under 8888
division (D) of this section, criteria for assuring that the 8889
certificates issued encompass a mixture of high and low qualified 8890
rehabilitation expenditures, and criteria for issuing certificates 8891
under division (C)(3)(b) of this section; 8892

(3) Eligibility requirements for obtaining a certificate 8893
under this section; 8894

(4) The form of rehabilitation tax credit certificates; 8895

(5) Reporting requirements and monitoring procedures; 8896

(6) Procedures and criteria for conducting cost-benefit 8897
analyses of historic buildings that are the subjects of 8898
applications filed under this section. The purpose of a 8899
cost-benefit analysis shall be to determine whether rehabilitation 8900
of the historic building will result in a net revenue gain in 8901
state and local taxes once the building is used. 8902

(7) Any other rules necessary to implement and administer 8903
this section. 8904

(C) The director ~~of development services~~ shall review the 8905
applications with the assistance of the state historic 8906
preservation officer and determine whether all of the following 8907
criteria are met: 8908

(1) That the building that is the subject of the application 8909

is an historic building and the applicant is the owner or 8910
qualified lessee of the building; 8911

(2) That the rehabilitation will satisfy standards prescribed 8912
by the United States secretary of the interior under 16 U.S.C. 8913
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 8914
that section; 8915

(3) That receiving a rehabilitation tax credit certificate 8916
under this section is a major factor in: 8917

(a) The applicant's decision to rehabilitate the historic 8918
building; or 8919

(b) To increase the level of investment in such 8920
rehabilitation. 8921

An applicant shall demonstrate to the satisfaction of the 8922
state historic preservation officer and director ~~of development~~ 8923
~~services~~ that the rehabilitation will satisfy the standards 8924
described in division (C)(2) of this section before the applicant 8925
begins the physical rehabilitation of the historic building. 8926

(D)(1) If the director ~~of development services~~ determines 8927
that an application meets the criteria in divisions (C)(1), (2), 8928
and (3) of this section, the director shall conduct a cost-benefit 8929
analysis for the historic building that is the subject of the 8930
application to determine whether rehabilitation of the historic 8931
building will result in a net revenue gain in state and local 8932
taxes once the building is used. The director shall consider the 8933
results of the cost-benefit analysis in determining whether to 8934
approve the application. The director shall also consider the 8935
potential economic impact and the regional distributive balance of 8936
the credits throughout the state. The director may approve an 8937
application only after completion of the cost-benefit analysis. 8938

(2) A rehabilitation tax credit certificate shall not be 8939
issued for an amount greater than the estimated amount furnished 8940

by the applicant on the application for such certificate and 8941
approved by the director. The director shall not approve more than 8942
a total of sixty million dollars of rehabilitation tax credits per 8943
fiscal year but the director may reallocate unused tax credits 8944
from a prior fiscal year for new applicants and such reallocated 8945
credits shall not apply toward the dollar limit of this division. 8946

(3) For rehabilitations with a rehabilitation period not 8947
exceeding twenty-four months as provided in division (A)(8)(a) of 8948
this section, a rehabilitation tax credit certificate shall not be 8949
issued before the rehabilitation of the historic building is 8950
completed. 8951

(4) For rehabilitations with a rehabilitation period not 8952
exceeding sixty months as provided in division (A)(8)(b) of this 8953
section, a rehabilitation tax credit certificate shall not be 8954
issued before a stage of rehabilitation is completed. After all 8955
stages of rehabilitation are completed, if the director cannot 8956
determine that the criteria in division (C) of this section are 8957
satisfied for all stages of rehabilitations, the director shall 8958
certify this finding to the tax commissioner, and any 8959
rehabilitation tax credits received by the applicant shall be 8960
repaid by the applicant and may be collected by assessment as 8961
unpaid tax by the commissioner. 8962

(5) The director ~~of development services~~ shall require the 8963
applicant to provide a third-party cost certification by a 8964
certified public accountant of the actual costs attributed to the 8965
rehabilitation of the historic building when qualified 8966
rehabilitation expenditures exceed two hundred thousand dollars. 8967

If an applicant whose application is approved for receipt of 8968
a rehabilitation tax credit certificate fails to provide to the 8969
director sufficient evidence of reviewable progress, including a 8970
viable financial plan, copies of final construction drawings, and 8971
evidence that the applicant has obtained all historic approvals 8972

within twelve months after the date the applicant received 8973
notification of approval, and if the applicant fails to provide 8974
evidence to the director that the applicant has secured and closed 8975
on financing for the rehabilitation within eighteen months after 8976
receiving notification of approval, the director may rescind the 8977
approval of the application. The director shall notify the 8978
applicant if the approval has been rescinded. Credits that would 8979
have been available to an applicant whose approval was rescinded 8980
shall be available for other qualified applicants. Nothing in this 8981
division prohibits an applicant whose approval has been rescinded 8982
from submitting a new application for a rehabilitation tax credit 8983
certificate. 8984

(6) The director ~~of development services~~ may approve the 8985
application of, and issue a rehabilitation tax credit certificate 8986
to, the owner of a catalytic project, provided the application 8987
otherwise meets the criteria described in divisions (C) and (D) of 8988
this section. The director may not approve more than one 8989
application for a rehabilitation tax credit certificate under 8990
division (D)(6) of this section during each state fiscal biennium. 8991
The director shall not approve an application for a rehabilitation 8992
tax credit certificate under division (D)(6) of this section 8993
during the state fiscal biennium beginning July 1, 2017, or during 8994
any state fiscal biennium thereafter. The director shall consider 8995
the following criteria in determining whether to approve an 8996
application for a certificate under division (D)(6) of this 8997
section: 8998

(a) Whether the historic building is a catalytic project; 8999

(b) The effect issuance of the certificate would have on the 9000
availability of credits for other applicants that qualify for a 9001
credit certificate within the credit dollar limit described in 9002
division (D)(2) of this section; 9003

(c) The number of jobs, if any, the catalytic project will 9004

create. 9005

(7)(a) The owner or qualified lessee of a historic building 9006
may apply for a rehabilitation tax credit certificate under both 9007
divisions (B) and (D)(6) of this section. In such a case, the 9008
director ~~of development services~~ shall consider each application 9009
at the time the application is submitted. 9010

(b) The director ~~of development services~~ shall not issue more 9011
than one certificate under this section with respect to the same 9012
qualified rehabilitation expenditures. 9013

(E) Issuance of a certificate represents a finding by the 9014
director ~~of development services~~ of the matters described in 9015
divisions (C)(1), (2), and (3) of this section only; issuance of a 9016
certificate does not represent a verification or certification by 9017
the director of the amount of qualified rehabilitation 9018
expenditures for which a tax credit may be claimed under section 9019
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 9020
Revised Code. The amount of qualified rehabilitation expenditures 9021
for which a tax credit may be claimed is subject to inspection and 9022
examination by the tax commissioner or employees of the 9023
commissioner under section 5703.19 of the Revised Code and any 9024
other applicable law. Upon the issuance of a certificate, the 9025
director shall certify to the tax commissioner, in the form and 9026
manner requested by the tax commissioner, the name of the 9027
applicant, the amount of qualified rehabilitation expenditures 9028
shown on the certificate, and any other information required by 9029
the rules adopted under this section. 9030

(F)(1) On or before the first day of August each year, the 9031
director ~~of development services~~ and tax commissioner jointly 9032
shall submit to the president of the senate and the speaker of the 9033
house of representatives a report on the tax credit program 9034
established under this section and sections 5725.151, 5725.34, 9035
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 9036

report shall present an overview of the program and shall include 9037
information on the number of rehabilitation tax credit 9038
certificates issued under this section during the preceding fiscal 9039
year, an update on the status of each historic building for which 9040
an application was approved under this section, the dollar amount 9041
of the tax credits granted under sections 5725.151, 5725.34, 9042
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 9043
any other information the director and commissioner consider 9044
relevant to the topics addressed in the report. 9045

(2) On or before December 1, 2015, the director ~~of~~ 9046
~~development services~~ and tax commissioner jointly shall submit to 9047
the president of the senate and the speaker of the house of 9048
representatives a comprehensive report that includes the 9049
information required by division (F)(1) of this section and a 9050
detailed analysis of the effectiveness of issuing tax credits for 9051
rehabilitating historic buildings. The report shall be prepared 9052
with the assistance of an economic research organization jointly 9053
chosen by the director and commissioner. 9054

(G) There is hereby created in the state treasury the 9055
historic rehabilitation tax credit operating fund. The director ~~of~~ 9056
~~development services~~ is authorized to charge reasonable 9057
application and other fees in connection with the administration 9058
of tax credits authorized by this section and sections 5725.151, 9059
5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised 9060
Code. Any such fees collected shall be credited to the fund and 9061
used to pay reasonable costs incurred by the department of 9062
development ~~services~~ in administering this section and sections 9063
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 9064
Revised Code. 9065

The Ohio historic preservation office is authorized to charge 9066
reasonable fees in connection with its review and approval of 9067
applications under this section. Any such fees collected shall be 9068

credited to the fund and used to pay administrative costs incurred 9069
by the Ohio historic preservation office pursuant to this section. 9070

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 9071
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 9072
owner of a tax credit certificate issued under division (D)(6) of 9073
this section may claim a tax credit equal to twenty-five per cent 9074
of the dollar amount indicated on the certificate for a total 9075
credit of not more than twenty-five million dollars. The credit 9076
claimed by such a certificate owner for any calendar year, tax 9077
year, or taxable year under section 5725.151, 5725.34, 5726.52, 9078
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 9079
five million dollars. If the certificate owner is eligible for 9080
more than five million dollars in total credits, the certificate 9081
owner may carry forward the balance of the credit in excess of the 9082
amount claimed for that year for not more than five ensuing 9083
calendar years, tax years, or taxable years. If the credit claimed 9084
in any calendar year, tax year, or taxable year exceeds the tax 9085
otherwise due, the excess shall be refunded to the taxpayer. 9086

(I) The director of development ~~services~~, in consultation 9087
with the director of budget and management, shall develop and 9088
adopt a system of tracking any information necessary to anticipate 9089
the impact of credits issued under this section on tax revenues 9090
for current and future fiscal years. Such information may include 9091
the number of applications approved, the estimated rehabilitation 9092
expenditures and rehabilitation period associated with such 9093
applications, the number and amount of tax credit certificates 9094
issued, and any other information the director of budget and 9095
management requires for the purposes of this division. 9096

Sec. 149.43. (A) As used in this section: 9097

(1) "Public record" means records kept by any public office, 9098
including, but not limited to, state, county, city, village, 9099

township, and school district units, and records pertaining to the 9100
delivery of educational services by an alternative school in this 9101
state kept by the nonprofit or for-profit entity operating the 9102
alternative school pursuant to section 3313.533 of the Revised 9103
Code. "Public record" does not mean any of the following: 9104

(a) Medical records; 9105

(b) Records pertaining to probation and parole proceedings, 9106
to proceedings related to the imposition of community control 9107
sanctions and post-release control sanctions, or to proceedings 9108
related to determinations under section 2967.271 of the Revised 9109
Code regarding the release or maintained incarceration of an 9110
offender to whom that section applies; 9111

(c) Records pertaining to actions under section 2151.85 and 9112
division (C) of section 2919.121 of the Revised Code and to 9113
appeals of actions arising under those sections; 9114

(d) Records pertaining to adoption proceedings, including the 9115
contents of an adoption file maintained by the department of 9116
health under sections 3705.12 to 3705.124 of the Revised Code; 9117

(e) Information in a record contained in the putative father 9118
registry established by section 3107.062 of the Revised Code, 9119
regardless of whether the information is held by the department of 9120
job and family services or, pursuant to section 3111.69 of the 9121
Revised Code, the office of child support in the department or a 9122
child support enforcement agency; 9123

(f) Records specified in division (A) of section 3107.52 of 9124
the Revised Code; 9125

(g) Trial preparation records; 9126

(h) Confidential law enforcement investigatory records; 9127

(i) Records containing information that is confidential under 9128
section 2710.03 or 4112.05 of the Revised Code; 9129

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	9130 9131
(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;	9132 9133 9134 9135
(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;	9136 9137 9138 9139
(m) Intellectual property records;	9140
(n) Donor profile records;	9141
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	9142 9143
(p) Designated public service worker residential and familial information;	9144 9145
(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;	9146 9147 9148 9149 9150
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	9151 9152
(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,	9153 9154 9155 9156 9157 9158 9159

and in the case of a child fatality review board, child fatality 9160
review data submitted by the board to the department of health or 9161
a national child death review database, other than the report 9162
prepared pursuant to division (A) of section 307.626 of the 9163
Revised Code; 9164

(t) Records provided to and statements made by the executive 9165
director of a public children services agency or a prosecuting 9166
attorney acting pursuant to section 5153.171 of the Revised Code 9167
other than the information released under that section; 9168

(u) Test materials, examinations, or evaluation tools used in 9169
an examination for licensure as a nursing home administrator that 9170
the board of executives of long-term services and supports 9171
administers under section 4751.15 of the Revised Code or contracts 9172
under that section with a private or government entity to 9173
administer; 9174

(v) Records the release of which is prohibited by state or 9175
federal law; 9176

(w) Proprietary information of or relating to any person that 9177
is submitted to or compiled by the Ohio venture capital authority 9178
created under section 150.01 of the Revised Code; 9179

(x) Financial statements and data any person submits for any 9180
purpose to the Ohio housing finance agency or the controlling 9181
board in connection with applying for, receiving, or accounting 9182
for financial assistance from the agency, and information that 9183
identifies any individual who benefits directly or indirectly from 9184
financial assistance from the agency; 9185

(y) Records listed in section 5101.29 of the Revised Code; 9186

(z) Discharges recorded with a county recorder under section 9187
317.24 of the Revised Code, as specified in division (B)(2) of 9188
that section; 9189

(aa) Usage information including names and addresses of	9190
specific residential and commercial customers of a municipally	9191
owned or operated public utility;	9192
(bb) Records described in division (C) of section 187.04 of	9193
the Revised Code that are not designated to be made available to	9194
the public as provided in that division;	9195
(cc) Information and records that are made confidential,	9196
privileged, and not subject to disclosure under divisions (B) and	9197
(C) of section 2949.221 of the Revised Code;	9198
(dd) Personal information, as defined in section 149.45 of	9199
the Revised Code;	9200
(ee) The confidential name, address, and other personally	9201
identifiable information of a program participant in the address	9202
confidentiality program established under sections 111.41 to	9203
111.47 of the Revised Code, including the contents of any	9204
application for absent voter's ballots, absent voter's ballot	9205
identification envelope statement of voter, or provisional ballot	9206
affirmation completed by a program participant who has a	9207
confidential voter registration record, and records or portions of	9208
records pertaining to that program that identify the number of	9209
program participants that reside within a precinct, ward,	9210
township, municipal corporation, county, or any other geographic	9211
area smaller than the state. As used in this division,	9212
"confidential address" and "program participant" have the meaning	9213
defined in section 111.41 of the Revised Code.	9214
(ff) Orders for active military service of an individual	9215
serving or with previous service in the armed forces of the United	9216
States, including a reserve component, or the Ohio organized	9217
militia, except that, such order becomes a public record on the	9218
day that is fifteen years after the published date or effective	9219
date of the call to order;	9220

(gg) The name, address, contact information, or other 9221
personal information of an individual who is less than eighteen 9222
years of age that is included in any record related to a traffic 9223
accident involving a school vehicle in which the individual was an 9224
occupant at the time of the accident; 9225

(hh) Protected health information, as defined in 45 C.F.R. 9226
160.103, that is in a claim for payment for a health care product, 9227
service, or procedure, as well as any other health claims data in 9228
another document that reveals the identity of an individual who is 9229
the subject of the data or could be used to reveal that 9230
individual's identity; 9231

(ii) Any depiction by photograph, film, videotape, or printed 9232
or digital image under either of the following circumstances: 9233

(i) The depiction is that of a victim of an offense the 9234
release of which would be, to a reasonable person of ordinary 9235
sensibilities, an offensive and objectionable intrusion into the 9236
victim's expectation of bodily privacy and integrity. 9237

(ii) The depiction captures or depicts the victim of a 9238
sexually oriented offense, as defined in section 2950.01 of the 9239
Revised Code, at the actual occurrence of that offense. 9240

(jj) Restricted portions of a body-worn camera or dashboard 9241
camera recording; 9242

(kk) In the case of a fetal-infant mortality review board 9243
acting under sections 3707.70 to 3707.77 of the Revised Code, 9244
records, documents, reports, or other information presented to the 9245
board or a person abstracting such materials on the board's 9246
behalf, statements made by review board members during board 9247
meetings, all work products of the board, and data submitted by 9248
the board to the department of health or a national infant death 9249
review database, other than the report prepared pursuant to 9250
section 3707.77 of the Revised Code. 9251

(ll) Records, documents, reports, or other information 9252
presented to the pregnancy-associated mortality review board 9253
established under section 3738.01 of the Revised Code, statements 9254
made by board members during board meetings, all work products of 9255
the board, and data submitted by the board to the department of 9256
health, other than the biennial reports prepared under section 9257
3738.08 of the Revised Code; 9258

(mm) Telephone numbers for a victim, as defined in section 9259
2930.01 of the Revised Code, a witness to a crime, or a party to a 9260
motor vehicle accident subject to the requirements of section 9261
5502.11 of the Revised Code that are listed on any law enforcement 9262
record or report, other than when requested ~~by an insurer or~~ 9263
~~insurance agent investigating an insurance claim resulting from a~~ 9264
~~motor vehicle accident~~ thirty or more days after the act 9265
classifying the person as a victim, after the crime, or after the 9266
motor vehicle accident. 9267

(nn) A preneed funeral contract, as defined in section 9268
4717.01 of the Revised Code, and contract terms and personally 9269
identifying information of a preneed funeral contract, that is 9270
contained in a report submitted by or for a funeral home to the 9271
board of embalmers and funeral directors under division (C) of 9272
section 4717.13, division (J) of section 4717.31, or section 9273
4717.41 of the Revised Code. 9274

A record that is not a public record under division (A)(1) of 9275
this section and that, under law, is permanently retained becomes 9276
a public record on the day that is seventy-five years after the 9277
day on which the record was created, except for any record 9278
protected by the attorney-client privilege, a trial preparation 9279
record as defined in this section, a statement prohibiting the 9280
release of identifying information signed under section 3107.083 9281
of the Revised Code, a denial of release form filed pursuant to 9282
section 3107.46 of the Revised Code, or any record that is exempt 9283

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. 9315

(4) "Trial preparation record" means any record that contains 9316
information that is specifically compiled in reasonable 9317
anticipation of, or in defense of, a civil or criminal action or 9318
proceeding, including the independent thought processes and 9319
personal trial preparation of an attorney. 9320

(5) "Intellectual property record" means a record, other than 9321
a financial or administrative record, that is produced or 9322
collected by or for faculty or staff of a state institution of 9323
higher learning in the conduct of or as a result of study or 9324
research on an educational, commercial, scientific, artistic, 9325
technical, or scholarly issue, regardless of whether the study or 9326
research was sponsored by the institution alone or in conjunction 9327
with a governmental body or private concern, and that has not been 9328
publicly released, published, or patented. 9329

(6) "Donor profile record" means all records about donors or 9330
potential donors to a public institution of higher education 9331
except the names and reported addresses of the actual donors and 9332
the date, amount, and conditions of the actual donation. 9333

(7) "Designated public service worker" means a peace officer, 9334
parole officer, probation officer, bailiff, prosecuting attorney, 9335
assistant prosecuting attorney, correctional employee, county or 9336
multicounty corrections officer, community-based correctional 9337
facility employee, youth services employee, firefighter, EMT, 9338
medical director or member of a cooperating physician advisory 9339
board of an emergency medical service organization, state board of 9340
pharmacy employee, investigator of the bureau of criminal 9341
identification and investigation, judge, magistrate, or federal 9342
law enforcement officer. 9343

(8) "Designated public service worker residential and 9344
familial information" means any information that discloses any of 9345

the following about a designated public service worker: 9346

(a) The address of the actual personal residence of a 9347
designated public service worker, except for the following 9348
information: 9349

(i) The address of the actual personal residence of a 9350
prosecuting attorney or judge; and 9351

(ii) The state or political subdivision in which a designated 9352
public service worker resides. 9353

(b) Information compiled from referral to or participation in 9354
an employee assistance program; 9355

(c) The social security number, the residential telephone 9356
number, any bank account, debit card, charge card, or credit card 9357
number, or the emergency telephone number of, or any medical 9358
information pertaining to, a designated public service worker; 9359

(d) The name of any beneficiary of employment benefits, 9360
including, but not limited to, life insurance benefits, provided 9361
to a designated public service worker by the designated public 9362
service worker's employer; 9363

(e) The identity and amount of any charitable or employment 9364
benefit deduction made by the designated public service worker's 9365
employer from the designated public service worker's compensation, 9366
unless the amount of the deduction is required by state or federal 9367
law; 9368

(f) The name, the residential address, the name of the 9369
employer, the address of the employer, the social security number, 9370
the residential telephone number, any bank account, debit card, 9371
charge card, or credit card number, or the emergency telephone 9372
number of the spouse, a former spouse, or any child of a 9373
designated public service worker; 9374

(g) A photograph of a peace officer who holds a position or 9375

has an assignment that may include undercover or plain clothes 9376
positions or assignments as determined by the peace officer's 9377
appointing authority. 9378

(9) As used in divisions (A)(7) and (15) to (17) of this 9379
section: 9380

"Peace officer" has the meaning defined in section 109.71 of 9381
the Revised Code and also includes the superintendent and troopers 9382
of the state highway patrol; it does not include the sheriff of a 9383
county or a supervisory employee who, in the absence of the 9384
sheriff, is authorized to stand in for, exercise the authority of, 9385
and perform the duties of the sheriff. 9386

"Correctional employee" means any employee of the department 9387
of rehabilitation and correction who in the course of performing 9388
the employee's job duties has or has had contact with inmates and 9389
persons under supervision. 9390

"County or multicounty corrections officer" means any 9391
corrections officer employed by any county or multicounty 9392
correctional facility. 9393

"Youth services employee" means any employee of the 9394
department of youth services who in the course of performing the 9395
employee's job duties has or has had contact with children 9396
committed to the custody of the department of youth services. 9397

"Firefighter" means any regular, paid or volunteer, member of 9398
a lawfully constituted fire department of a municipal corporation, 9399
township, fire district, or village. 9400

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 9401
emergency medical services for a public emergency medical service 9402
organization. "Emergency medical service organization," 9403
"EMT-basic," "EMT-I," and "paramedic" have the meanings defined in 9404
section 4765.01 of the Revised Code. 9405

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code. 9406
9407
9408

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code. 9409
9410

(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: 9411
9412
9413
9414
9415

(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; 9416
9417
9418

(b) The social security number, birth date, or photographic image of a person under the age of eighteen; 9419
9420

(c) Any medical record, history, or information pertaining to a person under the age of eighteen; 9421
9422

(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. 9423
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9425
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(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code. 9429
9430

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code. 9431
9432

(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 9433
9434
9435

"record" in section 149.011 of the Revised Code. 9436

(14) "Designee," "elected official," and "future official" 9437
have the meanings defined in section 109.43 of the Revised Code. 9438

(15) "Body-worn camera" means a visual and audio recording 9439
device worn on the person of a peace officer while the peace 9440
officer is engaged in the performance of the peace officer's 9441
duties. 9442

(16) "Dashboard camera" means a visual and audio recording 9443
device mounted on a peace officer's vehicle or vessel that is used 9444
while the peace officer is engaged in the performance of the peace 9445
officer's duties. 9446

(17) "Restricted portions of a body-worn camera or dashboard 9447
camera recording" means any visual or audio portion of a body-worn 9448
camera or dashboard camera recording that shows, communicates, or 9449
discloses any of the following: 9450

(a) The image or identity of a child or information that 9451
could lead to the identification of a child who is a primary 9452
subject of the recording when the law enforcement agency knows or 9453
has reason to know the person is a child based on the law 9454
enforcement agency's records or the content of the recording; 9455

(b) The death of a person or a deceased person's body, unless 9456
the death was caused by a peace officer or, subject to division 9457
(H)(1) of this section, the consent of the decedent's executor or 9458
administrator has been obtained; 9459

(c) The death of a peace officer, firefighter, paramedic, or 9460
other first responder, occurring while the decedent was engaged in 9461
the performance of official duties, unless, subject to division 9462
(H)(1) of this section, the consent of the decedent's executor or 9463
administrator has been obtained; 9464

(d) Grievous bodily harm, unless the injury was effected by a 9465

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 9497
the information provided could reasonably be expected to threaten 9498
or endanger the safety or property of the person or another 9499
person; 9500

(l) Personal information of a person who is not arrested, 9501
cited, charged, or issued a written warning by a peace officer; 9502

(m) Proprietary police contingency plans or tactics that are 9503
intended to prevent crime and maintain public order and safety; 9504

(n) A personal conversation unrelated to work between peace 9505
officers or between a peace officer and an employee of a law 9506
enforcement agency; 9507

(o) A conversation between a peace officer and a member of 9508
the public that does not concern law enforcement activities; 9509

(p) The interior of a residence, unless the interior of a 9510
residence is the location of an adversarial encounter with, or a 9511
use of force by, a peace officer; 9512

(q) Any portion of the interior of a private business that is 9513
not open to the public, unless an adversarial encounter with, or a 9514
use of force by, a peace officer occurs in that location. 9515

As used in division (A)(17) of this section: 9516

"Grievous bodily harm" has the same meaning as in section 9517
5924.120 of the Revised Code. 9518

"Health care facility" has the same meaning as in section 9519
1337.11 of the Revised Code. 9520

"Protected health information" has the same meaning as in 45 9521
C.F.R. 160.103. 9522

"Law enforcement agency" has the same meaning as in section 9523
2925.61 of the Revised Code. 9524

"Personal information" means any government-issued 9525

identification number, date of birth, address, financial 9526
information, or criminal justice information from the law 9527
enforcement automated data system or similar databases. 9528

"Sex offense" has the same meaning as in section 2907.10 of 9529
the Revised Code. 9530

"Firefighter," "paramedic," and "first responder" have the 9531
same meanings as in section 4765.01 of the Revised Code. 9532

(18) "Insurer" and "insurance agent" have the same meanings 9533
as in section 3905.01 of the Revised Code. 9534

(B)(1) Upon request and subject to division (B)(8) of this 9535
section, all public records responsive to the request shall be 9536
promptly prepared and made available for inspection to any person 9537
at all reasonable times during regular business hours. Subject to 9538
division (B)(8) of this section, upon request by any person, a 9539
public office or person responsible for public records shall make 9540
copies of the requested public record available to the requester 9541
at cost and within a reasonable period of time. If a public record 9542
contains information that is exempt from the duty to permit public 9543
inspection or to copy the public record, the public office or the 9544
person responsible for the public record shall make available all 9545
of the information within the public record that is not exempt. 9546
When making that public record available for public inspection or 9547
copying that public record, the public office or the person 9548
responsible for the public record shall notify the requester of 9549
any redaction or make the redaction plainly visible. A redaction 9550
shall be deemed a denial of a request to inspect or copy the 9551
redacted information, except if federal or state law authorizes or 9552
requires a public office to make the redaction. 9553

(2) To facilitate broader access to public records, a public 9554
office or the person responsible for public records shall organize 9555
and maintain public records in a manner that they can be made 9556

available for inspection or copying in accordance with division 9557
(B) of this section. A public office also shall have available a 9558
copy of its current records retention schedule at a location 9559
readily available to the public. If a requester makes an ambiguous 9560
or overly broad request or has difficulty in making a request for 9561
copies or inspection of public records under this section such 9562
that the public office or the person responsible for the requested 9563
public record cannot reasonably identify what public records are 9564
being requested, the public office or the person responsible for 9565
the requested public record may deny the request but shall provide 9566
the requester with an opportunity to revise the request by 9567
informing the requester of the manner in which records are 9568
maintained by the public office and accessed in the ordinary 9569
course of the public office's or person's duties. 9570

(3) If a request is ultimately denied, in part or in whole, 9571
the public office or the person responsible for the requested 9572
public record shall provide the requester with an explanation, 9573
including legal authority, setting forth why the request was 9574
denied. If the initial request was provided in writing, the 9575
explanation also shall be provided to the requester in writing. 9576
The explanation shall not preclude the public office or the person 9577
responsible for the requested public record from relying upon 9578
additional reasons or legal authority in defending an action 9579
commenced under division (C) of this section. 9580

(4) Unless specifically required or authorized by state or 9581
federal law or in accordance with division (B) of this section, no 9582
public office or person responsible for public records may limit 9583
or condition the availability of public records by requiring 9584
disclosure of the requester's identity or the intended use of the 9585
requested public record. Any requirement that the requester 9586
disclose the requester's identity or the intended use of the 9587
requested public record constitutes a denial of the request. 9588

(5) A public office or person responsible for public records 9589
may ask a requester to make the request in writing, may ask for 9590
the requester's identity, and may inquire about the intended use 9591
of the information requested, but may do so only after disclosing 9592
to the requester that a written request is not mandatory, that the 9593
requester may decline to reveal the requester's identity or the 9594
intended use, and when a written request or disclosure of the 9595
identity or intended use would benefit the requester by enhancing 9596
the ability of the public office or person responsible for public 9597
records to identify, locate, or deliver the public records sought 9598
by the requester. 9599

(6) If any person requests a copy of a public record in 9600
accordance with division (B) of this section, the public office or 9601
person responsible for the public record may require that person 9602
to pay in advance the cost involved in providing the copy of the 9603
public record in accordance with the choice made by the person 9604
requesting the copy under this division. The public office or the 9605
person responsible for the public record shall permit that person 9606
to choose to have the public record duplicated upon paper, upon 9607
the same medium upon which the public office or person responsible 9608
for the public record keeps it, or upon any other medium upon 9609
which the public office or person responsible for the public 9610
record determines that it reasonably can be duplicated as an 9611
integral part of the normal operations of the public office or 9612
person responsible for the public record. When the person 9613
requesting the copy makes a choice under this division, the public 9614
office or person responsible for the public record shall provide a 9615
copy of it in accordance with the choice made by that person. 9616
Nothing in this section requires a public office or person 9617
responsible for the public record to allow the person requesting a 9618
copy of the public record to make the copies of the public record. 9619

(7)(a) Upon a request made in accordance with division (B) of 9620

this section and subject to division (B)(6) of this section, a 9621
public office or person responsible for public records shall 9622
transmit a copy of a public record to any person by United States 9623
mail or by any other means of delivery or transmission within a 9624
reasonable period of time after receiving the request for the 9625
copy. The public office or person responsible for the public 9626
record may require the person making the request to pay in advance 9627
the cost of postage if the copy is transmitted by United States 9628
mail or the cost of delivery if the copy is transmitted other than 9629
by United States mail, and to pay in advance the costs incurred 9630
for other supplies used in the mailing, delivery, or transmission. 9631

(b) Any public office may adopt a policy and procedures that 9632
it will follow in transmitting, within a reasonable period of time 9633
after receiving a request, copies of public records by United 9634
States mail or by any other means of delivery or transmission 9635
pursuant to division (B)(7) of this section. A public office that 9636
adopts a policy and procedures under division (B)(7) of this 9637
section shall comply with them in performing its duties under that 9638
division. 9639

(c) In any policy and procedures adopted under division 9640
(B)(7) of this section: 9641

(i) A public office may limit the number of records requested 9642
by a person that the office will physically deliver by United 9643
States mail or by another delivery service to ten per month, 9644
unless the person certifies to the office in writing that the 9645
person does not intend to use or forward the requested records, or 9646
the information contained in them, for commercial purposes; 9647

(ii) A public office that chooses to provide some or all of 9648
its public records on a web site that is fully accessible to and 9649
searchable by members of the public at all times, other than 9650
during acts of God outside the public office's control or 9651
maintenance, and that charges no fee to search, access, download, 9652

or otherwise receive records provided on the web site, may limit 9653
to ten per month the number of records requested by a person that 9654
the office will deliver in a digital format, unless the requested 9655
records are not provided on the web site and unless the person 9656
certifies to the office in writing that the person does not intend 9657
to use or forward the requested records, or the information 9658
contained in them, for commercial purposes. 9659

(iii) For purposes of division (B)(7) of this section, 9660
"commercial" shall be narrowly construed and does not include 9661
reporting or gathering news, reporting or gathering information to 9662
assist citizen oversight or understanding of the operation or 9663
activities of government, or nonprofit educational research. 9664

(8) A public office or person responsible for public records 9665
is not required to permit a person who is incarcerated pursuant to 9666
a criminal conviction or a juvenile adjudication to inspect or to 9667
obtain a copy of any public record concerning a criminal 9668
investigation or prosecution or concerning what would be a 9669
criminal investigation or prosecution if the subject of the 9670
investigation or prosecution were an adult, unless the request to 9671
inspect or to obtain a copy of the record is for the purpose of 9672
acquiring information that is subject to release as a public 9673
record under this section and the judge who imposed the sentence 9674
or made the adjudication with respect to the person, or the 9675
judge's successor in office, finds that the information sought in 9676
the public record is necessary to support what appears to be a 9677
justiciable claim of the person. 9678

(9)(a) Upon written request made and signed by a journalist, 9679
a public office, or person responsible for public records, having 9680
custody of the records of the agency employing a specified 9681
designated public service worker shall disclose to the journalist 9682
the address of the actual personal residence of the designated 9683
public service worker and, if the designated public service 9684

worker's spouse, former spouse, or child is employed by a public 9685
office, the name and address of the employer of the designated 9686
public service worker's spouse, former spouse, or child. The 9687
request shall include the journalist's name and title and the name 9688
and address of the journalist's employer and shall state that 9689
disclosure of the information sought would be in the public 9690
interest. 9691

(b) Division (B)(9)(a) of this section also applies to 9692
journalist requests for: 9693

(i) Customer information maintained by a municipally owned or 9694
operated public utility, other than social security numbers and 9695
any private financial information such as credit reports, payment 9696
methods, credit card numbers, and bank account information; 9697

(ii) Information about minors involved in a school vehicle 9698
accident as provided in division (A)(1)(gg) of this section, other 9699
than personal information as defined in section 149.45 of the 9700
Revised Code. 9701

(c) As used in division (B)(9) of this section, "journalist" 9702
means a person engaged in, connected with, or employed by any news 9703
medium, including a newspaper, magazine, press association, news 9704
agency, or wire service, a radio or television station, or a 9705
similar medium, for the purpose of gathering, processing, 9706
transmitting, compiling, editing, or disseminating information for 9707
the general public. 9708

(10) Upon a request made by a victim, victim's attorney, or 9709
victim's representative, as that term is used in section 2930.02 9710
of the Revised Code, a public office or person responsible for 9711
public records shall transmit a copy of a depiction of the victim 9712
as described in division (A)(1)(ii) of this section to the victim, 9713
victim's attorney, or victim's representative. 9714

(C)(1) If a person allegedly is aggrieved by the failure of a 9715

public office or the person responsible for public records to 9716
promptly prepare a public record and to make it available to the 9717
person for inspection in accordance with division (B) of this 9718
section or by any other failure of a public office or the person 9719
responsible for public records to comply with an obligation in 9720
accordance with division (B) of this section, the person allegedly 9721
aggrieved may do only one of the following, and not both: 9722

(a) File a complaint with the clerk of the court of claims or 9723
the clerk of the court of common pleas under section 2743.75 of 9724
the Revised Code; 9725

(b) Commence a mandamus action to obtain a judgment that 9726
orders the public office or the person responsible for the public 9727
record to comply with division (B) of this section, that awards 9728
court costs and reasonable attorney's fees to the person that 9729
instituted the mandamus action, and, if applicable, that includes 9730
an order fixing statutory damages under division (C)(2) of this 9731
section. The mandamus action may be commenced in the court of 9732
common pleas of the county in which division (B) of this section 9733
allegedly was not complied with, in the supreme court pursuant to 9734
its original jurisdiction under Section 2 of Article IV, Ohio 9735
Constitution, or in the court of appeals for the appellate 9736
district in which division (B) of this section allegedly was not 9737
complied with pursuant to its original jurisdiction under Section 9738
3 of Article IV, Ohio Constitution. 9739

(2) If a requester transmits a written request by hand 9740
delivery, electronic submission, or certified mail to inspect or 9741
receive copies of any public record in a manner that fairly 9742
describes the public record or class of public records to the 9743
public office or person responsible for the requested public 9744
records, except as otherwise provided in this section, the 9745
requester shall be entitled to recover the amount of statutory 9746
damages set forth in this division if a court determines that the 9747

public office or the person responsible for public records failed 9748
to comply with an obligation in accordance with division (B) of 9749
this section. 9750

The amount of statutory damages shall be fixed at one hundred 9751
dollars for each business day during which the public office or 9752
person responsible for the requested public records failed to 9753
comply with an obligation in accordance with division (B) of this 9754
section, beginning with the day on which the requester files a 9755
mandamus action to recover statutory damages, up to a maximum of 9756
one thousand dollars. The award of statutory damages shall not be 9757
construed as a penalty, but as compensation for injury arising 9758
from lost use of the requested information. The existence of this 9759
injury shall be conclusively presumed. The award of statutory 9760
damages shall be in addition to all other remedies authorized by 9761
this section. 9762

The court may reduce an award of statutory damages or not 9763
award statutory damages if the court determines both of the 9764
following: 9765

(a) That, based on the ordinary application of statutory law 9766
and case law as it existed at the time of the conduct or 9767
threatened conduct of the public office or person responsible for 9768
the requested public records that allegedly constitutes a failure 9769
to comply with an obligation in accordance with division (B) of 9770
this section and that was the basis of the mandamus action, a 9771
well-informed public office or person responsible for the 9772
requested public records reasonably would believe that the conduct 9773
or threatened conduct of the public office or person responsible 9774
for the requested public records did not constitute a failure to 9775
comply with an obligation in accordance with division (B) of this 9776
section; 9777

(b) That a well-informed public office or person responsible 9778
for the requested public records reasonably would believe that the 9779

conduct or threatened conduct of the public office or person 9780
responsible for the requested public records would serve the 9781
public policy that underlies the authority that is asserted as 9782
permitting that conduct or threatened conduct. 9783

(3) In a mandamus action filed under division (C)(1) of this 9784
section, the following apply: 9785

(a)(i) If the court orders the public office or the person 9786
responsible for the public record to comply with division (B) of 9787
this section, the court shall determine and award to the relator 9788
all court costs, which shall be construed as remedial and not 9789
punitive. 9790

(ii) If the court makes a determination described in division 9791
(C)(3)(b)(iii) of this section, the court shall determine and 9792
award to the relator all court costs, which shall be construed as 9793
remedial and not punitive. 9794

(b) If the court renders a judgment that orders the public 9795
office or the person responsible for the public record to comply 9796
with division (B) of this section or if the court determines any 9797
of the following, the court may award reasonable attorney's fees 9798
to the relator, subject to division (C)(4) of this section: 9799

(i) The public office or the person responsible for the 9800
public records failed to respond affirmatively or negatively to 9801
the public records request in accordance with the time allowed 9802
under division (B) of this section. 9803

(ii) The public office or the person responsible for the 9804
public records promised to permit the relator to inspect or 9805
receive copies of the public records requested within a specified 9806
period of time but failed to fulfill that promise within that 9807
specified period of time. 9808

(iii) The public office or the person responsible for the 9809
public records acted in bad faith when the office or person 9810

voluntarily made the public records available to the relator for 9811
the first time after the relator commenced the mandamus action, 9812
but before the court issued any order concluding whether or not 9813
the public office or person was required to comply with division 9814
(B) of this section. No discovery may be conducted on the issue of 9815
the alleged bad faith of the public office or person responsible 9816
for the public records. This division shall not be construed as 9817
creating a presumption that the public office or the person 9818
responsible for the public records acted in bad faith when the 9819
office or person voluntarily made the public records available to 9820
the relator for the first time after the relator commenced the 9821
mandamus action, but before the court issued any order described 9822
in this division. 9823

(c) The court shall not award attorney's fees to the relator 9824
if the court determines both of the following: 9825

(i) That, based on the ordinary application of statutory law 9826
and case law as it existed at the time of the conduct or 9827
threatened conduct of the public office or person responsible for 9828
the requested public records that allegedly constitutes a failure 9829
to comply with an obligation in accordance with division (B) of 9830
this section and that was the basis of the mandamus action, a 9831
well-informed public office or person responsible for the 9832
requested public records reasonably would believe that the conduct 9833
or threatened conduct of the public office or person responsible 9834
for the requested public records did not constitute a failure to 9835
comply with an obligation in accordance with division (B) of this 9836
section; 9837

(ii) That a well-informed public office or person responsible 9838
for the requested public records reasonably would believe that the 9839
conduct or threatened conduct of the public office or person 9840
responsible for the requested public records would serve the 9841
public policy that underlies the authority that is asserted as 9842

permitting that conduct or threatened conduct. 9843

(4) All of the following apply to any award of reasonable 9844
attorney's fees awarded under division (C)(3)(b) of this section: 9845

(a) The fees shall be construed as remedial and not punitive. 9846

(b) The fees awarded shall not exceed the total of the 9847
reasonable attorney's fees incurred before the public record was 9848
made available to the relator and the fees described in division 9849
(C)(4)(c) of this section. 9850

(c) Reasonable attorney's fees shall include reasonable fees 9851
incurred to produce proof of the reasonableness and amount of the 9852
fees and to otherwise litigate entitlement to the fees. 9853

(d) The court may reduce the amount of fees awarded if the 9854
court determines that, given the factual circumstances involved 9855
with the specific public records request, an alternative means 9856
should have been pursued to more effectively and efficiently 9857
resolve the dispute that was subject to the mandamus action filed 9858
under division (C)(1) of this section. 9859

(5) If the court does not issue a writ of mandamus under 9860
division (C) of this section and the court determines at that time 9861
that the bringing of the mandamus action was frivolous conduct as 9862
defined in division (A) of section 2323.51 of the Revised Code, 9863
the court may award to the public office all court costs, 9864
expenses, and reasonable attorney's fees, as determined by the 9865
court. 9866

(D) Chapter 1347. of the Revised Code does not limit the 9867
provisions of this section. 9868

(E)(1) To ensure that all employees of public offices are 9869
appropriately educated about a public office's obligations under 9870
division (B) of this section, all elected officials or their 9871
appropriate designees shall attend training approved by the 9872

attorney general as provided in section 109.43 of the Revised 9873
Code. A future official may satisfy the requirements of this 9874
division by attending the training before taking office, provided 9875
that the future official may not send a designee in the future 9876
official's place. 9877

(2) All public offices shall adopt a public records policy in 9878
compliance with this section for responding to public records 9879
requests. In adopting a public records policy under this division, 9880
a public office may obtain guidance from the model public records 9881
policy developed and provided to the public office by the attorney 9882
general under section 109.43 of the Revised Code. Except as 9883
otherwise provided in this section, the policy may not limit the 9884
number of public records that the public office will make 9885
available to a single person, may not limit the number of public 9886
records that it will make available during a fixed period of time, 9887
and may not establish a fixed period of time before it will 9888
respond to a request for inspection or copying of public records, 9889
unless that period is less than eight hours. 9890

The public office shall distribute the public records policy 9891
adopted by the public office under this division to the employee 9892
of the public office who is the records custodian or records 9893
manager or otherwise has custody of the records of that office. 9894
The public office shall require that employee to acknowledge 9895
receipt of the copy of the public records policy. The public 9896
office shall create a poster that describes its public records 9897
policy and shall post the poster in a conspicuous place in the 9898
public office and in all locations where the public office has 9899
branch offices. The public office may post its public records 9900
policy on the internet web site of the public office if the public 9901
office maintains an internet web site. A public office that has 9902
established a manual or handbook of its general policies and 9903
procedures for all employees of the public office shall include 9904

the public records policy of the public office in the manual or 9905
handbook. 9906

(F)(1) The bureau of motor vehicles may adopt rules pursuant 9907
to Chapter 119. of the Revised Code to reasonably limit the number 9908
of bulk commercial special extraction requests made by a person 9909
for the same records or for updated records during a calendar 9910
year. The rules may include provisions for charges to be made for 9911
bulk commercial special extraction requests for the actual cost of 9912
the bureau, plus special extraction costs, plus ten per cent. The 9913
bureau may charge for expenses for redacting information, the 9914
release of which is prohibited by law. 9915

(2) As used in division (F)(1) of this section: 9916

(a) "Actual cost" means the cost of depleted supplies, 9917
records storage media costs, actual mailing and alternative 9918
delivery costs, or other transmitting costs, and any direct 9919
equipment operating and maintenance costs, including actual costs 9920
paid to private contractors for copying services. 9921

(b) "Bulk commercial special extraction request" means a 9922
request for copies of a record for information in a format other 9923
than the format already available, or information that cannot be 9924
extracted without examination of all items in a records series, 9925
class of records, or database by a person who intends to use or 9926
forward the copies for surveys, marketing, solicitation, or resale 9927
for commercial purposes. "Bulk commercial special extraction 9928
request" does not include a request by a person who gives 9929
assurance to the bureau that the person making the request does 9930
not intend to use or forward the requested copies for surveys, 9931
marketing, solicitation, or resale for commercial purposes. 9932

(c) "Commercial" means profit-seeking production, buying, or 9933
selling of any good, service, or other product. 9934

(d) "Special extraction costs" means the cost of the time 9935

spent by the lowest paid employee competent to perform the task, 9936
the actual amount paid to outside private contractors employed by 9937
the bureau, or the actual cost incurred to create computer 9938
programs to make the special extraction. "Special extraction 9939
costs" include any charges paid to a public agency for computer or 9940
records services. 9941

(3) For purposes of divisions (F)(1) and (2) of this section, 9942
"surveys, marketing, solicitation, or resale for commercial 9943
purposes" shall be narrowly construed and does not include 9944
reporting or gathering news, reporting or gathering information to 9945
assist citizen oversight or understanding of the operation or 9946
activities of government, or nonprofit educational research. 9947

(G) A request by a defendant, counsel of a defendant, or any 9948
agent of a defendant in a criminal action that public records 9949
related to that action be made available under this section shall 9950
be considered a demand for discovery pursuant to the Criminal 9951
Rules, except to the extent that the Criminal Rules plainly 9952
indicate a contrary intent. The defendant, counsel of the 9953
defendant, or agent of the defendant making a request under this 9954
division shall serve a copy of the request on the prosecuting 9955
attorney, director of law, or other chief legal officer 9956
responsible for prosecuting the action. 9957

(H)(1) Any portion of a body-worn camera or dashboard camera 9958
recording described in divisions (A)(17)(b) to (h) of this section 9959
may be released by consent of the subject of the recording or a 9960
representative of that person, as specified in those divisions, 9961
only if either of the following applies: 9962

(a) The recording will not be used in connection with any 9963
probable or pending criminal proceedings; 9964

(b) The recording has been used in connection with a criminal 9965
proceeding that was dismissed or for which a judgment has been 9966

entered pursuant to Rule 32 of the Rules of Criminal Procedure, 9967
and will not be used again in connection with any probable or 9968
pending criminal proceedings. 9969

(2) If a public office denies a request to release a 9970
restricted portion of a body-worn camera or dashboard camera 9971
recording, as defined in division (A)(17) of this section, any 9972
person may file a mandamus action pursuant to this section or a 9973
complaint with the clerk of the court of claims pursuant to 9974
section 2743.75 of the Revised Code, requesting the court to order 9975
the release of all or portions of the recording. If the court 9976
considering the request determines that the filing articulates by 9977
clear and convincing evidence that the public interest in the 9978
recording substantially outweighs privacy interests and other 9979
interests asserted to deny release, the court shall order the 9980
public office to release the recording. 9981

Sec. 149.434. (A) Each public office or person responsible 9982
for public records shall maintain a database or a list that 9983
includes the name ~~and date of birth~~ of all public officials and 9984
employees elected to or employed by that public office. The 9985
database or list is a public record and shall be made available 9986
upon a request made pursuant to section 149.43 of the Revised 9987
Code. 9988

(B) As used in this section: 9989

(1) "Employee" has the same meaning as in section 9.40 of the 9990
Revised Code. 9991

(2) "Public official" has the same meaning as in section 9992
117.01 of the Revised Code. 9993

(3) "Public record" has the same meaning as in section 149.43 9994
of the Revised Code. 9995

Sec. 153.013. (A) As used in this section, "indefinite" 9996

delivery indefinite quantity contract" means a contract for an 9997
indefinite quantity, within stated limits, of supplies or services 9998
that will be delivered by the awarded bidder over a defined 9999
contract period. 10000

(B) The executive director of the capitol square review and 10001
advisory board, with the approval of the board, may advertise and 10002
seek bids for, and may award, an indefinite delivery indefinite 10003
quantity contract for an architect or engineer on an on-call, 10004
multi-project basis, to advise and consult with the capitol square 10005
review and advisory board for a defined contract period. To enter 10006
into an indefinite delivery indefinite quantity contract the 10007
executive director shall do all of the following: 10008

(1) Prepare bidding documents; 10009

(2) Establish contract forms; 10010

(3) Determine contract terms and conditions, including the 10011
following: 10012

(a) The maximum overall value of the contract, which may 10013
include an allowable increase of five per cent of the advertised 10014
contract value; 10015

(b) The duration of the contract, not to exceed two years. 10016

(4) Take any other action necessary to fulfill the duties and 10017
obligations of the executive director under this section. 10018

(C) The requirements set forth in this section prevail in the 10019
event of any conflict with any other provision of this chapter. 10020

Sec. 153.59. Every contract for or on behalf of the state, or 10021
any township, county, or municipal corporation of the state, for 10022
the construction, alteration, or repair of any public building or 10023
public work in the state shall contain provisions by which the 10024
contractor agrees to both of the following: 10025

(A) That, in the hiring of employees for the performance of 10026
work under the contract or any subcontract, no contractor, 10027
subcontractor, or any person acting on a contractor's or 10028
subcontractor's behalf, by reason of race, creed, sex, disability 10029
or military status as defined in section 4112.01 of the Revised 10030
Code, or color, shall discriminate against any citizen of the 10031
state in the employment of labor or workers who is qualified and 10032
available to perform the work to which the employment relates; 10033

(B) That no contractor, subcontractor, or any person on a 10034
contractor's or subcontractor's behalf, in any manner, shall 10035
discriminate against or intimidate any employee hired for the 10036
performance of work under the contract on account of race, creed, 10037
sex, disability or military status as defined in section 4112.01 10038
of the Revised Code, or color. 10039

The department of ~~administrative services~~ development shall 10040
ensure that no capital moneys appropriated by the general assembly 10041
for any purpose shall be expended unless the project for which 10042
those moneys are appropriated provides for an affirmative action 10043
program for the employment and effective utilization of 10044
disadvantaged persons whose disadvantage may arise from cultural, 10045
racial, or ethnic background, or other similar cause, including, 10046
but not limited to, race, religion, sex, disability or military 10047
status as defined in section 4112.01 of the Revised Code, national 10048
origin, or ancestry. 10049

In awarding contracts for capital improvement projects, the 10050
department shall ensure that equal consideration be given to 10051
contractors, subcontractors, or joint venturers who qualify as a 10052
minority business enterprise. As used in this section, "minority 10053
business enterprise" means a business enterprise that is owned or 10054
controlled by one or more socially or economically disadvantaged 10055
persons who are residents of this state. "Socially or economically 10056
disadvantaged persons" means persons, regardless of marital 10057

status, who are members of groups whose disadvantage may arise 10058
from discrimination on the basis of race, religion, sex, 10059
disability or military status as defined in section 4112.01 of the 10060
Revised Code, national origin, ancestry, or other similar cause. 10061

Sec. ~~155.011~~ 155.29. The owner of any tract of land in which 10062
the state has retained the gas, oil, coal, and other mineral 10063
rights and right of entry may acquire such rights by purchase from 10064
the state. Such owner desiring to purchase such rights shall make 10065
application to the director of administrative services. This 10066
application shall be in such manner and form and shall contain 10067
such information as prescribed by the director. The said 10068
application shall have a deposit of a sum sufficient to pay the 10069
appraisal fees together with evidence of title to the land in 10070
which the applicant desires to purchase the mineral rights affixed 10071
thereto. 10072

Upon receipt of the application, evidence of title, and the 10073
deposit, the director shall cause the mineral rights to be 10074
appraised by three disinterested persons. The director shall 10075
determine the fee that each appraiser shall receive. All appraisal 10076
fees shall be paid from the deposit posted by the applicant. If 10077
the deposit exceeds the appraisal fees the balance shall be 10078
returned to the applicant. 10079

The appraisal value when approved by the director of 10080
administrative services shall constitute the purchase price. The 10081
director shall notify the applicant of the purchase price by 10082
certified or registered mail. Upon receipt of the purchase price 10083
~~by the director of administrative services, the auditor of state~~ 10084
director shall prepare, with the assistance of the attorney 10085
general, a deed which shall be executed by the governor, 10086
countersigned by the secretary of state, recorded in the office of 10087
the ~~auditor of state~~ director of administrative services, and 10088

delivered to the purchaser; provided, that if the purchase price 10089
has not been received within ninety days after notice of the 10090
purchase price was delivered to the applicant, the purchase price 10091
shall no longer be valid and a new application shall be 10092
instituted, a new deposit tendered, and a new appraisal had on the 10093
mineral rights. 10094

If the applicant fails to purchase the mineral rights within 10095
one year from the date of the initial application instituted by 10096
such applicant, a purchase by such applicant may be had only upon 10097
a determination by the director of administrative services that 10098
such sale would be in the best interests of the state. 10099

Any deed of conveyance issued under authority of this section 10100
shall be subject to existing easements, rights-of-way, and legal 10101
highways. 10102

Net sale proceeds shall be credited to the general revenue 10103
fund except when the rights disposed of were entrusted to the 10104
state for school or religious purposes. 10105

Sec. ~~1509.70~~ 155.30. As used in sections ~~1509.70~~ 155.30 to 10106
~~1509.77~~ 155.36 of the Revised Code: 10107

~~(A) "Class 1 property" means property owned or controlled by 10108
a state agency concerning which there are no encumbrances or deed 10109
restrictions that limit the exploration or drilling for oil or gas 10110
on the property. 10111~~

~~(B) "Class 2 property" means property that is owned or 10112
controlled by a state university or college or that is owned or 10113
controlled by another state agency concerning which there is a 10114
federal encumbrance or monetary interest that limits or prohibits 10115
the exploration or drilling for oil or gas on the property. 10116~~

~~(C) "Class 3 property" means property owned or controlled by 10117
a state agency to which all of the following apply: 10118~~

- ~~(1) The property is not a class 2 or class 4 property. 10119~~
- ~~(2) The property is of insufficient size or shape to meet the 10120
requirements for drilling a well on the property established under 10121
section 1509.24 or 1509.25 of the Revised Code. 10122~~
- ~~(3) The property is necessary for pooling with other parcels 10123
of property for the purpose of forming a drilling unit in order to 10124
meet the requirements for drilling a well established under 10125
section 1509.24 or 1509.25 of the Revised Code. 10126~~
- ~~(D) "Class 4 property" means property owned or controlled by 10127
a state agency concerning which there is a provision in the deed 10128
that limits the exploration or drilling for oil or gas on the 10129
property. 10130~~
- ~~(E) "Formation" means any of the following: 10131~~
- ~~(1) The distance from the surface of the land to the top of 10132
the Onondaga limestone; 10133~~
- ~~(2) The distance from the top of the Onondaga limestone to 10134
the bottom of the Queenston formation; 10135~~
- ~~(3) The distance from the bottom of the Queenston formation 10136
to the top of the Trenton limestone; 10137~~
- ~~(4) The distance from the top of the Trenton limestone to the 10138
top of the Knox formation; 10139~~
- ~~(5) The distance from the top of the Knox formation to the 10140
basement rock. 10141~~
- ~~(F), "State state agency" means both of the following: 10142~~
- ~~(1)(A) "State agency" as defined in section 1.60 of the 10143
Revised Code; 10144~~
- ~~(2)(B) "State university or college" as defined in section 10145
3345.12 of the Revised Code. 10146~~

~~Sec. 1509.71~~ 155.31. (A) It is the policy of the state to 10147
~~provide access to and support~~ promote the exploration for, 10148
development of, and production of oil and natural gas resources 10149
owned or controlled by the state in an effort to use the state's 10150
natural resources responsibly. 10151

(B) There is hereby created the oil and gas ~~leasing~~ land 10152
management commission consisting of the ~~chief of the division of~~ 10153
~~geological survey~~ director of natural resources or the director's 10154
designee and the following four members appointed by the governor: 10155

(1) Two members ~~from a list of not less than four persons~~ 10156
with knowledge or experience in the oil and gas industry 10157
recommended by a statewide organization representing the oil and 10158
gas industry; 10159

(2) One member of the public with expertise in finance or 10160
real estate; 10161

(3) One member representing a statewide environmental or 10162
conservation organization. 10163

(C) Initial appointments shall be made to the commission not 10164
later than thirty days after ~~the effective date of this section~~ 10165
September 30, 2011. Of the initial members appointed to the 10166
commission, one shall serve a term of two years, one shall serve a 10167
term of three years, one shall serve a term of four years, and one 10168
shall serve a term of five years. Thereafter, terms of office of 10169
members shall be for five years from the date of appointment. Each 10170
member appointed by the governor shall hold office from the date 10171
of appointment until the end of the term for which the member was 10172
appointed. The governor shall fill a vacancy occurring on the 10173
commission by appointing a member within sixty days after the 10174
vacancy occurs. A member appointed to fill a vacancy occurring 10175
prior to the expiration of the term for which the member's 10176
predecessor was appointed shall hold office for the remainder of 10177

that term. A member shall continue in office subsequent to the 10178
expiration date of the member's term until the member's successor 10179
takes office, or until a period of sixty days has elapsed, 10180
whichever occurs first. 10181

(D) Three members constitute a quorum of the commission, and 10182
no action of the commission is valid unless it has the concurrence 10183
of at least three members. The commission shall keep a record of 10184
its proceedings. ~~The chief of the division of geological survey~~ 10185
director of natural resources or the director's designee shall 10186
serve as the chairperson of the commission. 10187

(E) The governor may remove an appointed member from the 10188
commission for inefficiency, malfeasance, misfeasance, or 10189
nonfeasance. 10190

(F) Members of the commission shall receive no compensation, 10191
but shall be reimbursed for their actual and necessary expenses 10192
incurred in the course of the performance of their duties as 10193
members of the commission. 10194

(G) ~~The department of natural resources~~ Not later than ninety 10195
days after the effective date of this amendment, the commission 10196
shall ~~furnish~~ hire at least one staff member to provide clerical, 10197
~~technical, legal,~~ and other services required by the commission in 10198
the performance of its duties. 10199

Sec. 1509.72 155.32. ~~(A) A state agency shall submit to the~~ 10200
~~oil and gas leasing commission an inventory of each parcel of land~~ 10201
~~that is owned or controlled by the agency. The inventory shall~~ 10202
~~classify each parcel as a class 1, class 2, class 3, or class 4~~ 10203
~~property. The commission may request a state agency to submit~~ 10204
~~documentation supporting the classification of each parcel of~~ 10205
~~land.~~ 10206

~~(B) Not later than ninety days after the acquisition of a~~ 10207

~~parcel of state land occurring after the effective date of this 10208
section, the state agency that owns or controls the parcel shall 10209
classify the parcel in the same manner that parcels are classified 10210
under division (A) of this section. 10211~~

~~(C) The department of natural resources shall post on the 10212
department's web site a listing of each parcel of state land and 10213
the classification assigned to the parcel under this section. The 10214
commission shall provide to the department the information 10215
necessary for the department to comply with this division. 10216~~

~~(D) Not later than two hundred seventy days after the 10217
effective date of this section, the director of natural resources 10218
shall adopt rules in accordance with Chapter 119. of the Revised 10219
Code establishing The oil and gas land management commission shall 10220
establish procedures and requirements for publishing notice on the 10221
department's commission's web site of each nomination received by 10222
the commission under section ~~1509.73~~ 155.33 of the Revised Code 10223
for a period of not less than twenty-one days prior to the 10224
commission's approval or disapproval of each nomination. The 10225
notification shall identify the parcel of land that is the subject 10226
of a nomination and include a statement that a person may submit 10227
comments to the commission concerning the nomination. ~~The 10228
commission shall provide to the department the information 10229
necessary for the department to comply with this division. 10230~~~~

Sec. ~~1509.73~~ 155.33. (A)(1) Beginning on September 30, 2011, 10231
and ending on the effective date of the rules adopted under 10232
section ~~1509.74~~ 155.34 of the Revised Code, a state agency, ~~in 10233
consultation with the oil and gas leasing commission, may lease a 10234
formation within shall lease, on terms that are just and 10235
reasonable as determined by custom and practice in the oil and gas 10236
industry, a parcel of land that is owned or controlled by the 10237
state agency for the exploration for and development and 10238~~

production of oil or natural gas. ~~The state agency shall establish~~ 10239
~~bid fees, signing fees, rentals, and at least a one-eighth~~ 10240
~~landowner royalty.~~ On and after the effective date of the rules 10241
adopted under section ~~1509.74~~ 155.34 of the Revised Code, a 10242
~~formation within~~ a parcel of land that is owned or controlled by a 10243
state agency may be leased for the exploration for and development 10244
and production of oil or natural gas only in accordance with 10245
divisions (A)(2) to (H) of this section and those rules. 10246

(2) ~~Not earlier than two hundred seventy days after September~~ 10247
~~30, 2011, a person that is an owner and~~ On and after the effective 10248
date of rules adopted under section 155.34 of the Revised Code, 10249
any person or state agency that is interested in leasing a 10250
~~formation within~~ a parcel of land that is owned or controlled by a 10251
state agency for the exploration for and the development and 10252
production of oil or natural gas may submit to the oil and gas 10253
~~leasing~~ land management commission a nomination that identifies 10254
the parcel of land for lease. A person submitting a nomination 10255
shall submit it in the manner and form established in rules 10256
adopted under section ~~1509.74~~ 155.34 of the Revised Code and shall 10257
include with the nomination ~~both~~ all of the following: 10258

(a) The information required by ~~those rules~~ that section; 10259

(b) The nomination fee established ~~in those rules~~ under that 10260
section; 10261

(c) The opinion of an attorney licensed in this state, 10262
prepared not earlier than one year immediately preceding the 10263
nomination date, explaining the status of title of the mineral 10264
rights underlying the parcel of land nominated. 10265

(B)(1) Not less than thirty days, but not more than ~~one~~ 10266
~~hundred twenty~~ ninety days following the receipt of a nomination 10267
of a parcel of land, the commission shall conduct a meeting for 10268
the purpose of determining whether to approve or disapprove the 10269

nomination for the purpose of leasing a ~~formation within the~~ 10270
parcel of land that is identified in the nomination. ~~The~~ 10271
~~commission also shall review the nomination of the parcel of land~~ 10272
~~and determine if the parcel of land has been classified under~~ 10273
~~section 1509.72 of the Revised Code. If the parcel of land that is~~ 10274
~~the subject of the nomination has not been classified, the~~ 10275
~~commission immediately shall send a copy of the nomination to the~~ 10276
~~state agency that owns or controls the parcel that is the subject~~ 10277
~~of the nomination. Not later than fifteen days after receipt of a~~ 10278
~~copy of the nomination, the state agency shall classify the parcel~~ 10279
~~of land as a class 1, class 2, class 3, or class 4 property and~~ 10280
~~submit the classification to the commission. On receipt of the~~ 10281
~~state agency's classification of the parcel of land, the~~ 10282
~~commission shall provide the department of natural resources the~~ 10283
~~information necessary for the department to comply with divisions~~ 10284
~~(C) and (D) of section 1509.72 of the Revised Code.~~ 10285

~~After a parcel of land that is the subject of a nomination~~ 10286
~~has been classified under section 1509.72 of the Revised Code or~~ 10287
~~division (B)(1) of this section, as applicable, the commission~~ 10288
~~shall approve or disapprove the nomination. In making its decision~~ 10289
~~to approve or disapprove the nomination of the parcel of land, the~~ 10290
~~commission shall consider all of the following:~~ 10291

(a) The economic benefits, including the potential income 10292
from an oil or natural gas operation, that would result if the 10293
lease ~~of a formation~~ that is the subject of the nomination were 10294
approved; 10295

(b) Whether the proposed oil or gas operation is compatible 10296
with the current uses of the parcel of land that is the subject of 10297
the nomination; 10298

(c) The environmental impact that would result if the lease 10299
~~of a formation~~ that is the subject of the nomination were 10300
approved; 10301

(d) Any potential adverse geological impact that would result 10302
if the lease ~~of a formation~~ that is the subject of the nomination 10303
were approved; 10304

(e) Any potential impact to visitors or users of a parcel of 10305
land that is the subject of the nomination; 10306

(f) Any potential impact to the operations or equipment of a 10307
state agency that is a state university or college if the lease of 10308
a ~~formation within a~~ parcel of land owned or controlled by the 10309
university or college that is the subject of the nomination were 10310
executed; 10311

(g) Any comments or objections to the nomination submitted to 10312
the commission by the state agency that owns or controls the land 10313
on which the proposed oil or natural gas operation would take 10314
place; 10315

(h) Any comments or objections to the nomination submitted to 10316
the commission by residents of this state or other users of the 10317
parcel of land that is the subject of the nomination; 10318

(i) ~~Any other factors that the commission establishes in~~ 10319
~~rules adopted under section 1509.74 of the Revised Code~~ Any 10320
special terms and conditions the state agency included in its 10321
comments or objections that the state agency believes are 10322
appropriate for the lease of the parcel of land because of 10323
specific conditions related to that parcel of land. 10324

~~(2) The commission shall disapprove a nomination of a parcel~~ 10325
~~of land that is a class 3 property. The commission shall send~~ 10326
~~notice of the disapproval by certified mail to the person that~~ 10327
~~submitted the nomination.~~ 10328

~~(3)~~ Prior to making its decision to approve or disapprove a 10329
nomination, the commission shall notify the state agency that owns 10330
or controls the land on which the oil or gas operation would take 10331
place. 10332

~~(4)(3)~~ The commission shall approve or disapprove a nomination not later than two calendar quarters following the receipt of the nomination. Notice of the decision of the commission shall be sent by certified mail to the person that submitted the nomination.

~~(5) If the commission approves a nomination, the commission shall notify the state agency that owns or controls the parcel of land that is the subject of a nomination of the commission's approval of the nomination. The notification shall request the state agency to submit to the commission special terms and conditions that will apply to the lease of a formation within the parcel of land because of specific conditions related to the parcel of land. The state agency shall submit the special terms and conditions not later than sixty days after receipt of a notice from the commission.~~

~~(6) If the commission approves a nomination for a parcel of land that is a class 1 property, the commission shall offer for lease each formation that is within the parcel of land. If the commission approves a nomination for a parcel of land that is a class 2 or class 4 property, the commission shall not offer for lease any formation that is within the parcel of land unless the state agency that owns or controls the parcel of land notifies the commission that a formation or formations that are within the parcel of land may be offered for lease.~~

(C) Each calendar quarter, the commission shall proceed to advertise for bids for a lease for a ~~formation within~~ a parcel of land that was the subject of a nomination approved during the previous calendar quarter ~~that is a class 1 property or that is a class 2 or class 4 property for which the commission has received notice from the state agency that owns or controls the parcel of land under division (B)(6) of this section that a formation or formations that are within the parcel of land may be offered for~~

lease. The advertisement shall be provided to the department of 10365
natural resources, and the department commission shall publish the 10366
advertisement on its web site for a period of time established by 10367
the commission. The advertisement shall include all of the 10368
following: 10369

(1) The procedure for the submission of a bid to enter into a 10370
lease for ~~a formation within a~~ the parcel of land; 10371

(2) A statement that a standard lease form that is consistent 10372
with the practices of the oil and natural gas industries will be 10373
used for the lease of ~~a formation within~~ the parcel of land; 10374

(3) A copy of the standard lease form that will be used for 10375
the lease of ~~a formation within~~ the parcel of land; 10376

(4) ~~Special~~Any special terms and conditions, ~~if applicable,~~ 10377
that may apply to the lease because of specific conditions related 10378
to the parcel of land; 10379

(5) The amount of the bid fee that is required to be 10380
submitted with a bid; 10381

(6) Any other information that the commission considers 10382
pertinent to the advertisement for bids. 10383

(D) A person submitting a bid to enter into a lease under 10384
this section shall pay a bid fee established in rules adopted 10385
under section ~~1509.74~~ 155.34 of the Revised Code. 10386

(E) In order to encourage the submission of bids and the 10387
responsible and reasonable development of the state's natural 10388
resources, the information that is contained in a bid submitted to 10389
the commission under this section shall be confidential and shall 10390
not be disclosed before a person is selected under division (F) of 10391
this section unless the commission determines otherwise. 10392

(F) The commission shall establish a deadline for the 10393
submission of bids for each lease regarding a particular parcel of 10394

land and shall ~~notify the department of the deadline. The~~ 10395
~~department shall~~ post the deadline for the submission of bids for 10396
each lease on the ~~department's~~ commission's web site. A person 10397
shall submit a bid in accordance with the procedures and 10398
requirements established by the commission in rules adopted under 10399
section ~~1509.74~~ 155.34 of the Revised Code. 10400

The commission shall select the person who submits the 10401
highest and best bid ~~for each formation within that parcel of~~ 10402
~~land~~, taking into account the financial responsibility of the 10403
prospective lessee and the ability of the prospective lessee to 10404
perform its obligations under the lease. After the commission 10405
selects a person, the commission shall notify the applicable state 10406
agency and send the person's bid to the agency. The state agency 10407
shall enter into a lease with the person selected by the 10408
commission. 10409

(G)~~(1)~~ Except as otherwise provided in ~~division (G)(2) of~~ 10410
~~this~~ section 155.37 of the Revised Code, all money received by a 10411
state agency from ~~signing fees, rentals, and royalty~~ payments for 10412
leases entered into under this section shall be paid by the state 10413
agency into the state treasury to the credit of the ~~state land~~ 10414
~~royalty fund created in section 131.50 of the Revised Code.~~ 10415

~~(2) Money received by a state agency from signing fees,~~ 10416
~~rentals, and royalty payments for leases entered into under this~~ 10417
~~section on land owned or controlled by the division of forestry,~~ 10418
~~wildlife, or parks and watercraft in the department of natural~~ 10419
~~resources shall be deposited into one of the following funds, as~~ 10420
~~applicable:~~ 10421

~~(a) The forestry mineral royalties fund created in section~~ 10422
~~1503.012 of the Revised Code if the lease pertains to land owned~~ 10423
~~or controlled by the division of forestry;~~ 10424

~~(b) The wildlife habitat fund created in section 1531.33 of~~ 10425

~~the Revised Code if the lease pertains to land owned or controlled
by the division of wildlife;~~ 10426
10427

~~(c) The parks mineral royalties fund created in section
1546.24 of the Revised Code if the lease pertains to land owned or
controlled by the division of parks and watercraft.~~ 10428
10429
10430

~~(H) All money received from nomination fees and bid fees
shall be paid into the state treasury to the credit of the oil and
gas leasing land management commission administration fund created
in section ~~1509.75~~ 155.35 of the Revised Code.~~ 10431
10432
10433
10434

~~(I)~~(H) Notwithstanding any other provision of this section to 10435
the contrary, a nature preserve as defined in section 1517.01 of 10436
the Revised Code that is owned or controlled by a state agency 10437
shall not be nominated or leased under this section for the 10438
purpose of exploring for and developing and producing oil and 10439
natural gas resources. 10440

Sec. ~~1509.74~~ 155.34. (A) Not later than two hundred seventy 10441
days after the effective date of this ~~section~~ amendment, the oil 10442
and gas ~~leasing~~ land management commission shall adopt rules in 10443
accordance with Chapter 119. of the Revised Code establishing all 10444
of the following: 10445

~~(A)~~(1) The form of and the information to be included in 10446
nominations that are submitted under section ~~1509.73~~ 155.33 of the 10447
Revised Code; 10448

~~(B)~~(2) Procedures for the submission of nominations to the 10449
commission and the amount of nomination fees to be charged. The 10450
rules shall require that if a person who has paid a nomination fee 10451
does not enter into a lease regarding the parcel of land that the 10452
person nominated, the fee shall be refunded to the person, and, if 10453
applicable, the person that enters into the lease shall pay the 10454
nomination fee. In addition, the rules shall provide that a state 10455

agency is exempt from nomination fees and that a person who enters 10456
into a lease regarding a parcel of land nominated by a state 10457
agency shall pay the nomination fee. 10458

~~(C) Factors that the commission may consider when determining 10459
whether to approve or disapprove a nomination submitted under 10460
section 1509.73 of the Revised Code; 10461~~

~~(D)(3) Procedures and requirements for the submission of bids 10462
for a lease under section ~~1509.73~~ 155.33 of the Revised Code; 10463~~

~~(E)(4) The amount of bid fees to be charged for the 10464
submission of bids to enter into leases under section ~~1509.73~~ 10465
155.33 of the Revised Code; 10466~~

~~(F)(5) A standard lease form that shall be used by a state 10467
agency for leases entered into under this chapter that is 10468
consistent with the practices of the oil and natural gas 10469
industries and that contains ~~at~~ all of the following: 10470~~

~~(a) A prohibition against the use of the surface of the 10471
parcel of land for oil and gas development without the execution 10472
by the state agency of a standard surface use agreement 10473
established under this section; 10474~~

~~(b) At least a one-eighth landowner royalty, which standard 10475
lease form shall be used by a state agency for leases entered into 10476
under section 1509.73 of the Revised Code; 10477~~

~~(c) A limited warranty of title by the state agency to the 10478
lessee. 10479~~

~~(G)(6) A standard surface use agreement form that a state 10480
agency shall use to authorize the use of the surface of a leased 10481
parcel of land. 10482~~

~~(7) Any other procedures and requirements that the commission 10483
determines necessary to implement sections ~~1509.70~~ 155.30 to 10484
~~1509.77~~ 155.36 of the Revised Code. 10485~~

(B) Section 121.95 of the Revised Code does not apply to 10486
rules adopted under this section and the commission is not subject 10487
to any requirements of that section. 10488

Sec. ~~1509.75~~ 155.35. There is hereby created in the state 10489
treasury the oil and gas ~~leasing~~ land management commission 10490
administration fund consisting of ~~the proceeds of nomination fees~~ 10491
~~and bid fees~~ all money credited to it under section ~~1509.73~~ 155.33 10492
of the Revised Code. Money in the fund shall be used by the oil 10493
and gas ~~leasing~~ land management commission and the department of 10494
natural resources to pay the administrative expenses of the 10495
commission and the department regarding the implementation of 10496
sections ~~1509.70~~ 155.30 to ~~1509.77~~ 155.36 of the Revised Code. 10497
Money in the fund also shall be used to pay the actual and 10498
necessary expenses incurred by members of the commission in the 10499
course of the performance of their duties. 10500

Sec. ~~1509.77~~ 155.36. A state agency that owns or controls a 10501
parcel of land ~~that is a class 3 property~~ for which a nomination 10502
for that land has been denied under section ~~1509.73~~ 155.33 of the 10503
Revised Code may enter into written agreements to use that parcel 10504
of land to form a drilling unit that conforms to the minimum 10505
acreage and distance requirements established under section 10506
1509.24 or 1509.25 of the Revised Code. 10507

Sec. ~~1509.78~~ 155.37. ~~Notwithstanding any other provision of~~ 10508
~~the Revised Code, not~~ Not less than thirty per cent of the 10509
proceeds from a lease executed on and after September 30, 2011, 10510
for the exploration and production of oil or gas within or under a 10511
state park established under Chapter 1546. of the Revised Code 10512
shall be credited to the applicable fund created in the state 10513
treasury that supports the state park. The department of natural 10514
resources shall use the money credited to the applicable fund from 10515

a lease for expenses associated with the state park within or 10516
under which the oil or gas exploration and production occurred. 10517
Money credited shall be used for capital improvements. 10518

Sec. 163.62. (A) The court having jurisdiction of a 10519
proceeding instituted by a state agency to acquire real property 10520
by condemnation shall award the owner of any right, or title to, 10521
or interest in, such real property such sum as will in the opinion 10522
of the court reimburse such owner for the owner's reasonable 10523
costs, disbursements, and expenses, including reasonable attorney, 10524
appraisal, and engineering fees actually incurred because of the 10525
condemnation proceeding, as provided in division (G) of section 10526
163.09 or division (A) or (C) of section 163.21 of the Revised 10527
Code, as applicable. 10528

(B) The court having jurisdiction of an inverse condemnation 10529
proceeding shall award the owner of any right, or title to, or 10530
interest in, such real property such sum as will in the opinion of 10531
the court reimburse such owner for the owner's reasonable costs, 10532
disbursements, and expenses, including reasonable attorney, 10533
appraisal, and engineering fees actually incurred because of the 10534
inverse condemnation proceeding, if the court renders a judgment 10535
in favor of the owner or the agency effects a settlement of the 10536
proceeding. As used in this division, "court" means the court of 10537
common pleas, the court of appeals, or the supreme court. 10538

(C) Any award made pursuant to division (A) or (B) of this 10539
section shall be paid by the head of the agency for whose benefit 10540
the condemnation proceeding was instituted. 10541

Sec. 166.01. As used in this chapter: 10542

(A) "Allowable costs" means all or part of the costs of 10543
project facilities, eligible projects, eligible innovation 10544
projects, eligible research and development projects, eligible 10545

advanced energy projects, or eligible logistics and distribution 10546
projects, including costs of acquiring, constructing, 10547
reconstructing, rehabilitating, renovating, enlarging, improving, 10548
equipping, or furnishing project facilities, eligible projects, 10549
eligible innovation projects, eligible research and development 10550
projects, eligible advanced energy projects, or eligible logistics 10551
and distribution projects, site clearance and preparation, 10552
supplementing and relocating public capital improvements or 10553
utility facilities, designs, plans, specifications, surveys, 10554
studies, and estimates of costs, expenses necessary or incident to 10555
determining the feasibility or practicability of assisting an 10556
eligible project, an eligible innovation project, an eligible 10557
research and development project, an eligible advanced energy 10558
project, or an eligible logistics and distribution project, or 10559
providing project facilities or facilities related to an eligible 10560
project, an eligible innovation project, an eligible research and 10561
development project, an eligible advanced energy project, or an 10562
eligible logistics and distribution project, architectural, 10563
engineering, and legal services fees and expenses, the costs of 10564
conducting any other activities as part of a voluntary action, and 10565
such other expenses as may be necessary or incidental to the 10566
establishment or development of an eligible project, an eligible 10567
innovation project, an eligible research and development project, 10568
an eligible advanced energy project, or an eligible logistics and 10569
distribution project, and reimbursement of moneys advanced or 10570
applied by any governmental agency or other person for allowable 10571
costs. 10572

(B) "Allowable innovation costs" includes allowable costs of 10573
eligible innovation projects and, in addition, includes the costs 10574
of research and development of eligible innovation projects; 10575
obtaining or creating any requisite software or computer hardware 10576
related to an eligible innovation project or the products or 10577
services associated therewith; testing (including, without 10578

limitation, quality control activities necessary for initial 10579
production), perfecting, and marketing of such products and 10580
services; creating and protecting intellectual property related to 10581
an eligible innovation project or any products or services related 10582
thereto, including costs of securing appropriate patent, 10583
trademark, trade secret, trade dress, copyright, or other form of 10584
intellectual property protection for an eligible innovation 10585
project or related products and services; all to the extent that 10586
such expenditures could be capitalized under then-applicable 10587
generally accepted accounting principles; and the reimbursement of 10588
moneys advanced or applied by any governmental agency or other 10589
person for allowable innovation costs. 10590

(C) "Eligible innovation project" includes an eligible 10591
project, including any project facilities associated with an 10592
eligible innovation project and, in addition, includes all 10593
tangible and intangible property related to a new product or 10594
process based on new technology or the creative application of 10595
existing technology, including research and development, product 10596
or process testing, quality control, market research, and related 10597
activities, that is to be acquired, established, expanded, 10598
remodeled, rehabilitated, or modernized for industry, commerce, 10599
distribution, or research, or any combination thereof, the 10600
operation of which, alone or in conjunction with other eligible 10601
projects, eligible innovation projects, or innovation property, 10602
will create new jobs or preserve existing jobs and employment 10603
opportunities and improve the economic welfare of the people of 10604
the state. 10605

(D) "Eligible project" means project facilities to be 10606
acquired, established, expanded, remodeled, rehabilitated, or 10607
modernized for industry, commerce, distribution, or research, or 10608
any combination thereof, the operation of which, alone or in 10609
conjunction with other facilities, will create new jobs or 10610

preserve existing jobs and employment opportunities and improve 10611
the economic welfare of the people of the state. "Eligible 10612
project" includes, without limitation, a voluntary action. For 10613
purposes of this division, "new jobs" does not include existing 10614
jobs transferred from another facility within the state, and 10615
"existing jobs" includes only those existing jobs with work places 10616
within the municipal corporation or unincorporated area of the 10617
county in which the eligible project is located. 10618

"Eligible project" does not include project facilities to be 10619
acquired, established, expanded, remodeled, rehabilitated, or 10620
modernized for industry, commerce, distribution, or research, or 10621
any combination of industry, commerce, distribution, or research, 10622
if the project facilities consist solely of 10623
point-of-final-purchase retail facilities. If the project 10624
facilities consist of both point-of-final-purchase retail 10625
facilities and nonretail facilities, only the portion of the 10626
project facilities consisting of nonretail facilities is an 10627
eligible project. If a warehouse facility is part of a 10628
point-of-final-purchase retail facility and supplies only that 10629
facility, the warehouse facility is not an eligible project. 10630
Catalog distribution facilities are not considered 10631
point-of-final-purchase retail facilities for purposes of this 10632
paragraph, and are eligible projects. 10633

(E) "Eligible research and development project" means an 10634
eligible project, including project facilities, comprising, 10635
within, or related to, a facility or portion of a facility at 10636
which research is undertaken for the purpose of discovering 10637
information that is technological in nature and the application of 10638
which is intended to be useful in the development of a new or 10639
improved product, process, technique, formula, or invention, a new 10640
product or process based on new technology, or the creative 10641
application of existing technology. 10642

(F) "Financial assistance" means inducements under division 10643
(B) of section 166.02 of the Revised Code, loan guarantees under 10644
section 166.06 of the Revised Code, and direct loans under section 10645
166.07 of the Revised Code. 10646

(G) "Governmental action" means any action by a governmental 10647
agency relating to the establishment, development, or operation of 10648
an eligible project, eligible innovation project, eligible 10649
research and development project, eligible advanced energy 10650
project, or eligible logistics and distribution project, and 10651
project facilities that the governmental agency acting has 10652
authority to take or provide for the purpose under law, including, 10653
but not limited to, actions relating to contracts and agreements, 10654
zoning, building, permits, acquisition and disposition of 10655
property, public capital improvements, utility and transportation 10656
service, taxation, employee recruitment and training, and liaison 10657
and coordination with and among governmental agencies. 10658

(H) "Governmental agency" means the state and any state 10659
department, division, commission, institution or authority; a 10660
municipal corporation, county, or township, and any agency 10661
thereof, and any other political subdivision or public corporation 10662
or the United States or any agency thereof; any agency, 10663
commission, or authority established pursuant to an interstate 10664
compact or agreement; and any combination of the above. 10665

(I) "Innovation financial assistance" means inducements under 10666
division (B) of section 166.12 of the Revised Code, innovation 10667
Ohio loan guarantees under section 166.15 of the Revised Code, and 10668
innovation Ohio loans under section 166.16 of the Revised Code. 10669

(J) "Innovation Ohio loan guarantee reserve requirement" 10670
means, at any time, with respect to innovation loan guarantees 10671
made under section 166.15 of the Revised Code, a balance in the 10672
innovation Ohio loan guarantee fund equal to the greater of twenty 10673
per cent of the then-outstanding principal amount of all 10674

outstanding innovation loan guarantees made pursuant to section 10675
166.15 of the Revised Code or fifty per cent of the principal 10676
amount of the largest outstanding guarantee made pursuant to 10677
section 166.15 of the Revised Code. 10678

(K) "Innovation property" includes property and also includes 10679
software, inventory, licenses, contract rights, goodwill, 10680
intellectual property, including without limitation, patents, 10681
patent applications, trademarks and service marks, and trade 10682
secrets, and other tangible and intangible property, and any 10683
rights and interests in or connected to the foregoing. 10684

(L) "Loan guarantee reserve requirement" means, at any time, 10685
with respect to loan guarantees made under section 166.06 of the 10686
Revised Code, a balance in the loan guarantee fund equal to the 10687
greater of twenty per cent of the then-outstanding principal 10688
amount of all outstanding guarantees made pursuant to section 10689
166.06 of the Revised Code or fifty per cent of the principal 10690
amount of the largest outstanding guarantee made pursuant to 10691
section 166.06 of the Revised Code. 10692

(M) "Person" means any individual, firm, partnership, 10693
association, corporation, or governmental agency, and any 10694
combination thereof. 10695

(N) "Project facilities" means buildings, structures, and 10696
other improvements, and equipment and other property, excluding 10697
small tools, supplies, and inventory, and any one, part of, or 10698
combination of the above, comprising all or part of, or serving or 10699
being incidental to, an eligible project, an eligible innovation 10700
project, an eligible research and development project, an eligible 10701
advanced energy project, or an eligible logistics and distribution 10702
project, including, but not limited to, public capital 10703
improvements. 10704

(O) "Property" means real and personal property and interests 10705

therein. 10706

(P) "Public capital improvements" means capital improvements 10707
or facilities that any governmental agency has authority to 10708
acquire, pay the costs of, own, maintain, or operate, or to 10709
contract with other persons to have the same done, including, but 10710
not limited to, highways, roads, streets, water and sewer 10711
facilities, railroad and other transportation facilities, and air 10712
and water pollution control and solid waste disposal facilities. 10713
For purposes of this division, "air pollution control facilities" 10714
includes, without limitation, solar, geothermal, biofuel, biomass, 10715
wind, hydro, wave, and other advanced energy projects as defined 10716
in section 3706.25 of the Revised Code. 10717

(Q) "Research and development financial assistance" means 10718
inducements under section 166.17 of the Revised Code, research and 10719
development loans under section 166.21 of the Revised Code, and 10720
research and development tax credits under sections 5733.352 and 10721
5747.331 of the Revised Code. 10722

(R) "Targeted innovation industry sectors" means industry 10723
sectors involving the production or use of advanced materials, 10724
instruments, controls and electronics, power and propulsion, 10725
biosciences, and information technology, or such other sectors as 10726
may be designated by the director of development ~~services~~. 10727

(S) "Voluntary action" means a voluntary action, as defined 10728
in section 3746.01 of the Revised Code, that is conducted under 10729
the voluntary action program established in Chapter 3746. of the 10730
Revised Code. 10731

(T) "Project financing obligations" means obligations issued 10732
pursuant to section 166.08 of the Revised Code other than 10733
obligations for which the bond proceedings provide that bond 10734
service charges shall be paid from receipts of the state 10735
representing gross profit on the sale of spirituous liquor as 10736

referred to in division (B)(4) of section 4310.10 of the Revised Code. 10737
10738

(U) "Regional economic development entity" means an entity 10739
that is under contract with the director to administer a loan 10740
program under this chapter in a particular area of this state. 10741

(V) "Eligible advanced energy project" means an eligible 10742
project that is an "advanced energy project" as defined in section 10743
3706.25 of the Revised Code. 10744

(W) "Eligible logistics and distribution project" means an 10745
eligible project, including project facilities, to be acquired, 10746
established, expanded, remodeled, rehabilitated, or modernized for 10747
transportation logistics and distribution infrastructure purposes. 10748
As used in this division, "transportation logistics and 10749
distribution infrastructure purposes" means promoting, providing 10750
for, and enabling improvements to the ground, air, and water 10751
transportation infrastructure comprising the transportation system 10752
in this state, including, without limitation, highways, streets, 10753
roads, bridges, railroads carrying freight, and air and water 10754
ports and port facilities, and all related supporting facilities. 10755

~~(X) "Department of development" means the development 10756
services agency and "director of development" means the director 10757
of development services. 10758~~

Sec. 166.03. (A) There is hereby created the facilities 10759
establishment fund within the state treasury, consisting of 10760
proceeds from the issuance of obligations as specified under 10761
section 166.08 of the Revised Code; the moneys received by the 10762
state from the sources specified in section 166.09 of the Revised 10763
Code; service charges imposed under sections 166.06 and 166.07 of 10764
the Revised Code; any grants, gifts, or contributions of moneys 10765
received by the director of development ~~services~~ to be used for 10766
loans made under section 166.07 of the Revised Code or for the 10767

payment of the allowable costs of project facilities; and all 10768
other moneys appropriated or transferred to the fund. Moneys in 10769
the loan guarantee fund in excess of the loan guarantee reserve 10770
requirement, but subject to the provisions and requirements of any 10771
guarantee contracts, may be transferred to the facilities 10772
establishment fund by the treasurer of state upon the order of the 10773
director of development ~~services~~. Moneys received by the state 10774
under Chapter 122. of the Revised Code, to the extent allocable to 10775
the utilization of moneys derived from proceeds of the sale of 10776
obligations pursuant to section 166.08 of the Revised Code, shall 10777
be credited to the facilities establishment fund. All investment 10778
earnings on the cash balance in the fund shall be credited to the 10779
fund. 10780

(B) All moneys appropriated or transferred to the facilities 10781
establishment fund may be released at the request of the director 10782
of development ~~services~~ for payment of allowable costs or the 10783
making of loans under section 166.07 of the Revised Code, for 10784
transfer to the loan guarantee fund established in section 166.06 10785
of the Revised Code, or for use for the purpose of or transfer to 10786
the funds established by sections 122.35, 122.42, 122.54, 122.55, 10787
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 10788
and, until July 1, 2003, the fund established by section 166.031 10789
of the Revised Code, and, until July 1, 2007, the fund established 10790
by section 122.26 of the Revised Code, but only for such of those 10791
purposes as are within the authorization of Section 13 of Article 10792
VIII, Ohio Constitution, in all cases subject to the approval of 10793
the controlling board. 10794

(C) The department of development ~~services~~ ~~agency~~, in the 10795
administration of the facilities establishment fund, is encouraged 10796
to utilize and promote the utilization of, to the maximum 10797
practicable extent, the other existing programs, business 10798
incentives, and tax incentives that department is required or 10799

authorized to administer or supervise. 10800

Sec. 166.27. (A) As used in this section, "minority" has the 10801
same meaning as in section 184.17 of the Revised Code, except that 10802
the individual must be a resident of this state. The term also 10803
includes an economically disadvantaged individual who is a 10804
resident of this state. 10805

(B) The director of development shall conduct outreach 10806
activities in Ohio that seek to include minorities in the loan 10807
program for logistics and distribution projects established under 10808
section 166.25 of the Revised Code. The outreach activities shall 10809
include the following, when appropriate: 10810

(1) Identifying and partnering with historically black 10811
colleges and universities; 10812

(2) Working with all institutions of higher education in the 10813
state to support minority faculty and students involved in 10814
logistics and distribution fields; 10815

(3) Developing a plan to contact by telephone minority-owned 10816
businesses and entrepreneurs and other economically disadvantaged 10817
businesses to notify them of opportunities to participate in the 10818
loan program for logistics and distribution projects; 10819

(4) Identifying minority professional and technical trade 10820
associations and economic development assistance organizations and 10821
notifying them of the loan program for logistics and distribution 10822
projects; 10823

(5) Partnering with regional councils to foster local efforts 10824
to support minority-owned businesses or otherwise identify 10825
networks of minority-owned businesses, entrepreneurs, and 10826
individuals operating locally; 10827

(6) Identifying minority firms and notifying them of the 10828
opportunities that exist within the investment community, 10829

including the Ohio venture capital authority created under section 10830
150.02 of the Revised Code. 10831

(C) The director shall publish an annual report that includes 10832
all of the following: 10833

(1) Details of loans awarded for logistics and distribution 10834
projects; 10835

(2) The status of loan recipients' projects funded in 10836
previous years; 10837

(3) The amount of loans awarded for projects in economically 10838
distressed areas, and if possible to ascertain, the impact of the 10839
loans to those areas. 10840

(D) To the extent possible, outreach activities described in 10841
this section shall be conducted in conjunction with the EDGE 10842
program created in section ~~123.152~~122.922 of the Revised Code. 10843

Sec. 169.05. (A) Every holder required to file a report under 10844
section 169.03 of the Revised Code shall, at the time of filing, 10845
pay to the director of commerce ten per cent of the aggregate 10846
amount of unclaimed funds as shown on the report, except for 10847
aggregate amounts of fifty dollars or less in which case one 10848
hundred per cent shall be paid. The funds may be deposited by the 10849
director in the state treasury to the credit of the unclaimed 10850
funds trust fund, which is hereby created, or placed with a 10851
financial organization. Any interest earned on money in the trust 10852
fund shall be credited to the trust fund. The remainder of the 10853
aggregate amount of unclaimed funds as shown on the report, plus 10854
earnings accrued to date of payment to the director, shall, at the 10855
option of the director, be retained by the holder or paid to the 10856
director for deposit as agent for the mortgage funds with a 10857
financial organization as defined in section 169.01 of the Revised 10858
Code, with the funds to be in income-bearing accounts to the 10859

credit of the mortgage funds, or the holder may enter into an 10860
agreement with the director specifying the obligations of the 10861
United States in which funds are to be invested, and agree to pay 10862
the interest on the obligations to the state. Holders retaining 10863
any funds not in obligations of the United States shall enter into 10864
an agreement with the director specifying the classification of 10865
income-bearing account in which the funds will be held and pay the 10866
state interest on the funds at a rate equal to the prevailing 10867
market rate for similar funds. Moneys that the holder is required 10868
to pay to the director rather than to retain may be deposited with 10869
the treasurer of state, or placed with a financial organization. 10870

Securities and other intangible property transferred to the 10871
director shall, within a reasonable time, be converted to cash and 10872
the proceeds deposited as provided for other funds. 10873

One-half of the funds evidenced by agreements, in 10874
income-bearing accounts, or on deposit with the treasurer of state 10875
shall be allocated on the records of the director to the mortgage 10876
insurance fund created by section 122.561 of the Revised Code. Out 10877
of the remaining half, after allocation of sufficient moneys to 10878
the minority business bonding fund to meet the provisions of 10879
division (B) of this section, the remainder shall be allocated on 10880
the records of the director to the housing development fund 10881
created by division (A) of section 175.11 of the Revised Code. 10882

(B) The director shall serve as agent for the director of 10883
development and as agent for the Ohio housing finance agency in 10884
making deposits and withdrawals and maintaining records pertaining 10885
to the minority business bonding fund created by section 122.88 of 10886
the Revised Code, the mortgage insurance fund, and the housing 10887
development fund created by section 175.11 of the Revised Code. 10888
Funds from the mortgage insurance fund are available to the 10889
director of development when those funds are to be disbursed to 10890
prevent or cure, or upon the occurrence of, a default of a 10891

mortgage insured pursuant to section 122.451 of the Revised Code. 10892
Funds from the housing development fund are available upon request 10893
to the Ohio housing finance agency, in an amount not to exceed the 10894
funds allocated on the records of the director, for the purposes 10895
of section 175.05 of the Revised Code. Funds from the minority 10896
business bonding fund are available to the director of development 10897
upon request to pay obligations on bonds the director writes 10898
pursuant to section 122.88 of the Revised Code; except that, 10899
unless the general assembly authorizes additional amounts, the 10900
total maximum amount of moneys that may be allocated to the 10901
minority business bonding fund under this division is ten million 10902
dollars. 10903

When funds are to be disbursed, the appropriate agency shall 10904
call upon the director to transfer the necessary funds to it. The 10905
director shall first withdraw the funds paid by the holders and 10906
deposited with the treasurer of state or in a financial 10907
institution as agent for the funds. Whenever these funds are 10908
inadequate to meet the request, the director shall provide for a 10909
withdrawal of funds, within a reasonable time and in the amount 10910
necessary to meet the request, from financial institutions in 10911
which the funds were retained or placed by a holder and from other 10912
holders who have retained funds, in an equitable manner as the 10913
director prescribes. In the event that the amount to be withdrawn 10914
from any one holder is less than five hundred dollars, the amount 10915
to be withdrawn is at the director's discretion. The director 10916
shall then transfer to the agency the amount of funds requested. 10917

Funds deposited in the unclaimed funds trust fund are subject 10918
to call by the director when necessary to pay claims the director 10919
allows under section 169.08 of the Revised Code, in accordance 10920
with the director's rules, to defray the necessary costs of making 10921
publications this chapter requires and to pay other operating and 10922
administrative expenses the department of commerce incurs in the 10923

administration and enforcement of this chapter. 10924

The unclaimed funds trust fund shall be assessed a 10925
proportionate share of the administrative costs of the department 10926
of commerce in accordance with procedures the director of commerce 10927
prescribes ~~and the director of budget and management approves~~. The 10928
assessment shall be paid from the unclaimed funds trust fund to 10929
the division of administration fund. 10930

(C) Earnings on the accounts in financial organizations to 10931
the credit of the mortgage funds shall, at the option of the 10932
financial organization, be credited to the accounts at times and 10933
at rates as earnings are paid on other accounts of the same 10934
classification held in the financial organization or paid to the 10935
director. The director shall be notified annually, and at other 10936
times as the director may request, of the amount of the earnings 10937
credited to the accounts. Interest on unclaimed funds a holder 10938
retains shall be paid to the director or credited as specified in 10939
the agreement under which the organization retains the funds. 10940
Interest payable to the director under an agreement to invest 10941
unclaimed funds in income-bearing accounts or obligations of the 10942
United States shall be paid annually by the holder to the 10943
director. Any earnings or interest the director receives under 10944
this division shall be deposited in and credited to the mortgage 10945
funds. 10946

Sec. 169.07. (A) Upon the payment or delivery of unclaimed 10947
funds to the director of commerce ~~under section 169.05 of the~~ 10948
~~Revised Code~~ in good faith and in compliance with this chapter, 10949
the holder will be relieved of further responsibility for the 10950
safe-keeping thereof and will be held harmless by the state from 10951
any and all liabilities for any claim arising out of the transfer 10952
of such funds to the state to the extent of the value of the 10953
property paid or delivered determined as of the time of such 10954

payment or delivery. 10955

(B) If legal proceedings are instituted against a holder 10956
which has paid unclaimed funds to the director or entered into an 10957
agreement as provided in section 169.05 of the Revised Code in 10958
respect to such funds, such holder shall notify the director in 10959
writing of the pendency of such proceedings ~~and not later than~~ 10960
fourteen days after the date process was served on the holder. 10961
Failure to give such notice absolves the state from any liability 10962
that it may otherwise have with regard to such unclaimed funds 10963
beyond the value of the property paid or delivered to the 10964
director. 10965

Upon the proper notice, the director may take such action as 10966
the director considers necessary or expedient to protect the 10967
interests of the state. If the director shall elects to intervene 10968
and assume the defense of such proceedings. ~~Failure to give such~~ 10969
~~notice shall absolve the state from any and all liability which it~~ 10970
~~may have with regard to such funds. If and~~ judgment is entered 10971
against such holder, the director shall, upon proof of 10972
satisfaction of such judgment, forthwith reimburse such 10973
organization for the amount of the judgment or enter into an 10974
agreement modified to reflect the satisfaction of such judgment, 10975
if the holder retained such funds, and shall reimburse such holder 10976
for any legal fees, costs and other expenses incurred in such 10977
proceedings in the manner provided for the payment of claims under 10978
divisions (D) and (E) of section 169.08 of the Revised Code. 10979

If the director elects not to intervene and assume the 10980
defense of such proceedings, and judgment is entered against such 10981
holder for any amount paid to the director pursuant to this 10982
chapter, the director shall upon proof of satisfaction of such 10983
judgment, forthwith reimburse such organization for the amount so 10984
paid or enter into an agreement modified to reflect the 10985
satisfaction of such judgment, if the holder retained such funds, 10986

to the extent of the value of the property paid or delivered. 10987

(C) No person has a claim against the state, the holder, or a 10988
transfer agent, registrar, or other person acting for or on behalf 10989
of a holder for any change in the market value of unclaimed funds 10990
occurring after delivery by the holder to the division, or after 10991
sale of the property by the division. 10992

Sec. 173.012. The department of aging may develop and offer 10993
training programs to area agencies on aging, long-term care 10994
facilities, providers of long-term care services, and other 10995
interested parties. The department may charge fees for the 10996
training programs. Amounts collected from charging the fees shall 10997
be deposited into the state treasury to the credit of the senior 10998
community outreach fund, which is hereby created. Money credited 10999
to the fund may be used by the department to administer this 11000
section and to develop and offer additional training programs. 11001

Sec. 173.39. (A) As used in sections 173.39 to 173.393 of the 11002
Revised Code: 11003

(1) "Provider" means a person or government entity that 11004
provides any services, including community-based long-term care 11005
services, under a program the department of aging administers. 11006
"Provider" includes a person or government entity that provides 11007
home and community-based services to older adults through the 11008
PASSPORT program or assisted living program ~~as defined in section~~ 11009
~~173.51 of the Revised Code.~~ 11010

(2) "Community-based long-term care services" has the same 11011
meaning as in section 173.14 of the Revised Code. 11012

(3) "PASSPORT program" and "assisted living program" have the 11013
same meanings as in section 173.51 of the Revised Code. 11014

(B) ~~Except as provided in section 173.392 of the Revised~~ 11015
~~Code, the~~ The department of aging ~~may~~ shall not pay a provider for 11016

providing any service, including community-based long-term care 11017
services, under a the PASSPORT program or assisted living program 11018
unless the provider is certified under section 173.391 of the 11019
Revised Code and the service is in fact provided. 11020

The department may require a provider under any other program 11021
the department administers to be certified under section 173.391 11022
of the Revised Code. If the department requires this 11023
certification, the department shall not pay the provider for 11024
providing any service under that program unless the provider is 11025
certified under section 173.391 of the Revised Code and ~~provides~~ 11026
~~the services~~ the service is in fact provided. If the department 11027
does not require this certification, the department shall not pay 11028
the provider for providing any service under that program unless 11029
the provider complies with section 173.392 of the Revised Code. 11030

Sec. 173.391. (A) Subject to section 173.381 of the Revised 11031
Code, the department of aging or its designee shall do all of the 11032
following in accordance with Chapter 119. of the Revised Code: 11033

(1) Certify a provider to provide services, including 11034
community-based long-term care services, under a program the 11035
department administers if the provider satisfies the requirements 11036
for certification established by rules adopted under division (B) 11037
of this section and pays the fee, if any, established by rules 11038
adopted under division (G) of this section; 11039

(2) When required to do so by rules adopted under division 11040
(B) of this section, take one or more of the following 11041
disciplinary actions against a provider certified under division 11042
(A)(1) of this section: 11043

(a) Issue a written warning; 11044

(b) Require the submission of a plan of correction or 11045
evidence of compliance with requirements identified by the 11046

department;	11047
(c) Suspend referrals;	11048
(d) Remove clients;	11049
(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;	11050 11051
(f) Suspend the certification;	11052
(g) Revoke the certification;	11053
(h) Impose another sanction.	11054
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.	11055 11056 11057 11058 11059 11060
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:	11061 11062 11063 11064 11065 11066
(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;	11067 11068
(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	11069 11070 11071
(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;	11072 11073 11074 11075

(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section. 11076
11077

(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section: 11078
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11080
11081

(1) The provider's experience and financial responsibility; 11082

(2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers; 11083
11084
11085

(3) The provider's ability to meet the needs of the individuals served; 11086
11087

(4) Any other factor the director considers relevant. 11088

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served. 11089
11090
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(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply: 11096
11097
11098

(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case: 11099
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11101
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(a) The provider agreement has not been entered into or the 11105

license, certificate, permit, or certification has not been 11106
obtained or maintained. 11107

(b) The provider agreement, license, certificate, permit, or 11108
certification has been denied, revoked, not renewed, or suspended 11109
or has been otherwise restricted. 11110

(2) The provider's certification under this section has been 11111
denied, suspended, or revoked for any of the following reasons: 11112

(a) A government entity of this state, other than the 11113
department of aging, has terminated or refused to renew any of the 11114
following held by, or has denied any of the following sought by, a 11115
provider: a provider agreement, license, certificate, permit, or 11116
certification. Division (E)(2)(a) of this section applies 11117
regardless of whether the provider has entered into a provider 11118
agreement in, or holds a license, certificate, permit, or 11119
certification issued by, another state. 11120

(b) The provider or a principal owner or manager of the 11121
provider who provides direct care has entered a guilty plea for, 11122
or has been convicted of, an offense materially related to the 11123
medicaid program. 11124

(c) A principal owner or manager of the provider who provides 11125
direct care has entered a guilty plea for, been convicted of, or 11126
been found eligible for intervention in lieu of conviction for an 11127
offense listed or described in divisions (A)(3)(a) to (e) of 11128
section 109.572 of the Revised Code, but only if the provider, 11129
principal owner, or manager does not meet standards specified by 11130
the director in rules adopted under section 173.38 of the Revised 11131
Code. 11132

(d) The department or its designee is required by section 11133
173.381 of the Revised Code to deny or revoke the provider's 11134
certification. 11135

(e) The United States department of health and human services 11136

has taken adverse action against the provider and that action 11137
impacts the provider's participation in the medicaid program. 11138

(f) The provider has failed to enter into or renew a provider 11139
agreement with the PASSPORT administrative agency, as that term is 11140
defined in section 173.42 of the Revised Code, that administers 11141
programs on behalf of the department of aging in the region of the 11142
state in which the provider is certified to provide services. 11143

(g) The provider has not billed or otherwise submitted a 11144
claim to the department for payment under the medicaid program in 11145
at least two years. 11146

(h) The provider denied or failed to provide the department 11147
or its designee access to the provider's facilities during the 11148
provider's normal business hours for purposes of conducting an 11149
audit or structural compliance review. 11150

(i) The provider has ceased doing business. 11151

(j) The provider has voluntarily relinquished its 11152
certification for any reason. 11153

(3) The provider's provider agreement with the department of 11154
medicaid has been suspended under section 5164.36 of the Revised 11155
Code. 11156

(4) The provider's provider agreement with the department of 11157
medicaid is denied or revoked because the provider or its owner, 11158
officer, authorized agent, associate, manager, or employee has 11159
been convicted of an offense that caused the provider agreement to 11160
be suspended under section 5164.36 of the Revised Code. 11161

(F) If the department does not hold hearings when any 11162
condition described in division (E) of this section applies, the 11163
department shall send a notice to the provider describing a 11164
decision not to certify the provider under division (A)(1) of this 11165
section or the disciplinary action the department is taking under 11166

divisions (A)(2)(e) to (h) of this section. The notice shall be 11167
sent to the provider's address that is on record with the 11168
department and may be sent by regular mail. 11169

(G) The director of aging may adopt rules in accordance with 11170
Chapter 119. of the Revised Code establishing a fee to be charged 11171
by the department of aging or its designee for certification 11172
issued under this section. 11173

(H) Any amounts collected by the department or its designee 11174
under this section shall be deposited in the state treasury to the 11175
credit of the provider certification fund, which is hereby 11176
created. Money credited to the fund shall be used to pay for 11177
services, including community-based long-term care services, to 11178
pay for administrative costs associated with provider 11179
certification under this section, and to pay for administrative 11180
costs related to the publication of the Ohio long-term care 11181
consumer guide. 11182

Sec. 173.392. (A) ~~The~~ In the case of a provider that the 11183
department of aging under section 173.39 of the Revised Code has 11184
not required to be certified under section 173.391 of the Revised 11185
Code, the department of ~~aging~~ may pay a the provider for providing 11186
services, including community-based long-term care services, under 11187
a program the department administers, ~~even though the provider is~~ 11188
~~not certified under section 173.391 of the Revised Code, but only~~ 11189
if all of the following are the case: 11190

(1) The provider has a contract with the department of aging 11191
or the department's designee to provide the services in accordance 11192
with the contract or has received a grant from the department or 11193
its designee to provide the services in accordance with a grant 11194
agreement; 11195

(2) The contract or grant agreement includes detailed 11196
conditions of participation for the provider and service standards 11197

that the provider is required to satisfy; 11198

(3) The provider complies with the contract or grant 11199
agreement; 11200

(4) The contract or grant is not for medicaid-funded 11201
services, other than services provided under the PACE program 11202
administered by the department of aging under section 173.50 of 11203
the Revised Code. 11204

(B)(1) The director of aging shall adopt rules in accordance 11205
with Chapter 119. of the Revised Code governing both of the 11206
following: 11207

(a) Contracts and grant agreements between the department of 11208
aging or its designee and providers; 11209

(b) The department's payment for services, including 11210
community-based long-term care services, under this section. 11211

(2) The rules adopted under this section shall be consistent 11212
with section 173.381 of the Revised Code. 11213

Sec. 173.393. (A) Except as provided in division (B) of this 11214
section, the records of an evaluation conducted in accordance with 11215
rules adopted under division (B)(2) of section 173.391 of the 11216
Revised Code are public records for purposes of section 149.43 of 11217
the Revised Code and shall be made available on request of any 11218
person, including individuals receiving or seeking any services, 11219
including community-based long-term care services, under a program 11220
the department of aging administers. 11221

(B) A part of a record of an evaluation that is otherwise 11222
available as a public record under division (A) of this section is 11223
not available as a public record if its release would violate a 11224
federal or state statute, regulation, or rule, including 11225
regulations adopted by the United States department of health and 11226
human services to implement the health information privacy 11227

provisions of the "Health Insurance Portability and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as amended.

Sec. 173.50. (A) Pursuant to a contract entered into with the department of medicaid as an interagency agreement under section 5162.35 of the Revised Code, the department of aging shall carry out the day-to-day administration of the component of the medicaid program known as the program of all-inclusive care for the elderly or PACE. The department of aging shall carry out its PACE administrative duties in accordance with the provisions of the interagency agreement and all applicable federal laws, including the "Social Security Act," section 1934, 42 U.S.C. 1396u-4.

(B) Not later than December 31, 2021, the department of aging shall issue a request for proposals from organizations interested in serving individuals who meet PACE program eligibility requirements in the cities of Columbus, Cincinnati, Dayton, Lorain, and Toledo. Proposals shall be submitted to the department within six months from the date the department issues the request for proposals.

(C) To be eligible for selection by the department, a prospective PACE program organization shall meet all of the following requirements:

(1) Be a nonprofit entity that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code;

(2) Have a current, valid provider agreement, as defined in section 5164.01 of the Revised Code, or be eligible to enter into a provider agreement;

(3) Meet all federal requirements applicable to PACE program providers;

(4) Demonstrate to the satisfaction of the department that

the organization has experience providing health care services to individuals fifty-five years old and older; 11258
11259

(5) Be located or offer services in a city identified in division (B) of this section. 11260
11261

(D) The department shall review all proposals submitted in accordance with this section and select one organization to serve as a PACE program organization in each of the cities identified in division (B) of this section. 11262
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(E) Each organization selected to serve as a PACE program organization under this section shall begin providing services to eligible individuals not later than two years after the organization receives notice of its selection. A PACE program organization is authorized to make eligibility determinations for individuals seeking to enroll in the PACE program. 11266
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(F) So long as a PACE program organization is providing access to PACE program services for all eligible individuals in the area served by the PACE program organization, the department shall not authorize any other organization to serve as a PACE program organization for that area. 11272
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For purposes of this division, an individual is considered to have access to PACE program services if there is a PACE program services provider within a forty-five-minute drive from the individual's place of residence. 11277
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(G) Funding for PACE program services shall be determined by the legislature in an amount and manner similar to that of other medicaid managed care plans serving similarly eligible individuals. On an annual basis, the department shall make adjustments to PACE program capitated payments to reflect cost increases associated with providing care to individuals enrolled in the PACE program. 11281
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(H) To the extent authorized by rules authorized by section 11288

5162.021 of the Revised Code, the director of aging may adopt 11289
rules in accordance with Chapter 119. of the Revised Code 11290
regarding the PACE program, including rules establishing 11291
priorities for enrolling in the program pursuant to section 11292
173.501 of the Revised Code. The rules shall address only those 11293
issues that are not addressed in rules adopted by the medicaid 11294
director for the PACE program. 11295

Sec. 174.01. As used in this chapter: 11296

(A) "Financial assistance" means grants, loans, loan 11297
guarantees, an equity position in a project, or loan subsidies. 11298

(B) "Grant" means funding the department of development 11299
~~services agency~~ or the Ohio housing finance agency provides for 11300
which the relevant agency does not require repayment. 11301

(C) "Housing" means housing for owner-occupancy and 11302
multifamily rental housing. 11303

(D) "Housing for owner-occupancy" means housing that is 11304
intended for occupancy by an owner as a principal residence. 11305
"Housing for owner-occupancy" may be any type of structure and may 11306
be owned in any type of ownership. 11307

(E) "Housing trust fund" means the low- and moderate-income 11308
housing trust fund created and administered pursuant to Chapter 11309
174. of the Revised Code. 11310

(F) "Lending institution" means any financial institution 11311
qualified to conduct business in this state, a subsidiary 11312
corporation that is wholly owned by a financial institution 11313
qualified to conduct business in this state, and a mortgage lender 11314
whose regular business is originating, servicing, or brokering 11315
real estate loans and who is qualified to do business in this 11316
state. 11317

(G) "Loan" means any extension of credit or other form of 11318

financing or indebtedness directly or indirectly to a borrower 11319
with the expectation that it will be repaid in accordance with the 11320
terms of the underlying loan agreement or other pertinent 11321
document. "Loan" includes financing extended to lending 11322
institutions and indebtedness purchased from lending institutions. 11323

(H) "Loan guarantee" means any agreement in favor of a 11324
lending institution or other lender in which the credit and 11325
resources of the housing trust fund are pledged to secure the 11326
payment or collection of financing extended to a borrower for the 11327
acquisition, construction, improvement, rehabilitation or 11328
preservation of housing, or to refinance any financing previously 11329
extended for those purposes by any lender. 11330

(I) "Loan subsidy" means any deposit of funds into a lending 11331
institution with the authorization or direction that the income or 11332
revenues the deposit earns, or could have earned at competitive 11333
rates, be applied directly or indirectly to the benefit of housing 11334
assistance or financial assistance. 11335

(J) "Low- and moderate-income persons" means individuals and 11336
families who qualify as low- and moderate-income persons pursuant 11337
to guidelines the ~~development services agency~~ department 11338
establishes. 11339

(K) "Multifamily rental housing" means multiple unit housing 11340
intended for rental occupancy. 11341

(L) "Nonprofit organization" means a nonprofit organization 11342
in good standing and qualified to conduct business in this state 11343
including any corporation whose members are members of a 11344
metropolitan housing authority. 11345

~~(M) "Department of development" means the development 11346
services agency and "director of development" means the director 11347
of development services. 11348~~

Sec. 174.02. (A) The low- and moderate-income housing trust 11349
fund is hereby created in the state treasury. The fund consists of 11350
all appropriations made to the fund, housing trust fund fees 11351
collected by county recorders pursuant to section 317.36 of the 11352
Revised Code and deposited into the fund pursuant to section 11353
319.63 of the Revised Code, and all grants, gifts, loan 11354
repayments, and contributions of money made from any source to the 11355
department of development ~~services agency~~ for deposit in the fund. 11356
All investment earnings of the fund shall be credited to the fund. 11357
The director of development ~~services~~ shall allocate a portion of 11358
the money in the fund to an account of the Ohio housing finance 11359
agency. The ~~development services agency~~ department shall 11360
administer the fund. The Ohio housing finance agency shall use 11361
money allocated to it for implementing and administering its 11362
programs and duties under sections 174.03 and 174.05 of the 11363
Revised Code, and the ~~development services agency~~ department shall 11364
use the remaining money in the fund for implementing and 11365
administering its programs and duties under sections 174.03 to 11366
174.06 of the Revised Code. Use of all money drawn from the fund 11367
is subject to the following restrictions: 11368

(1)(a) Not more than five per cent of the current year 11369
appropriation authority for the fund shall be allocated between 11370
grants to community development corporations for the community 11371
development corporation grant program and grants and loans to the 11372
Ohio community development finance fund, a private nonprofit 11373
corporation. 11374

(b) In any year in which the amount in the fund exceeds one 11375
hundred thousand dollars and at least that much is allocated for 11376
the uses described in this section, not less than one hundred 11377
thousand dollars shall be used to provide training, technical 11378
assistance, and capacity building assistance to nonprofit 11379
development organizations. 11380

(2) Not more than ten per cent of any current year appropriation authority for the fund shall be used for the emergency shelter housing grants program to make grants to private, nonprofit organizations and municipal corporations, counties, and townships for emergency shelter housing for the homeless and emergency shelter facilities serving unaccompanied youth seventeen years of age and younger. The grants shall be distributed pursuant to rules the director adopts and qualify as matching funds for funds obtained pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378.

(3) In any fiscal year in which the amount in the fund exceeds the amount awarded pursuant to division (A)(1)(b) of this section by at least two hundred fifty thousand dollars, at least two hundred fifty thousand dollars from the fund shall be provided to the department of aging for the resident services coordinator program as established in section 173.08 of the Revised Code.

(4) Of all current year appropriation authority for the fund, not more than five per cent shall be used for administration.

(5) Not less than forty-five per cent of the funds awarded during any one fiscal year shall be for grants and loans to nonprofit organizations under section 174.03 of the Revised Code.

(6) Not less than fifty per cent of the funds awarded during any one fiscal year, excluding the amounts awarded pursuant to divisions (A)(1), (2), and (7) of this section, shall be for grants and loans for activities that provide housing and housing assistance to families and individuals in rural areas and small cities that are not eligible to participate as a participating jurisdiction under the "HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721.

(7) No money in the fund shall be used to pay for any legal services other than the usual and customary legal services

associated with the acquisition of housing. 11412

(8) Money in the fund may be used as matching money for 11413
federal funds received by the state, counties, municipal 11414
corporations, and townships for the activities listed in section 11415
174.03 of the Revised Code. 11416

(B) If, after the second quarter of any year, it appears to 11417
the director ~~of development services~~ that the full amount of the 11418
money in the fund designated in that year for activities that 11419
provide housing and housing assistance to families and individuals 11420
in rural areas and small cities under division (A) of this section 11421
will not be used for that purpose, the director may reallocate all 11422
or a portion of that amount for other housing activities. In 11423
determining whether or how to reallocate money under this 11424
division, the director may consult with and shall receive advice 11425
from the housing trust fund advisory committee. 11426

Sec. 183.021. (A) No money from the tobacco master settlement 11427
agreement fund, as that fund existed prior to the repeal of 11428
section 183.02 of the Revised Code by H.B. 119 of the 127th 11429
general assembly, shall be expended to do any of the following: 11430
11431

(1) Hire an executive agency lobbyist, as defined under 11432
section 121.60 of the Revised Code, or a legislative agent, as 11433
defined under section 101.70 of the Revised Code; 11434

(2) Support or oppose candidates, ballot questions, 11435
referendums, or ballot initiatives. 11436

(B) Nothing in this section prohibits ~~either of the following~~ 11437
the members or employees of the third frontier commission or the 11438
members of the third frontier advisory board from advocating on 11439
behalf of the specific objectives of a program funded under this 11440
chapter. 11441

~~(1) The members of the board of trustees, executive director,
or employees of the southern Ohio agricultural and community
development foundation;~~ 11442
11443
11444

~~(2) The members or employees of the third frontier commission
or the members of the third frontier advisory board.~~ 11445
11446

Sec. 183.18. (A) Ohio's public health priorities fund is 11447
hereby created in the state treasury. All investment earnings of 11448
the fund shall be credited to the fund. Notwithstanding any 11449
conflicting provision of the Revised Code, the director of budget 11450
and management may credit to the fund any money received by the 11451
state, director of health, or department of health as part of a 11452
settlement agreement relating to a pressing public health issue. 11453
The director of budget and management may also credit to the fund 11454
any grant, gift, devise, bequest, or contribution made to the 11455
state to support public health. 11456

(B) Money credited to the fund shall be used by the director 11457
of health for the following purposes: 11458

(1) To conduct public health awareness and educational 11459
campaigns; 11460

(2) To address any pressing public health issue identified by 11461
the director or described in the state health improvement plan or 11462
a successor document prepared for the department of health; 11463

(3) To implement and administer innovative public health 11464
programs and prevention strategies; 11465

(4) To improve the population health of Ohio. 11466

The director may collaborate with one or more nonprofit 11467
entities, including a public health foundation, to meet the 11468
requirements of division (B) of this section. 11469

Sec. 183.33. No money shall be appropriated or transferred 11470

from the general revenue fund to the law enforcement improvements 11471
trust fund, ~~southern Ohio agricultural and community development~~ 11472
~~foundation endowment fund~~, biomedical research and technology 11473
transfer trust fund, or education technology trust fund. 11474

Sec. 184.01. (A) There is hereby created the third frontier 11475
commission in the department of development ~~services agency~~. The 11476
purpose of the commission is to coordinate and administer science 11477
and technology programs to promote the welfare of the people of 11478
the state and to maximize the economic growth of the state through 11479
expansion of both of the following: 11480

(1) The state's high technology research and development 11481
capabilities; 11482

(2) The state's product and process innovation and 11483
commercialization. 11484

(B)(1) The commission shall consist of eleven members: the 11485
director of development ~~services~~, the chancellor of ~~the Ohio board~~ 11486
~~of regents~~ higher education, the governor's science and technology 11487
advisor, the chief investment officer of the nonprofit corporation 11488
formed under section 187.01 of the Revised Code, and seven persons 11489
appointed by the governor with the advice and consent of the 11490
senate. 11491

(2) Of the seven persons appointed by the governor, one shall 11492
represent the central region, which is composed of the counties of 11493
Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, 11494
Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, and Union; 11495
one shall represent the west central region, which is composed of 11496
the counties of Champaign, Clark, Darke, Greene, Miami, 11497
Montgomery, Preble, and Shelby; one shall represent the northeast 11498
region, which is composed of the counties of Ashland, Ashtabula, 11499
Carroll, Crawford, Columbiana, Cuyahoga, Erie, Geauga, Holmes, 11500
Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, 11501

Summit, Trumbull, Tuscarawas, and Wayne; one shall represent the 11502
northwest region, which is composed of the counties of Allen, 11503
Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, 11504
Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, 11505
Wood, and Wyandot; one shall represent the southeast region, which 11506
shall represent the counties of Adams, Athens, Belmont, Coshocton, 11507
Gallia, Guernsey, Harrison, Jackson, Jefferson, Lawrence, Meigs, 11508
Monroe, Morgan, Muskingum, Noble, Pike, Scioto, Vinton, and 11509
Washington; one shall represent the southwest region, which is 11510
composed of the counties of Butler, Brown, Clermont, Clinton, 11511
Hamilton, Highland, and Warren; and one shall represent the public 11512
at large. Of the initial appointments, two shall be for one year, 11513
two shall be for two years, and two shall be for three years as 11514
assigned by the governor. Thereafter, appointments shall be for 11515
three-year terms. Members may be reappointed and vacancies shall 11516
be filled in the same manner as appointments. A person must have a 11517
background in business or research in order to be eligible for 11518
appointment to the commission. 11519

(3) The governor shall select a chairperson from among the 11520
members, who shall serve in that role at the pleasure of the 11521
governor. Sections 101.82 to 101.87 of the Revised Code do not 11522
apply to the commission. 11523

(C) The commission shall meet at least once during each 11524
quarter of the calendar year or at the call of the chairperson. A 11525
majority of all members of the commission constitutes a quorum, 11526
and no action shall be taken without the concurrence of a majority 11527
of the members. 11528

(D) The commission shall administer any money that may be 11529
appropriated to it by the general assembly. The commission may use 11530
such money for research and commercialization and for any other 11531
purposes that may be designated by the commission. 11532

(E) The ~~development services agency~~ department shall provide 11533

office space and facilities for the commission. Administrative 11534
costs associated with the operation of the commission or with any 11535
program or activity administered by the commission shall be paid 11536
from amounts appropriated to the commission or to the ~~agency~~ 11537
department for such purposes. 11538

(F) The attorney general shall serve as the legal 11539
representative for the commission and may appoint other counsel as 11540
necessary for that purpose in accordance with section 109.07 of 11541
the Revised Code. 11542

(G) Members of the commission shall serve without 11543
compensation, but shall receive their reasonable and necessary 11544
expenses incurred in the conduct of commission business. 11545

(H) Members of the commission shall file financial disclosure 11546
statements described in division (B) of section 102.02 of the 11547
Revised Code. 11548

Sec. 184.173. The third frontier commission shall conduct the 11549
outreach activities described in sections 184.171 and 184.172 of 11550
the Revised Code in conjunction with the EDGE program created 11551
under section ~~123.152~~ 122.922 of the Revised Code. 11552

Sec. 187.03. (A) JobsOhio may perform such functions as 11553
permitted and shall perform such duties as prescribed by law and 11554
as set forth in any contract entered into under section 187.04 of 11555
the Revised Code, but shall not be considered a state or public 11556
department, agency, office, body, institution, or instrumentality 11557
for purposes of section 1.60 or Chapter 102., 121., 125., or 149. 11558
of the Revised Code. JobsOhio and its board of directors are not 11559
subject to the following sections of Chapter 1702. of the Revised 11560
Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 11561
1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 11562
1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 11563

1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this 11564
division shall be construed to impair the powers and duties of the 11565
Ohio ethics commission described in section 102.06 of the Revised 11566
Code to investigate and enforce section 102.02 of the Revised Code 11567
with regard to individuals required to file statements under 11568
division (B)(2) of this section. 11569

(B)(1) Directors and employees of JobsOhio are not employees 11570
or officials of the state and, except as provided in division 11571
(B)(2) of this section, are not subject to Chapter 102., 124., 11572
145., or 4117. of the Revised Code. 11573

(2) The chief investment officer, any other officer or 11574
employee with significant administrative, supervisory, 11575
contracting, or investment authority, and any director of JobsOhio 11576
shall file, with the Ohio ethics commission, a financial 11577
disclosure statement pursuant to section 102.02 of the Revised 11578
Code that includes, in place of the information required by 11579
divisions (A)(2)(b), (g), (h), and (i) of that section, the 11580
information required by divisions (A) and (B) of section 102.022 11581
of the Revised Code. The governor shall comply with all applicable 11582
requirements of section 102.02 of the Revised Code. 11583

(3) Actual or in-kind expenditures for the travel, meals, or 11584
lodging of the governor or of any public official or employee 11585
designated by the governor for the purpose of this division shall 11586
not be considered a violation of section 102.03 of the Revised 11587
Code if the expenditures are made by the corporation, or on behalf 11588
of the corporation by any person, in connection with the 11589
governor's performance of official duties related to JobsOhio. The 11590
governor may designate any person, including a person who is a 11591
public official or employee as defined in section 102.01 of the 11592
Revised Code, for the purpose of this division if such 11593
expenditures are made on behalf of the person in connection with 11594

the governor's performance of official duties related to JobsOhio. 11595
A public official or employee so designated by the governor shall 11596
comply with all applicable requirements of section 102.02 of the 11597
Revised Code. 11598

At the times and frequency agreed to under division (B)(2)(b) 11599
of section 187.04 of the Revised Code, beginning in 2012, the 11600
corporation shall file with the development services agency a 11601
written report of all such expenditures paid or incurred during 11602
the preceding calendar year. The report shall state the dollar 11603
value and purpose of each expenditure, the date of each 11604
expenditure, the name of the person that paid or incurred each 11605
expenditure, and the location, if any, where services or benefits 11606
of an expenditure were received, provided that any such 11607
information that may disclose proprietary information as defined 11608
in division (C) of this section shall not be included in the 11609
report. 11610

(4) The prohibition applicable to former public officials or 11611
employees in division (A)(1) of section 102.03 of the Revised Code 11612
does not apply to any person appointed to be a director or hired 11613
as an employee of JobsOhio. 11614

(5) Notwithstanding division (A)(2) of section 145.01 of the 11615
Revised Code, any person who is a former state employee shall no 11616
longer be considered a public employee for purposes of Chapter 11617
145. of the Revised Code upon commencement of employment with 11618
JobsOhio. 11619

(6) Any director, officer, or employee of JobsOhio may 11620
request an advisory opinion from the Ohio ethics commission with 11621
regard to questions concerning the provisions of sections 102.02 11622
and 102.022 of the Revised Code to which the person is subject. 11623

(C) Meetings of the board of directors at which a quorum of 11624
the board is required to be physically present pursuant to 11625

division (F) of section 187.01 of the Revised Code shall be open 11626
to the public except, by a majority vote of the directors present 11627
at the meeting, such a meeting may be closed to the public only 11628
for one or more of the following purposes: 11629

(1) To consider business strategy of the corporation; 11630

(2) To consider proprietary information belonging to 11631
potential applicants or potential recipients of business 11632
recruitment, retention, or creation incentives. For the purposes 11633
of this division, "proprietary information" means marketing plans, 11634
specific business strategy, production techniques and trade 11635
secrets, financial projections, or personal financial statements 11636
of applicants or members of the applicants' immediate family, 11637
including, but not limited to, tax records or other similar 11638
information not open to the public inspection. 11639

(3) To consider legal matters, including litigation, in which 11640
the corporation is or may be involved; 11641

(4) To consider personnel matters related to an individual 11642
employee of the corporation. 11643

(D) The board of directors shall establish a reasonable 11644
method whereby any person may obtain the time and place of all 11645
public meetings described in division (C) of this section. The 11646
method shall provide that any person, upon request and payment of 11647
a reasonable fee, may obtain reasonable advance notification of 11648
all such meetings. 11649

(E) The board of directors shall promptly prepare, file, and 11650
maintain minutes of all public meetings described in division (C) 11651
of this section. 11652

(F) Not later than ~~March 1, 2012, and~~ the first day of ~~March~~ 11653
July of each year ~~thereafter~~, the chief investment officer of 11654
JobsOhio shall prepare and submit a report of the corporation's 11655
activities for the preceding year to the governor, the speaker and 11656

minority leader of the house of representatives, and the president 11657
and minority leader of the senate. The annual report shall include 11658
the following: 11659

(1) An analysis of the state's economy; 11660

(2) A description of the structure, operation, and financial 11661
status of the corporation; 11662

(3) A description of the corporation's strategy to improve 11663
the state economy and the standards of measure used to evaluate 11664
its progress; 11665

(4) An evaluation of the performance of current strategies 11666
and major initiatives; 11667

(5) An analysis of any statutory or administrative barriers 11668
to successful economic development, business recruitment, and job 11669
growth in the state identified by JobsOhio during the preceding 11670
year. 11671

Sec. 301.30. ~~For twelve months after the effective date of~~ 11672
~~the enactment of this section by H.B. 242 of the 133rd general~~ 11673
~~assembly, no~~ No county that has adopted a charter under Section 3 11674
of Article X, Ohio Constitution, may impose a fee, tax, 11675
assessment, or other charge on auxiliary containers, on the sales, 11676
use, or consumption of such containers, except as authorized in 11677
Chapters 5739. and 5741. of the Revised Code, or on the basis of 11678
receipts received from the sale of such containers. As used in 11679
this section, "auxiliary container" has the same meaning as in 11680
section 3767.32 of the Revised Code. 11681

Sec. 307.921. From any contracts to be awarded under sections 11682
307.86 to 307.92 of the Revised Code, the contracting authority, 11683
as defined in section 307.92 of the Revised Code, may develop a 11684
policy to assist minority business enterprises, as defined in 11685
sections 122.71 and ~~123.151~~ 122.921 of the Revised Code. 11686

11687

Sec. 307.93. (A)(1) The boards of county commissioners of two 11688
or more adjacent counties may contract for the joint establishment 11689
of a multicounty correctional center, and the board of county 11690
commissioners of a county or the boards of two or more counties 11691
may contract with any municipal corporation or municipal 11692
corporations located in that county or those counties for the 11693
joint establishment of a municipal-county or multicounty-municipal 11694
correctional center. The center shall augment county and, where 11695
applicable, municipal jail programs and facilities by providing 11696
custody and rehabilitative programs for those persons under the 11697
charge of the sheriff of any of the contracting counties or of the 11698
officer or officers of the contracting municipal corporation or 11699
municipal corporations having charge of persons incarcerated in 11700
the municipal jail, workhouse, or other correctional facility who, 11701
in the opinion of the sentencing court, need programs of custody 11702
and rehabilitation not available at the county or municipal jail 11703
and by providing custody and rehabilitative programs in accordance 11704
with division (C) of this section, if applicable. The contract may 11705
include, but need not be limited to, provisions regarding the 11706
acquisition, construction, maintenance, repair, termination of 11707
operations, and administration of the center. ~~The acquisition of~~ 11708
~~the facility, to the extent appropriate, may include the leasing~~ 11709
~~of the Ohio river valley facility or a specified portion of that~~ 11710
~~facility pursuant to division (B)(3) of this section.~~ The contract 11711
shall prescribe the manner of funding of, and debt assumption for, 11712
the center and the standards and procedures to be followed in the 11713
operation of the center. Except as provided in division (G) of 11714
this section, the contracting counties and municipal corporations 11715
shall form a corrections commission to oversee the administration 11716
of the center. Members of the commission shall consist of the 11717
sheriff of each participating county, a member of the board of 11718

county commissioners of each participating county, the chief of 11719
police of each participating municipal corporation, and the mayor 11720
or city manager of each participating municipal corporation. Any 11721
of the foregoing officers may appoint a designee to serve in the 11722
officer's place on the corrections commission. 11723

The standards and procedures prescribed under this division 11724
shall be formulated and agreed to by the commission and may be 11725
amended at any time during the life of the contract by agreement 11726
of a majority of the voting members of the commission or by other 11727
means set forth in the contract between the contracting counties 11728
and municipal corporations. The standards and procedures 11729
formulated by the commission and amendments to them shall include, 11730
but need not be limited to, designation of the person in charge of 11731
the center, designation of a fiscal agent, the categories of 11732
employees to be employed at the center, the appointing authority 11733
of the center, and the standards of treatment and security to be 11734
maintained at the center. The person in charge of, and all persons 11735
employed to work at, the center shall have all the powers of 11736
police officers that are necessary for the proper performance of 11737
the duties and work responsibilities of the center, provided that 11738
the corrections officers of the center may carry firearms in the 11739
performance of those duties and responsibilities only in 11740
accordance with division (A)(2) of this section. 11741

(2) The person in charge of a multicounty correctional 11742
center, or of a municipal-county or multicounty-municipal 11743
correctional center, may grant permission to a corrections officer 11744
of the center to carry firearms when required in the discharge of 11745
official duties if the corrections officer has successfully 11746
completed a basic firearm training program that is approved by the 11747
executive director of the Ohio peace officer training commission. 11748
A corrections officer who has been granted permission to carry 11749
firearms in the discharge of official duties annually shall 11750

successfully complete a firearms requalification program in 11751
accordance with section 109.801 of the Revised Code. A corrections 11752
officer may carry firearms under authority of this division only 11753
while the officer is acting within the scope of the officer's 11754
official duties. 11755

(B)(1) Upon the establishment of a corrections commission 11756
under division (A) of this section, the judges specified in this 11757
division shall form a judicial advisory board for the purpose of 11758
making recommendations to the corrections commission on issues of 11759
bed allocation, expansion of the center that the corrections 11760
commission oversees, and other issues concerning the 11761
administration of sentences or any other matter determined to be 11762
appropriate by the board. The judges who shall form the judicial 11763
advisory board for a corrections commission are the administrative 11764
judge of the general division of the court of common pleas of each 11765
county participating in the corrections center, the presiding 11766
judge of the municipal court of each municipal corporation 11767
participating in the corrections center, and the presiding judge 11768
of each county court of each county participating in the 11769
corrections center. If the number of the foregoing members of the 11770
board is even, the county auditor or the county auditor of the 11771
most populous county if the board serves more than one county 11772
shall also be a member of the board. Any of the foregoing judges 11773
may appoint a designee to serve in the judge's place on the 11774
judicial advisory board, provided that the designee shall be a 11775
judge of the same court as the judge who makes the appointment. 11776
The judicial advisory board for a corrections commission shall 11777
meet with the corrections commission at least once each year. 11778

(2) Each board of county commissioners that enters a contract 11779
under division (A) of this section may appoint a building 11780
commission pursuant to section 153.21 of the Revised Code. If any 11781
commissions are appointed, they shall function jointly in the 11782

construction of a multicounty or multicounty-municipal 11783
correctional center with all the powers and duties authorized by 11784
law. 11785

~~(3) Subject to the limitation described in this division, the 11786
boards of county commissioners that contract or have contracted 11787
for the joint establishment of a multicounty correctional center 11788
under division (A) of this section, or the boards of county 11789
commissioners of the counties and legislative authorities of the 11790
municipal corporations that contract or have contracted for the 11791
joint establishment of a municipal county or multicounty municipal 11792
correctional center under that division, may enter into an 11793
agreement with the director of administrative services pursuant to 11794
which the contracting counties and municipal corporations shall 11795
use the Ohio river valley facility or a specified portion of that 11796
facility as the multicounty correctional center, municipal county 11797
correctional center, or multicounty municipal correctional center 11798
covered by the contract entered into under division (A) of this 11799
section. A contract with the director of administrative services 11800
may be entered into under this division only if one or more of the 11801
contracting counties is adjacent to Scioto county. 11802~~

~~The department may enter into an agreement as described in 11803
this division at any time on or after September 29, 2017, or, if 11804
the department had entered into an agreement with the board of 11805
county commissioners of Lawrence county pursuant to section 11806
341.121 of the Revised Code for the use by the sheriff of that 11807
county of a specified portion of the facility as a jail for 11808
Lawrence county, at any time on or after the date that control of 11809
the specified portion of the facility reverts to the state under 11810
division (B)(4) or (C) of that section. 11811~~

(C) Prior to the acceptance for custody and rehabilitation 11812
into a center established under this section of any persons who 11813
are designated by the department of rehabilitation and correction, 11814

who plead guilty to or are convicted of a felony of the fourth or 11815
fifth degree, and who satisfy the other requirements listed in 11816
section 5120.161 of the Revised Code, the corrections commission 11817
of a center established under this section shall enter into an 11818
agreement with the department of rehabilitation and correction 11819
under section 5120.161 of the Revised Code for the custody and 11820
rehabilitation in the center of persons who are designated by the 11821
department, who plead guilty to or are convicted of a felony of 11822
the fourth or fifth degree, and who satisfy the other requirements 11823
listed in that section, in exchange for a per diem fee per person. 11824
Persons incarcerated in the center pursuant to an agreement 11825
entered into under this division shall be subject to supervision 11826
and control in the manner described in section 5120.161 of the 11827
Revised Code. This division does not affect the authority of a 11828
court to directly sentence a person who is convicted of or pleads 11829
guilty to a felony to the center in accordance with section 11830
2929.16 of the Revised Code. 11831

(D) Pursuant to section 2929.37 of the Revised Code, each 11832
board of county commissioners and the legislative authority of 11833
each municipal corporation that enters into a contract under 11834
division (A) of this section may require a person who was 11835
convicted of an offense, who is under the charge of the sheriff of 11836
their county or of the officer or officers of the contracting 11837
municipal corporation or municipal corporations having charge of 11838
persons incarcerated in the municipal jail, workhouse, or other 11839
correctional facility, and who is confined in the multicounty, 11840
municipal-county, or multicounty-municipal correctional center as 11841
provided in that division, to reimburse the applicable county or 11842
municipal corporation for its expenses incurred by reason of the 11843
person's confinement in the center. 11844

(E) Notwithstanding any contrary provision in this section or 11845
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 11846

corrections commission of a center may establish a policy that 11847
complies with section 2929.38 of the Revised Code and that 11848
requires any person who is not indigent and who is confined in the 11849
multicounty, municipal-county, or multicounty-municipal 11850
correctional center to pay a reception fee, a fee for medical 11851
treatment or service requested by and provided to that person, or 11852
the fee for a random drug test assessed under division (E) of 11853
section 341.26 of the Revised Code. 11854

(F)(1) The corrections commission of a center established 11855
under this section may establish a commissary for the center. The 11856
commissary may be established either in-house or by another 11857
arrangement. If a commissary is established, all persons 11858
incarcerated in the center shall receive commissary privileges. A 11859
person's purchases from the commissary shall be deducted from the 11860
person's account record in the center's business office. The 11861
commissary shall provide for the distribution to indigent persons 11862
incarcerated in the center of necessary hygiene articles and 11863
writing materials. 11864

(2) If a commissary is established, the corrections 11865
commission of a center established under this section shall 11866
establish a commissary fund for the center. The management of 11867
funds in the commissary fund shall be strictly controlled in 11868
accordance with procedures adopted by the auditor of state. 11869
Commissary fund revenue over and above operating costs and reserve 11870
shall be considered profits. All profits from the commissary fund 11871
shall be used to purchase supplies and equipment for the benefit 11872
of persons incarcerated in the center and to pay salary and 11873
benefits for employees of the center, or for any other persons, 11874
who work in or are employed for the sole purpose of providing 11875
service to the commissary. The corrections commission shall adopt 11876
rules and regulations for the operation of any commissary fund it 11877
establishes. 11878

(G) In lieu of forming a corrections commission to administer 11879
a multicounty correctional center or a municipal-county or 11880
multicounty-municipal correctional center, the boards of county 11881
commissioners and the legislative authorities of the municipal 11882
corporations contracting to establish the center may also agree to 11883
contract for the private operation and management of the center as 11884
provided in section 9.06 of the Revised Code, but only if the 11885
center houses only misdemeanor inmates. In order to enter into a 11886
contract under section 9.06 of the Revised Code, all the boards 11887
and legislative authorities establishing the center shall approve 11888
and be parties to the contract. 11889

(H) If a person who is convicted of or pleads guilty to an 11890
offense is sentenced to a term in a multicounty correctional 11891
center or a municipal-county or multicounty-municipal correctional 11892
center or is incarcerated in the center in the manner described in 11893
division (C) of this section, or if a person who is arrested for 11894
an offense, and who has been denied bail or has had bail set and 11895
has not been released on bail is confined in a multicounty 11896
correctional center or a municipal-county or multicounty-municipal 11897
correctional center pending trial, at the time of reception and at 11898
other times the officer, officers, or other person in charge of 11899
the operation of the center determines to be appropriate, the 11900
officer, officers, or other person in charge of the operation of 11901
the center may cause the convicted or accused offender to be 11902
examined and tested for tuberculosis, HIV infection, hepatitis, 11903
including but not limited to hepatitis A, B, and C, and other 11904
contagious diseases. The officer, officers, or other person in 11905
charge of the operation of the center may cause a convicted or 11906
accused offender in the center who refuses to be tested or treated 11907
for tuberculosis, HIV infection, hepatitis, including but not 11908
limited to hepatitis A, B, and C, or another contagious disease to 11909
be tested and treated involuntarily. 11910

(I) As used in this section: 11911

~~(1) "Multicounty municipal", "multicounty-municipal" means 11912
more than one county and a municipal corporation, or more than one 11913
municipal corporation and a county, or more than one municipal 11914
corporation and more than one county. 11915~~

~~(2) "Ohio river valley facility" has the same meaning as in 11916
section 341.121 of the Revised Code. 11917~~

Sec. 319.54. (A) On all moneys collected by the county 11918
treasurer on any tax duplicate of the county, other than estate 11919
tax duplicates, and on all moneys received as advance payments of 11920
personal property and classified property taxes, the county 11921
auditor, on settlement with the treasurer and tax commissioner, on 11922
or before the date prescribed by law for such settlement or any 11923
lawful extension of such date, shall be allowed as compensation 11924
for the county auditor's services the following percentages: 11925

(1) On the first one hundred thousand dollars, two and 11926
one-half per cent; 11927

(2) On the next two million dollars, eight thousand three 11928
hundred eighteen ten-thousandths of one per cent; 11929

(3) On the next two million dollars, six thousand six hundred 11930
fifty-five ten-thousandths of one per cent; 11931

(4) On all further sums, one thousand six hundred sixty-three 11932
ten-thousandths of one per cent. 11933

If any settlement is not made on or before the date 11934
prescribed by law for such settlement or any lawful extension of 11935
such date, the aggregate compensation allowed to the auditor shall 11936
be reduced one per cent for each day such settlement is delayed 11937
after the prescribed date. No penalty shall apply if the auditor 11938
and treasurer grant all requests for advances up to ninety per 11939
cent of the settlement pursuant to section 321.34 of the Revised 11940

Code. The compensation allowed in accordance with this section on 11941
settlements made before the dates prescribed by law, or the 11942
reduced compensation allowed in accordance with this section on 11943
settlements made after the date prescribed by law or any lawful 11944
extension of such date, shall be apportioned ratably by the 11945
auditor and deducted from the shares or portions of the revenue 11946
payable to the state as well as to the county, townships, 11947
municipal corporations, and school districts. 11948

(B) For the purpose of reimbursing county auditors for the 11949
expenses associated with the increased number of applications for 11950
reductions in real property taxes under sections 323.152 and 11951
4503.065 of the Revised Code that result from the amendment of 11952
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 11953
there shall be paid from the state's general revenue fund to the 11954
county treasury, to the credit of the real estate assessment fund 11955
created by section 325.31 of the Revised Code, an amount equal to 11956
one per cent of the total annual amount of property tax relief 11957
reimbursement paid to that county under sections 323.156 and 11958
4503.068 of the Revised Code for the preceding tax year. Payments 11959
made under this division shall be made at the same times and in 11960
the same manner as payments made under section 323.156 of the 11961
Revised Code. 11962

(C) From all moneys collected by the county treasurer on any 11963
tax duplicate of the county, other than estate tax duplicates, and 11964
on all moneys received as advance payments of personal property 11965
and classified property taxes, there shall be paid into the county 11966
treasury to the credit of the real estate assessment fund created 11967
by section 325.31 of the Revised Code, an amount to be determined 11968
by the county auditor, which shall not exceed the percentages 11969
prescribed in divisions (C)(1) and (2) of this section. 11970

(1) For payments made after June 30, 2007, and before 2011, 11971
the following percentages: 11972

(a) On the first five hundred thousand dollars, four per cent;	11973 11974
(b) On the next five million dollars, two per cent;	11975
(c) On the next five million dollars, one per cent;	11976
(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;	11977 11978
(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.	11979 11980
(2) For payments made in or after 2011, the following percentages:	11981 11982
(a) On the first five hundred thousand dollars, four per cent;	11983 11984
(b) On the next ten million dollars, two per cent;	11985
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	11986 11987
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	11988 11989 11990 11991
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	11992 11993 11994 11995
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement annually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:	11996 11997 11998 11999 12000
(1) Four per cent on the first one hundred thousand dollars;	12001

~~(2) One half of one per cent on all additional sums.~~ 12002

~~Such percentages shall be computed upon two per cent of the 12003
amount collected and reported ~~at each annual settlement that year~~ 12004
in excess of refunds distributed, ~~and shall be~~ for the use of the 12005
general fund of the county. 12006~~

(F) On all cigarette license moneys collected by the county 12007
treasurer, the county auditor, on settlement semiannually with the 12008
treasurer, shall be allowed as compensation for the auditor's 12009
services in the issuing of such licenses one-half of one per cent 12010
of such moneys, to be apportioned ratably and deducted from the 12011
shares of the revenue payable to the county and subdivisions, for 12012
the use of the general fund of the county. 12013

(G) The county auditor shall charge and receive fees as 12014
follows: 12015

(1) For deeds of land sold for taxes to be paid by the 12016
purchaser, five dollars; 12017

(2) For the transfer or entry of land, lot, or part of lot, 12018
or the transfer or entry on or after January 1, 2000, of a used 12019
manufactured home or mobile home as defined in section 5739.0210 12020
of the Revised Code, fifty cents for each transfer or entry, to be 12021
paid by the person requiring it; 12022

(3) For receiving statements of value and administering 12023
section 319.202 of the Revised Code, one dollar, or ten cents for 12024
each one hundred dollars or fraction of one hundred dollars, 12025
whichever is greater, of the value of the real property 12026
transferred or, for sales occurring on or after January 1, 2000, 12027
the value of the used manufactured home or used mobile home, as 12028
defined in section 5739.0210 of the Revised Code, transferred, 12029
except no fee shall be charged when the transfer is made: 12030

(a) To or from the United States, this state, or any 12031
instrumentality, agency, or political subdivision of the United 12032

States or this state;	12033
(b) Solely in order to provide or release security for a debt or obligation;	12034 12035
(c) To confirm or correct a deed previously executed and recorded or when a current owner on any record made available to the general public on the internet or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property is a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation and is changing the current owner name listed on any record made available to the general public on the internet or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property to the initials of the current owner as prescribed in division (B)(1) of section 319.28 of the Revised Code;	12036 12037 12038 12039 12040 12041 12042 12043 12044 12045 12046 12047 12048 12049 12050
(d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either;	12051 12052 12053
(e) On sale for delinquent taxes or assessments;	12054
(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;	12055 12056 12057
(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;	12058 12059 12060 12061 12062 12063

(h) By a subsidiary corporation to its parent corporation for 12064
no consideration, nominal consideration, or in sole consideration 12065
of the cancellation or surrender of the subsidiary's stock; 12066

(i) By lease, whether or not it extends to mineral or mineral 12067
rights, unless the lease is for a term of years renewable forever; 12068

(j) When the value of the real property or the manufactured 12069
or mobile home or the value of the interest that is conveyed does 12070
not exceed one hundred dollars; 12071

(k) Of an occupied residential property, including a 12072
manufactured or mobile home, being transferred to the builder of a 12073
new residence or to the dealer of a new manufactured or mobile 12074
home when the former residence is traded as part of the 12075
consideration for the new residence or new manufactured or mobile 12076
home; 12077

(l) To a grantee other than a dealer in real property or in 12078
manufactured or mobile homes, solely for the purpose of, and as a 12079
step in, the prompt sale of the real property or manufactured or 12080
mobile home to others; 12081

(m) To or from a person when no money or other valuable and 12082
tangible consideration readily convertible into money is paid or 12083
to be paid for the real estate or manufactured or mobile home and 12084
the transaction is not a gift; 12085

(n) Pursuant to division (B) of section 317.22 of the Revised 12086
Code, or section 2113.61 of the Revised Code, between spouses or 12087
to a surviving spouse pursuant to section 5302.17 of the Revised 12088
Code as it existed prior to April 4, 1985, between persons 12089
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 12090
after April 4, 1985, to a person who is a surviving, survivorship 12091
tenant pursuant to section 5302.17 of the Revised Code on or after 12092
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 12093

(o) To a trustee acting on behalf of minor children of the 12094

deceased;	12095
(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	12096 12097
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	12098 12099
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	12100 12101 12102 12103 12104
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	12105 12106 12107 12108
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	12109 12110
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	12111 12112 12113 12114
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	12115 12116 12117 12118
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	12119 12120
(x) Between persons pursuant to section 5302.18 of the Revised Code;	12121 12122
(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned	12123 12124

subsidiary, to a third party. 12125

(4) For the cost of publishing the delinquent manufactured 12126
home tax list, the delinquent tax list, and the delinquent vacant 12127
land tax list, a flat fee, as determined by the county auditor, to 12128
be charged to the owner of a home on the delinquent manufactured 12129
home tax list or the property owner of land on the delinquent tax 12130
list or the delinquent vacant land tax list. 12131

The auditor shall compute and collect the fee. The auditor 12132
shall maintain a numbered receipt system, as prescribed by the tax 12133
commissioner, and use such receipt system to provide a receipt to 12134
each person paying a fee. The auditor shall deposit the receipts 12135
of the fees on conveyances in the county treasury daily to the 12136
credit of the general fund of the county, except that fees charged 12137
and received under division (G)(3) of this section for a transfer 12138
of real property to a county land reutilization corporation shall 12139
be credited to the county land reutilization corporation fund 12140
established under section 321.263 of the Revised Code. 12141

The real property transfer fee provided for in division 12142
(G)(3) of this section shall be applicable to any conveyance of 12143
real property presented to the auditor on or after January 1, 12144
1968, regardless of its time of execution or delivery. 12145

The transfer fee for a used manufactured home or used mobile 12146
home shall be computed by and paid to the county auditor of the 12147
county in which the home is located immediately prior to the 12148
transfer. 12149

Sec. 321.27. (A) On settlement annually with the county 12150
auditor, the county treasurer shall be allowed as fees on all 12151
moneys collected by the treasurer on estate tax duplicates ~~the~~ 12152
~~following percentages: three per cent on the first one hundred~~ 12153
~~thousand dollars; two per cent on the next one hundred thousand~~ 12154
~~dollars; five tenths per cent on all additional sums. Such~~ 12155

~~percentages shall be computed upon~~ of the amount collected and 12156
~~reported at each annual settlement~~ that year in excess of refunds 12157
~~distributed, and shall be~~ for the use of the general fund of the 12158
county. 12159

(B) On settlement semiannually with the county auditor, the 12160
county treasurer shall be allowed as fees on all cigarette license 12161
moneys collected by the treasurer one-half per cent on the amount 12162
received, to be paid upon the warrant of the auditor and 12163
apportioned ratably and deducted from the shares of revenue 12164
payable to the county and subdivisions of the county under section 12165
5743.15 of the Revised Code, for the use of the general fund of 12166
the county. 12167

Sec. 323.153. (A) To obtain a reduction in real property 12168
taxes under division (A) or (B) of section 323.152 of the Revised 12169
Code or in manufactured home taxes under division (B) of section 12170
323.152 of the Revised Code, the owner shall file an application 12171
with the county auditor of the county in which the owner's 12172
homestead is located. 12173

To obtain a reduction in real property taxes under division 12174
(A) of section 323.152 of the Revised Code, the occupant of a 12175
homestead in a housing cooperative shall file an application with 12176
the nonprofit corporation that owns and operates the housing 12177
cooperative, in accordance with this paragraph. Not later than the 12178
first day of March each year, the corporation shall obtain 12179
applications from the county auditor's office and provide one to 12180
each new occupant. Not later than the first day of May, any 12181
occupant who may be eligible for a reduction in taxes under 12182
division (A) of section 323.152 of the Revised Code shall submit 12183
the completed application to the corporation. Not later than the 12184
fifteenth day of May, the corporation shall file all completed 12185
applications, and the information required by division (B) of 12186

section 323.159 of the Revised Code, with the county auditor of 12187
the county in which the occupants' homesteads are located. 12188
Continuing applications shall be furnished to an occupant in the 12189
manner provided in division (C)(4) of this section. 12190

(1) An application for reduction based upon a physical 12191
disability shall be accompanied by a certificate signed by a 12192
physician, and an application for reduction based upon a mental 12193
disability shall be accompanied by a certificate signed by a 12194
physician or psychologist licensed to practice in this state, 12195
attesting to the fact that the applicant is permanently and 12196
totally disabled. The certificate shall be in a form that the tax 12197
commissioner requires and shall include the definition of 12198
permanently and totally disabled as set forth in section 323.151 12199
of the Revised Code. An application for reduction based upon a 12200
disability certified as permanent and total by a state or federal 12201
agency having the function of so classifying persons shall be 12202
accompanied by a certificate from that agency. 12203

An application by a disabled veteran for the reduction under 12204
division (A)(2) of section 323.152 of the Revised Code shall be 12205
accompanied by a letter or other written confirmation from the 12206
United States department of veterans affairs, or its predecessor 12207
or successor agency, showing that the veteran qualifies as a 12208
disabled veteran. 12209

An application by the surviving spouse of a public service 12210
officer killed in the line of duty for the reduction under 12211
division (A)(3) of section 323.152 of the Revised Code shall be 12212
accompanied by a letter or other written confirmation from an 12213
employee or officer of the board of trustees of a retirement or 12214
pension fund in this state or another state or from the chief or 12215
other chief executive of the department, agency, or other employer 12216
for which the public service officer served when killed in the 12217
line of duty affirming that the public service officer was killed 12218

in the line of duty. 12219

An application for a reduction under division (A) of section 12220
323.152 of the Revised Code constitutes a continuing application 12221
for a reduction in taxes for each year in which the dwelling is 12222
the applicant's homestead. 12223

(2) An application for a reduction in taxes under division 12224
(B) of section 323.152 of the Revised Code shall be filed only if 12225
the homestead or manufactured or mobile home was transferred in 12226
the preceding year or did not qualify for and receive the 12227
reduction in taxes under that division for the preceding tax year. 12228
The application for homesteads transferred in the preceding year 12229
shall be incorporated into any form used by the county auditor to 12230
administer the tax law in respect to the conveyance of real 12231
property pursuant to section 319.20 of the Revised Code or of used 12232
manufactured homes or used mobile homes as defined in section 12233
5739.0210 of the Revised Code. The owner of a manufactured or 12234
mobile home who has elected under division (D)(4) of section 12235
4503.06 of the Revised Code to be taxed under division (D)(2) of 12236
that section for the ensuing year may file the application at the 12237
time of making that election. The application shall contain a 12238
statement that failure by the applicant to affirm on the 12239
application that the dwelling on the property conveyed is the 12240
applicant's homestead prohibits the owner from receiving the 12241
reduction in taxes until a proper application is filed within the 12242
period prescribed by division (A)(3) of this section. Such an 12243
application constitutes a continuing application for a reduction 12244
in taxes for each year in which the dwelling is the applicant's 12245
homestead. 12246

(3) Failure to receive a new application filed under division 12247
(A)(1) or (2) or notification under division (C) of this section 12248
after an application for reduction has been approved is 12249
prima-facie evidence that the original applicant is entitled to 12250

the reduction in taxes calculated on the basis of the information 12251
contained in the original application. The original application 12252
and any subsequent application, including any late application, 12253
shall be in the form of a signed statement and shall be filed on 12254
or before the thirty-first day of December of the year for which 12255
the reduction is sought. The original application and any 12256
subsequent application for a reduction in manufactured home taxes 12257
shall be filed in the year preceding the year for which the 12258
reduction is sought. The statement shall be on a form, devised and 12259
supplied by the tax commissioner, which shall require no more 12260
information than is necessary to establish the applicant's 12261
eligibility for the reduction in taxes and the amount of the 12262
reduction, and, except for homesteads that are units in a housing 12263
cooperative, shall include an affirmation by the applicant that 12264
ownership of the homestead was not acquired from a person, other 12265
than the applicant's spouse, related to the owner by consanguinity 12266
or affinity for the purpose of qualifying for the real property or 12267
manufactured home tax reduction provided for in division (A) or 12268
(B) of section 323.152 of the Revised Code. The form shall contain 12269
a statement that conviction of willfully falsifying information to 12270
obtain a reduction in taxes or failing to comply with division (C) 12271
of this section results in the revocation of the right to the 12272
reduction for a period of three years. In the case of an 12273
application for a reduction in taxes for persons described in 12274
division (A)(1)(b)(iii) of section 323.152 of the Revised Code, 12275
the form shall contain a statement that signing the application 12276
constitutes a delegation of authority by the applicant to the tax 12277
commissioner or the county auditor, individually or in 12278
consultation with each other, to examine any tax or financial 12279
records relating to the income of the applicant as stated on the 12280
application for the purpose of determining eligibility for the 12281
exemption or a possible violation of division (D) or (E) of this 12282
section. 12283

(B) A late application for a tax reduction for the year 12284
preceding the year in which an original application is filed, or 12285
for a reduction in manufactured home taxes for the year in which 12286
an original application is filed, may be filed with the original 12287
application. If the county auditor determines the information 12288
contained in the late application is correct, the auditor shall 12289
determine the amount of the reduction in taxes to which the 12290
applicant would have been entitled for the preceding tax year had 12291
the applicant's application been timely filed and approved in that 12292
year. 12293

The amount of such reduction shall be treated by the auditor 12294
as an overpayment of taxes by the applicant and shall be refunded 12295
in the manner prescribed in section 5715.22 of the Revised Code 12296
for making refunds of overpayments. The county auditor shall 12297
certify the total amount of the reductions in taxes made in the 12298
current year under this division to the tax commissioner, who 12299
shall treat the full amount thereof as a reduction in taxes for 12300
the preceding tax year and shall make reimbursement to the county 12301
therefor in the manner prescribed by section 323.156 of the 12302
Revised Code, from money appropriated for that purpose. 12303

(C)(1) If, in any year after an application has been filed 12304
under division (A)(1) or (2) of this section, the owner does not 12305
qualify for a reduction in taxes on the homestead or on the 12306
manufactured or mobile home set forth on such application, the 12307
owner shall notify the county auditor that the owner is not 12308
qualified for a reduction in taxes. 12309

(2) If, in any year after an application has been filed under 12310
division (A)(1) of this section, the occupant of a homestead in a 12311
housing cooperative does not qualify for a reduction in taxes on 12312
the homestead, the occupant shall notify the county auditor that 12313
the occupant is not qualified for a reduction in taxes or file a 12314
new application under division (A)(1) of this section. 12315

(3) If the county auditor or county treasurer discovers that 12316
the an owner of property or occupant of a homestead in a housing 12317
cooperative not entitled to the reduction in taxes under division 12318
(A) or (B) of section 323.152 of the Revised Code failed to notify 12319
the county auditor as required by division (C)(1) or (2) of this 12320
section, a charge shall be imposed against the property in the 12321
amount by which taxes were reduced under that division for each 12322
tax year the county auditor ascertains that the property was not 12323
entitled to the reduction and was owned by the current owner or, 12324
in the case of a homestead in a housing cooperative, occupied by 12325
the current occupant. Interest shall accrue in the manner 12326
prescribed by division (B) of section 323.121 or division (G)(2) 12327
of section 4503.06 of the Revised Code on the amount by which 12328
taxes were reduced for each such tax year as if the reduction 12329
became delinquent taxes at the close of the last day the second 12330
installment of taxes for that tax year could be paid without 12331
penalty. The county auditor shall notify the owner or occupant, by 12332
ordinary mail, of the charge, of the owner's or occupant's right 12333
to appeal the charge, and of the manner in which the owner or 12334
occupant may appeal. The owner or occupant may appeal the 12335
imposition of the charge and interest by filing an appeal with the 12336
county board of revision not later than the last day prescribed 12337
for payment of real and public utility property taxes under 12338
section 323.12 of the Revised Code following receipt of the notice 12339
and occurring at least ninety days after receipt of the notice. 12340
The appeal shall be treated in the same manner as a complaint 12341
relating to the valuation or assessment of real property under 12342
Chapter 5715. of the Revised Code. The charge and any interest 12343
shall be collected as other delinquent taxes. 12344

(4) Each year during January, the county auditor shall 12345
furnish by ordinary mail a continuing application to each person 12346
receiving a reduction under division (A) of section 323.152 of the 12347
Revised Code. The continuing application shall be used to report 12348

changes in total income, ownership, occupancy, disability, and 12349
other information earlier furnished the auditor relative to the 12350
reduction in taxes on the property. The continuing application 12351
shall be returned to the auditor not later than the thirty-first 12352
day of December; provided, that if such changes do not affect the 12353
status of the homestead exemption or the amount of the reduction 12354
to which the owner is entitled under division (A) of section 12355
323.152 of the Revised Code or to which the occupant is entitled 12356
under section 323.159 of the Revised Code, the application does 12357
not need to be returned. 12358

(5) Each year during February, the county auditor, except as 12359
otherwise provided in this paragraph, shall furnish by ordinary 12360
mail an original application to the owner, as of the first day of 12361
January of that year, of a homestead or a manufactured or mobile 12362
home that transferred during the preceding calendar year and that 12363
qualified for and received a reduction in taxes under division (B) 12364
of section 323.152 of the Revised Code for the preceding tax year. 12365
In order to receive the reduction under that division, the owner 12366
shall file the application with the county auditor not later than 12367
the thirty-first day of December. If the application is not timely 12368
filed, the auditor shall not grant a reduction in taxes for the 12369
homestead for the current year, and shall notify the owner that 12370
the reduction in taxes has not been granted, in the same manner 12371
prescribed under section 323.154 of the Revised Code for 12372
notification of denial of an application. Failure of an owner to 12373
receive an application does not excuse the failure of the owner to 12374
file an original application. The county auditor is not required 12375
to furnish an application under this paragraph for any homestead 12376
for which application has previously been made on a form 12377
incorporated into any form used by the county auditor to 12378
administer the tax law in respect to the conveyance of real 12379
property or of used manufactured homes or used mobile homes, and 12380
an owner who previously has applied on such a form is not required 12381

to return an application furnished under this paragraph. 12382

(D) No person shall knowingly make a false statement for the 12383
purpose of obtaining a reduction in the person's real property or 12384
manufactured home taxes under section 323.152 of the Revised Code. 12385

(E) No person shall knowingly fail to notify the county 12386
auditor of changes required by division (C) of this section that 12387
have the effect of maintaining or securing a reduction in taxes 12388
under section 323.152 of the Revised Code. 12389

(F) No person shall knowingly make a false statement or 12390
certification attesting to any person's physical or mental 12391
condition for purposes of qualifying such person for tax relief 12392
pursuant to sections 323.151 to 323.159 of the Revised Code. 12393

Sec. 329.12. (A) A county department of job and family 12394
services may establish an individual development account program 12395
for residents of the county. The program shall provide for 12396
establishment of accounts for participants and acceptance of 12397
contributions from individuals and entities, including the county 12398
department, to be used as matching funds for deposit in the 12399
accounts. 12400

(B) A county department shall select a fiduciary organization 12401
to administer its individual development account program. In 12402
selecting a fiduciary organization, the department shall consider 12403
all of the following regarding the organization: 12404

(1) Its ability to market the program to potential 12405
participants and matching fund contributors; 12406

(2) Its ability to invest money in the accounts in a way that 12407
provides for return with minimal risk of loss; 12408

(3) Its overall administrative capacity, including the 12409
ability to verify eligibility of individuals for participation in 12410
the program, prevent unauthorized use of matching contributions, 12411

and enforce any penalties for unauthorized uses that may be 12412
provided for by rule adopted by the director of job and family 12413
services under section 5101.971 of the Revised Code; 12414

(4) Its ability to provide financial counseling to 12415
participants; 12416

(5) Its affiliation with other activities designed to 12417
increase the independence of individuals and families through 12418
postsecondary education, home ownership, and business development; 12419

(6) Any other factor the county department considers 12420
appropriate. 12421

(C) At the time it commences the program and on the first day 12422
of each subsequent program year, the county department may make a 12423
grant to the fiduciary organization to pay all or part of the 12424
administrative costs of the program. 12425

(D) The county department shall require the fiduciary 12426
organization to collect and maintain information regarding the 12427
program, including all of the following: 12428

(1) The number of accounts established; 12429

(2) The amount deposited by each participant and the amount 12430
matched by contributions; 12431

(3) The uses of funds withdrawn from the account, including 12432
the number of participants who used funds for postsecondary 12433
educational expenses and the institutions attended, the number of 12434
personal residences purchased, and the number of participants who 12435
used funds for business capitalization; 12436

(4) The demographics of program participants; 12437

(5) The number of participants who withdrew from the program 12438
and the reasons for withdrawal. 12439

~~(E) The county department shall prepare and file with the 12440
department of job and family services a semiannual report 12441~~

~~containing the information the director of job and family services 12442
requires by rule adopted under section 5101.971 of the Revised 12443
Code, with the first report being filed at the end of the 12444
six month period following October 1, 1997. 12445~~

Sec. 340.022. (A) Notwithstanding the membership requirements 12446
of section 340.02 of the Revised Code, if the director of mental 12447
health and addiction services during the period beginning January 12448
1, 2021, and ending December 31, 2022, grants approval to a board 12449
of county commissioners of a county with a population of at least 12450
seventy thousand but not more than eighty thousand, according to 12451
data from the 2010 federal census, to withdraw from a joint-county 12452
alcohol, drug addiction, and mental health service district 12453
pursuant to section 340.01 of the Revised Code, a board of 12454
alcohol, drug addiction, and mental health services that is 12455
established as a result of that withdrawal shall meet the 12456
requirements of this section. 12457

The size of the board shall be determined by the board of 12458
county commissioners representing the county that constitutes the 12459
alcohol, drug addiction, and mental health service district. The 12460
determination shall be made from among the options that may be 12461
selected under division (B) of this section. Once an option is 12462
selected, the board of county commissioners shall adopt a 12463
resolution specifying the selection that has been made and shall 12464
notify the department of mental health and addiction services. 12465
After the resolution is adopted and the department is notified, 12466
the determination of size is final. 12467

(B)(1) In the case of a board of alcohol, drug addiction, and 12468
mental health services that is established on or after the date 12469
the director grants the approval to withdraw described in division 12470
(A) of this section, any of the following options may be selected 12471
by the board of county commissioners when making the determination 12472

required under that division: 12473

(a) To establish the board as an eighteen-member board; 12474

(b) To establish the board as a fourteen-member board; 12475

(c) To establish the board by selecting a number of members 12476
that is not less than seven nor more than nine. 12477

(2) In the case of a board of alcohol, drug addiction, and 12478
mental health services that existed immediately prior to the date 12479
the director grants the approval to withdraw described in division 12480
(A) of this section, either of the following options may be 12481
selected when making the determination required under that 12482
division: 12483

(a) To continue the board's operation as an eighteen-member 12484
or fourteen-member board, as a board of that size was authorized 12485
by section 340.02 of the Revised Code at the time the board was 12486
established; 12487

(b) Subject to division (B)(3) of this section, to reduce the 12488
board's size by selecting a number of members that is not less 12489
than seven nor more than nine. 12490

(3) The option to reduce the size of the board, as described 12491
in division (B)(2)(b) of this section, is available only during 12492
the period beginning on the date the director grants the approval 12493
to withdraw described in division (A) of this section and ending 12494
on the date that is six months thereafter. Before exercising this 12495
option, the board of county commissioners shall notify the board 12496
of alcohol, drug addiction, and mental health services and provide 12497
an opportunity for the board of alcohol, drug addiction, and 12498
mental health services to participate in a public hearing, in 12499
accordance with section 121.22 of the Revised Code, regarding the 12500
proposed reduction. 12501

If a reduction is implemented, the reduction may occur by 12502

attrition as members' terms expire or vacancies otherwise occur. 12503

(C) The director of mental health and addiction services 12504
shall appoint four members of an eighteen-member board, three 12505
members of a fourteen-member board, and two members of a seven- to 12506
nine-member board. The board of county commissioners representing 12507
the county constituting the service district shall appoint 12508
fourteen members of an eighteen-member board, eleven members of a 12509
fourteen-member board, and the remaining members of a seven- to 12510
nine-member board. 12511

As the appointing authorities for a board of alcohol, drug 12512
addiction, and mental health services, the director of mental 12513
health and addiction services and the board of county 12514
commissioners shall ensure that at least one member of the board 12515
is a person who has received or is receiving mental health 12516
services or is a parent or other relative of such a person and at 12517
least one member of the board is a person who has received or is 12518
receiving addiction services or is a parent or guardian of such a 12519
person. 12520

When a board is established on or after the effective date of 12521
this section, the initial appointments shall be staggered among 12522
the members as equally as possible with terms of two years, three 12523
years, and four years. 12524

Sec. 340.13. (A) As used in this section: 12525

(1) "Minority business enterprise" has the same meaning as in 12526
section 122.71 of the Revised Code. 12527

(2) "EDGE business enterprise" has the same meaning as in 12528
section ~~123.152~~122.922 of the Revised Code. 12529

(B) Any minority business enterprise that desires to bid on a 12530
contract under division (C) of this section shall first apply to 12531
the ~~equal employment opportunity coordinator in the department of~~ 12532

~~administrative services~~department of development for certification 12533
as a minority business enterprise. Any EDGE business enterprise 12534
that desires to bid on a contract under division (D) of this 12535
section shall first apply to the ~~equal employment opportunity~~ 12536
~~coordinator of the department of administrative services~~department 12537
of development for certification as an EDGE business enterprise. 12538
The ~~coordinator~~director of development shall approve the 12539
application of any minority business enterprise or EDGE business 12540
enterprise that complies with the rules adopted under section 12541
122.71 or ~~123.152~~122.922 of the Revised Code, respectively. The 12542
~~coordinator~~director shall prepare and maintain a list of minority 12543
business enterprises and EDGE business enterprises certified under 12544
those sections. 12545

(C) From the contracts to be awarded for the purchases of 12546
equipment, materials, supplies, or services, other than contracts 12547
entered into under section 340.036 of the Revised Code, each board 12548
of alcohol, drug addiction, and mental health services shall 12549
select a number of contracts with an aggregate value of 12550
approximately fifteen per cent of the total estimated value of 12551
contracts to be awarded in the current fiscal year. The board 12552
shall set aside the contracts so selected for bidding by minority 12553
business enterprises only. The bidding procedures for such 12554
contracts shall be the same as for all other contracts awarded 12555
under section 307.86 of the Revised Code, except that only 12556
minority business enterprises certified and listed pursuant to 12557
division (B) of this section shall be qualified to submit bids. 12558

(D) To the extent that a board is authorized to enter into 12559
contracts for construction, the board shall strive to attain a 12560
yearly contract dollar procurement goal the aggregate value of 12561
which equals approximately five per cent of the aggregate value of 12562
construction contracts for the current fiscal year for EDGE 12563
business enterprises only. 12564

(E)(1) In the case of contracts set aside under division (C) 12565
of this section, if no bid is submitted by a minority business 12566
enterprise, the contract shall be awarded according to normal 12567
bidding procedures. The board shall from time to time set aside 12568
such additional contracts as are necessary to replace those 12569
contracts previously set aside on which no minority business 12570
enterprise bid. 12571

(2) If a board, after having made a good faith effort, is 12572
unable to comply with the goal of procurement for contracting with 12573
EDGE business enterprises pursuant to division (D) of this 12574
section, the board may apply in writing, on a form prescribed by 12575
the department of administrative services, to the director of 12576
mental health and addiction services for a waiver or modification 12577
of the goal. 12578

(F) This section does not preclude any minority business 12579
enterprise or EDGE business enterprise from bidding on any other 12580
contract not specifically set aside for minority business 12581
enterprises or subject to procurement goals for EDGE business 12582
enterprises. 12583

(G) Within ninety days after the beginning of each fiscal 12584
year, each board shall file a report with the department of mental 12585
health and addiction services that shows for that fiscal year the 12586
name of each minority business enterprise and EDGE business 12587
enterprise with which the board entered into a contract, the value 12588
and type of each such contract, the total value of contracts 12589
awarded under divisions (C) and (D) of this section, the total 12590
value of contracts awarded for the purchases of equipment, 12591
materials, supplies, or services, other than contracts entered 12592
into under section 340.036 of the Revised Code, and the total 12593
value of contracts entered into for construction. 12594

(H) Any person who intentionally misrepresents self as 12595
owning, controlling, operating, or participating in a minority 12596

business enterprise or an EDGE business enterprise for the purpose 12597
of obtaining contracts or any other benefits under this section 12598
shall be guilty of theft by deception as provided for in section 12599
2913.02 of the Revised Code. 12600

Sec. 341.12. ~~(A)~~ In a county not having a sufficient jail or 12601
staff, ~~subject to division (B) of this section~~, the sheriff shall 12602
convey any person charged with the commission of an offense, 12603
sentenced to imprisonment in the county jail, or in custody upon 12604
civil process to a jail in any county the sheriff considers most 12605
convenient and secure. As used in this paragraph, any county 12606
includes a contiguous county in an adjoining state. 12607

The sheriff may call such aid as is necessary in guarding, 12608
transporting, or returning such person. Whoever neglects or 12609
refuses to render such aid, when so called upon, shall forfeit and 12610
pay the sum of ten dollars, to be recovered by an action in the 12611
name and for the use of the county. 12612

Such sheriff and the sheriff's assistants shall receive such 12613
compensation for their services as the county auditor of the 12614
county from which such person was removed considers reasonable. 12615
The compensation shall be paid from the county treasury on the 12616
warrant of the auditor. 12617

The receiving sheriff shall not, pursuant to this section, 12618
convey the person received to any county other than the one from 12619
which the person was removed. 12620

~~(B)(1) If Lawrence county does not have sufficient jail space 12621
in the county or staff based upon the minimum standards for jails 12622
in Ohio promulgated pursuant to section 5120.10 of the Revised 12623
Code, instead of conveying a person in a category described in 12624
division (A) of this section to a jail in any county pursuant to 12625
that division, the Lawrence county sheriff may convey the person 12626
to the Ohio river valley facility in accordance with section 12627~~

~~341.121 of the Revised Code if an agreement for the Lawrence county sheriff's use of a portion of that facility entered into under that section then is in effect.~~

~~(2) If a county other than Lawrence county does not have sufficient jail space or staff based upon the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code and has entered into an agreement to jail persons with the Lawrence county sheriff, instead of conveying a person in a category described in division (A) of this section to a jail in any county pursuant to that division, the sheriff of the other county may convey the person to the Ohio river valley facility in accordance with section 341.121 of the Revised Code if an agreement for the Lawrence county sheriff's use of a portion of that facility entered into under that section then is in effect.~~

~~(3) As used in divisions (B)(1) and (2) of this section, "Ohio river valley facility" has the same meaning as in section 341.121 of the Revised Code.~~

Sec. 349.01. As used in this chapter: 12645

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter.

A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns.

(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any municipal corporation, county, or port authority that owns the land within a new community district, or has the ability to acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof.

"Developer" may also mean a person, municipal corporation, county, or port authority that controls land within a new community district through leases of at least seventy-five years' duration.

"Developer" includes a lessor that continues to own and control land for purposes of this chapter pursuant to leases with a ninety-nine-year renewable term, so long as all of the following apply:

(1) The developer's new community district consists of at least five leases described in this section.

<u>(2) The leases are subject to forfeiture for all of the</u>	12690
<u>following:</u>	12691
<u>(a) Failing to pay taxes and assessments;</u>	12692
<u>(b) Failing to pay an annual fee of up to one per cent of</u>	12693
<u>rent for sanitary purposes and improvements made to streets;</u>	12694
<u>(c) Failing to keep the premises as required by sanitary and</u>	12695
<u>police regulations of the developer.</u>	12696
<u>(3) The new community authority is established on or before</u>	12697
<u>December 31, 2021.</u>	12698
(F) "Organizational board of commissioners" means the	12699
following:	12700
(1) For a new community district that is located in only one	12701
county, the board of county commissioners of that county;	12702
(2) For a new community district that is located in more than	12703
one county, a board consisting of the members of the board of	12704
county commissioners of each of the counties in which the district	12705
is located, provided that action of the board shall require a	12706
majority vote of the members of each separate board of county	12707
commissioners; or	12708
(3) For a new community district that is located entirely	12709
within the boundaries of a municipal corporation or for a new	12710
community district where more than half of the new community	12711
district is located within the boundaries of the most populous	12712
municipal corporation of a county, the legislative authority of	12713
the municipal corporation.	12714
(G) "Land acquisition" means the acquisition of real property	12715
and interests in real property as part of a new community	12716
development program.	12717
(H) "Land development" means the process of clearing and	12718
grading land, making, installing, or constructing water	12719

distribution systems, sewers, sewage collection systems, steam, 12720
gas, and electric lines, roads, streets, curbs, gutters, 12721
sidewalks, storm drainage facilities, and other installations or 12722
work, whether within or without the new community district, and 12723
the construction of community facilities. 12724

(I) "Community facilities" means all real property, 12725
buildings, structures, or other facilities, including related 12726
fixtures, equipment, and furnishings, to be owned, operated, 12727
financed, constructed, and maintained under this chapter or in 12728
furtherance of community activities, whether within or without the 12729
new community district, including public, community, village, 12730
neighborhood, or town buildings, centers and plazas, auditoriums, 12731
day care centers, recreation halls, educational facilities, health 12732
care facilities including hospital facilities as defined in 12733
section 140.01 of the Revised Code, telecommunications facilities, 12734
including all facilities necessary to provide telecommunications 12735
service as defined in section 4927.01 of the Revised Code, 12736
recreational facilities, natural resource facilities, including 12737
parks and other open space land, lakes and streams, cultural 12738
facilities, community streets and off-street parking facilities, 12739
pathway and bikeway systems, pedestrian underpasses and 12740
overpasses, lighting facilities, design amenities, or other 12741
community facilities, and buildings needed in connection with 12742
water supply or sewage disposal installations, or energy 12743
facilities including those for renewable or sustainable energy 12744
sources, and steam, gas, or electric lines or installation. 12745

(J) "Cost" as applied to a new community development program 12746
means all costs related to land acquisition and land development, 12747
the acquisition, construction, maintenance, and operation of 12748
community facilities and offices of the community authority, and 12749
of providing furnishings and equipment therefor, financing charges 12750
including interest prior to and during construction and for the 12751

duration of the new community development program, planning 12752
expenses, engineering expenses, administrative expenses including 12753
working capital, and all other expenses necessary and incident to 12754
the carrying forward of the new community development program. 12755

(K) "Income source" means any and all sources of income to 12756
the community authority, including community development charges 12757
of which the new community authority is the beneficiary as 12758
provided in section 349.07 of the Revised Code, rentals, user fees 12759
and other charges received by the new community authority, any 12760
gift or grant received, any moneys received from any funds 12761
invested by or on behalf of the new community authority, and 12762
proceeds from the sale or lease of land and community facilities. 12763

(L) "Community development charge" means: 12764

(1) A dollar amount which shall be determined on the basis of 12765
the assessed valuation of real property or interests in real 12766
property in a new community district, the income of the residents 12767
of such property subject to such charge under section 349.07 of 12768
the Revised Code, if such property is devoted to residential uses 12769
or to the profits, gross receipts, or other revenues of any 12770
business including, but not limited to, rentals received from 12771
leases of real property located in the district, a uniform or 12772
other fee on each parcel of such real property in a new community 12773
district, or any combination of the foregoing bases. 12774

(2) If a new community authority imposes a community 12775
development charge determined on the basis of rentals received 12776
from leases of real property, improvements of any real property 12777
located in the new community district and subject to that charge 12778
may not be exempted from taxation under section 5709.40, 5709.41, 12779
5709.73, or 5709.78 of the Revised Code. 12780

(M) "Proximate city" means the following: 12781

(1) For a new community district other than a new community 12782

district described in division (M)(2) or (3) of this section, any 12783
city that, as of the date of filing of the petition under section 12784
349.03 of the Revised Code, is the city with the greatest 12785
population located in the county in which the proposed new 12786
community district is located, is the city with the greatest 12787
population located in an adjoining county if any portion of such 12788
city is within five miles of any part of the boundaries of such 12789
district, or exercises extraterritorial subdivision authority 12790
under section 711.09 of the Revised Code with respect to any part 12791
of such district. 12792

(2) A municipal corporation in which, at the time of filing 12793
the petition under section 349.03 of the Revised Code, any portion 12794
of the proposed new community district is located. 12795

(3) For a new community district other than a new community 12796
district described in division (M)(2) of this section, if at the 12797
time of filing the petition under section 349.03 of the Revised 12798
Code, more than one-half of the proposed district is contained 12799
within a joint economic development district created under 12800
sections 715.70 to 715.83 of the Revised Code, the township 12801
containing the greatest portion of the territory of the joint 12802
economic development district. 12803

(N) "Community activities" means cultural, educational, 12804
governmental, recreational, residential, industrial, commercial, 12805
distribution and research activities, or any combination thereof 12806
that includes residential activities. 12807

Sec. 503.56. (A) As used in this section: 12808

(1) "Tourism development district" means a district 12809
designated by a township under this section. 12810

(2) "Territory of a tourism development district" means all 12811
of the area included within the territorial boundaries of a 12812

tourism development district. 12813

(3) "Business" means a sole proprietorship, a corporation for 12814
profit, a pass-through entity as defined in section 5733.04 of the 12815
Revised Code, the federal government, the state, the state's 12816
political subdivisions, a nonprofit organization, or a school 12817
district. A business "operates within the proposed district" if 12818
the business would be subject to a tax levied in the proposed 12819
tourism development district pursuant to division (C) of section 12820
5739.101 of the Revised Code. 12821

(4) "Owner" means a partner of a partnership, a member of a 12822
limited liability company, a majority shareholder of an S 12823
corporation, a person with a majority ownership interest in a 12824
pass-through entity, or any officer, employee, or agent with the 12825
authority to make decisions legally binding upon a business. The 12826
signature of any owner of a business operates as the signature of 12827
the business. 12828

(5) "Eligible township" means a township wholly or partly 12829
located in a county having a population greater than three hundred 12830
seventy-five thousand but less than four hundred thousand that 12831
levies taxes under section 5739.021 or 5739.026 of the Revised 12832
Code, the aggregate rate of which does not exceed one-half of one 12833
per cent on September 29, 2015. 12834

(B)(1) The board of trustees of an eligible township, by 12835
resolution, may declare an unincorporated area of the township to 12836
be a tourism development district for the purpose of fostering and 12837
developing tourism in the district if all of the following 12838
criteria are met: 12839

(a) The district's area does not exceed six hundred acres. 12840

(b) All territory in the district is contiguous. 12841

(c) Before adopting that resolution or ordinance, the board 12842
holds at least two public hearings concerning the creation of the 12843

tourism development district. 12844

(d) Before adopting the resolution or ordinance, the board 12845
receives a petition signed by every record owner of a parcel of 12846
real property located in the proposed district and the owner of 12847
every business that operates in the proposed district. 12848

(e) The board adopts the resolution on or before December 31, 12849
2020. 12850

(2) The petition described in division (B)(1)(d) of this 12851
section shall include an explanation of the taxes and charges that 12852
may be levied or imposed in the proposed district. 12853

(3) The board shall certify the resolution to the tax 12854
commissioner within five days after its adoption, along with a 12855
description of the boundaries of the district authorized in the 12856
resolution. That description shall include sufficient information 12857
for the commissioner to determine if the address of a vendor is 12858
within the boundaries of the district. 12859

(4) Subject to the limitations of division (B)(1)(a) and (b) 12860
of this section, the board of trustees of an eligible township may 12861
enlarge the territory of an existing tourism development district 12862
in the manner prescribed for the creation of a district under 12863
divisions (B)(1) to (3) of this section, except that the petition 12864
described in division (B)(1)(d) of this section must be signed by 12865
every record owner of a parcel of real property located in the 12866
area proposed to be added to the district and the owner of every 12867
business that operates in the area proposed to be added to the 12868
district. Division (B)(1)(e) of this section does not apply to a 12869
resolution enlarging the territory of an existing tourism 12870
development district. 12871

(C) For the purpose of fostering and developing tourism in a 12872
tourism development district, a lessor leasing real property in a 12873
tourism development district may impose and collect a uniform fee 12874

on each parcel of real property leased by the lessor, to be paid 12875
by each of the person's lessees. A lessee is subject to such a fee 12876
only if the lease separately states the amount of the fee. Before 12877
a lessor may impose and collect such a fee, the lessor shall file 12878
a copy of such lease with the fiscal officer of the township that 12879
designated the tourism development district. A lessor that imposes 12880
such a fee shall remit all collections of the fee to the fiscal 12881
officer of the township in which the real property is located. 12882

The board shall establish all regulations necessary to 12883
provide for the administration and remittance of such fees. The 12884
regulations may prescribe the time for payment of the fee, and may 12885
provide for the imposition of a penalty or interest, or both, for 12886
late remittances, provided that the penalty does not exceed ten 12887
per cent of the amount of fee due, and the rate at which interest 12888
accrues does not exceed the rate per annum prescribed pursuant to 12889
section 5703.47 of the Revised Code. The regulations shall 12890
provide, after deducting the real and actual costs of 12891
administering the fee, that the revenue be used exclusively for 12892
fostering and developing tourism within the tourism development 12893
district. 12894

(D) The board of trustees of an eligible township that has 12895
designated a tourism development district under this section may 12896
levy one or both of the taxes authorized under section 503.57 or 12897
5739.101 of the Revised Code. If the board does not levy a tax 12898
under section 5739.101 of the Revised Code, the board may enter 12899
into and enforce agreements imposing a development charge under 12900
section 503.58 of the Revised Code. 12901

(E) On or before the first day of each January and July, 12902
beginning after the designation of the tourism development 12903
district, the fiscal officer of the township shall certify a list 12904
of vendors located within the tourism development district to the 12905
tax commissioner, which shall include the name, address, and 12906

vendor's license number for each vendor. 12907

Sec. 504.04. (A) A township that adopts a limited home rule 12908
government may do all of the following by resolution, provided 12909
that any of these resolutions, other than a resolution to supply 12910
water or sewer services in accordance with sections 504.18 to 12911
504.20 of the Revised Code, may be enforced only by the imposition 12912
of civil fines as authorized in this chapter: 12913

(1) Exercise all powers of local self-government within the 12914
unincorporated area of the township, other than powers that are in 12915
conflict with general laws, except that the township shall comply 12916
with the requirements and prohibitions of this chapter, and shall 12917
enact no taxes other than those authorized by general law, and 12918
except that no resolution adopted pursuant to this chapter shall 12919
encroach upon the powers, duties, and privileges of elected 12920
township officers or change, alter, combine, eliminate, or 12921
otherwise modify the form or structure of the township government 12922
unless the change is required or permitted by this chapter; 12923

(2) Adopt and enforce within the unincorporated area of the 12924
township local police, sanitary, and other similar regulations 12925
that are not in conflict with general laws or otherwise prohibited 12926
by division (B) of this section; 12927

(3) Supply water and sewer services to users within the 12928
unincorporated area of the township in accordance with sections 12929
504.18 to 504.20 of the Revised Code; 12930

(4) Adopt and enforce within the unincorporated area of the 12931
township any resolution of a type described in section 503.52 or 12932
503.60 of the Revised Code. 12933

(B) No resolution adopted pursuant to this chapter shall do 12934
any of the following: 12935

(1) Create a criminal offense or impose criminal penalties, 12936

except as authorized by division (A) of this section or by section 12937
503.52 of the Revised Code; 12938

(2) Impose civil fines other than as authorized by this 12939
chapter; 12940

(3) Establish or revise subdivision regulations, road 12941
construction standards, urban sediment rules, or storm water and 12942
drainage regulations, except as provided in section 504.21 of the 12943
Revised Code; 12944

(4) Establish or revise building standards, building codes, 12945
and other standard codes except as provided in section 504.13 of 12946
the Revised Code; 12947

(5) Increase, decrease, or otherwise alter the powers or 12948
duties of a township under any other chapter of the Revised Code 12949
pertaining to agriculture or the conservation or development of 12950
natural resources; 12951

(6) Establish regulations affecting hunting, trapping, 12952
fishing, or the possession, use, or sale of firearms; 12953

(7) Establish or revise water or sewer regulations, except in 12954
accordance with section 504.18, 504.19, or 504.21 of the Revised 12955
Code; 12956

(8) ~~For twelve months after the effective date of the~~ 12957
~~amendment of this section by H.B. 242 of the 133rd general~~ 12958
~~assembly, impose~~ Impose a fee, assessment, or other charge on 12959
auxiliary containers, on the sale, use, or consumption of such 12960
containers, or on the basis of receipts received from the sale of 12961
such containers. As used in this division, "auxiliary container" 12962
has the same meaning as in section 3767.32 of the Revised Code. 12963

Nothing in this chapter shall be construed as affecting the 12964
powers of counties with regard to the subjects listed in divisions 12965
(B)(3) to (5) of this section. 12966

(C) Under a limited home rule government, all officers shall 12967
have the qualifications, and be nominated, elected, or appointed, 12968
as provided in Chapter 505. of the Revised Code, except that the 12969
board of township trustees shall appoint a full-time or part-time 12970
law director pursuant to section 504.15 of the Revised Code, and 12971
except that a five-member board of township trustees approved for 12972
the township before September 26, 2003, shall continue to serve as 12973
the legislative authority with successive members serving for 12974
four-year terms of office until a termination of a limited home 12975
rule government under section 504.03 of the Revised Code. 12976

(D) In case of conflict between resolutions enacted by a 12977
board of township trustees and municipal ordinances or 12978
resolutions, the ordinance or resolution enacted by the municipal 12979
corporation prevails. In case of conflict between resolutions 12980
enacted by a board of township trustees and any county resolution, 12981
the resolution enacted by the board of township trustees prevails. 12982

Sec. 701.10. (A)(1) The legislative authority of a municipal 12983
corporation that has established a rate or charge, payable to the 12984
municipal corporation, for the provision of collection or disposal 12985
services for garbage, ashes, animal and vegetable refuse, dead 12986
animals, or animal offal may certify to the county auditor, by 12987
ordinance, the amount of the rate or charge that has not been paid 12988
in accordance with applicable requirements by a person using the 12989
collection or disposal services, when ~~the~~ either of the following 12990
applies: 12991

(a) The unpaid amount is at least equal to or greater than 12992
two hundred fifty dollars; or 12993

(b) The unpaid amount is equal to or greater than the 12994
applicable annual rate or charge imposed by the municipal 12995
corporation upon the person using the collection or disposal 12996
services, regardless of the actual cost incurred by the municipal 12997

corporation in providing the collection or disposal services. The 12998

(2) The amount certified shall be a lien on the person's 12999
property to which services are provided, placed on the tax list in 13000
a separate column, collected as other taxes, and paid into the 13001
general fund of the municipal corporation. 13002

(B) A municipal corporation that collects all rates or 13003
charges for such services in a manner consistent with the 13004
collection of other taxes, rather than making that rate or charge 13005
payable to the municipal corporation, may collect amounts in such 13006
manner without being subject to the limitation in division (A)(1) 13007
of this section. 13008

Sec. 715.013. (A) Except as otherwise expressly authorized by 13009
the Revised Code, no municipal corporation shall levy a tax that 13010
is the same as or similar to a tax levied under Chapter 322., 13011
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 13012
5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 13013
5737., 5739., 5741., 5743., 5747., 5749., or 5751. of the Revised 13014
Code. 13015

(B) ~~For twelve months after the effective date of the~~ 13016
~~amendment of this section by H.B. 242 of the 133rd general~~ 13017
~~assembly, no~~ No municipal corporation may impose any tax, fee, 13018
assessment, or other charge on auxiliary containers, on the sale, 13019
use, or consumption of such containers, or on the basis of 13020
receipts received from the sale of such containers. As used in 13021
this division, "auxiliary container" has the same meaning as in 13022
section 3767.32 of the Revised Code. 13023

(C) This section does not prohibit a municipal corporation 13024
from levying an income tax or withholding tax in accordance with 13025
Chapter 718. of the Revised Code, or a tax on any of the 13026
following: 13027

(1) Amounts received for admission to any place;	13028
(2) The income of an electric company or combined company, as defined in section 5727.01 of the Revised Code;	13029 13030
(3) On and after January 1, 2004, the income of a telephone company, as defined in section 5727.01 of the Revised Code.	13031 13032
Sec. 715.014. (A) As used in this section:	13033
(1) "Tourism development district" means a district designated by a municipal corporation under this section.	13034 13035
(2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.	13036 13037 13038
(3) "Business" and "owner" have the same meanings as in section 503.56 of the Revised Code.	13039 13040
(4) "Eligible municipal corporation" means a municipal corporation wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on September 29, 2015.	13041 13042 13043 13044 13045 13046 13047
(5) "Fiscal officer" means the city auditor, village clerk, or other municipal officer having the duties and functions of a city auditor or village clerk.	13048 13049 13050
(B)(1) The legislative authority of an eligible municipal corporation, by resolution or ordinance, may declare an area of the municipal corporation to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met:	13051 13052 13053 13054 13055
(a) The district's area does not exceed six hundred acres.	13056

(b) All territory in the district is contiguous. 13057

(c) Before adopting the resolution or ordinance, the 13058
legislative authority holds at least two public hearings 13059
concerning the creation of the tourism development district. 13060

(d) Before adopting the resolution or ordinance, the 13061
legislative authority receives a petition signed by every record 13062
owner of a parcel of real property located in the proposed 13063
district and the owner of every business that operates in the 13064
proposed district. 13065

(e) The legislative authority adopts the resolution or 13066
ordinance on or before December 31, 2020. 13067

A legislative authority may declare more than one area of the 13068
municipal corporation to be a tourism development district under 13069
this section. 13070

(2) The petition described in division (B)(1)(d) of this 13071
section shall include an explanation of the taxes and charges that 13072
may be levied or imposed in the proposed district. 13073

(3) The legislative authority shall certify the resolution or 13074
ordinance to the tax commissioner within five days after its 13075
adoption, along with a description of the boundaries of the 13076
district authorized in the resolution. That description shall 13077
include sufficient information for the commissioner to determine 13078
if the address of a vendor is within the boundaries of the 13079
district. 13080

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 13081
of this section, the legislative authority of an eligible 13082
municipal corporation may enlarge the territory of an existing 13083
tourism development district in the manner prescribed for the 13084
creation of a district under divisions (B)(1) to (3) of this 13085
section, except that the petition described in division (B)(1)(d) 13086
of this section must be signed by every record owner of a parcel 13087

of real property located in the area proposed to be added to the 13088
district and the owner of every business that operates in the area 13089
proposed to be added to the district. Division (B)(1)(e) of this 13090
section does not apply to a resolution or ordinance enlarging the 13091
territory of an existing tourism development district. 13092

(C) For the purpose of fostering and developing tourism in a 13093
tourism development district, a lessor leasing real property in a 13094
tourism development district may impose and collect a uniform fee 13095
on each parcel of real property leased by the lessor, to be paid 13096
by each of the person's lessees. A lessee is subject to such a fee 13097
only if the lease separately states the amount of the fee. Before 13098
a lessor may impose and collect such a fee, the lessor shall file 13099
a copy of such lease with the fiscal officer. A lessor that 13100
imposes such a fee shall remit all collections of the fee to the 13101
municipal corporation in which the real property is located. 13102

The legislative authority of that municipal corporation shall 13103
establish all regulations necessary to provide for the 13104
administration and remittance of such fees. The regulations may 13105
prescribe the time for payment of the fee, and may provide for the 13106
imposition of a penalty or interest, or both, for late 13107
remittances, provided that the penalty does not exceed ten per 13108
cent of the amount of fee due, and the rate at which interest 13109
accrues does not exceed the rate per annum prescribed pursuant to 13110
section 5703.47 of the Revised Code. The regulations shall 13111
provide, after deducting the real and actual costs of 13112
administering the fee, that the revenue be used exclusively for 13113
fostering and developing tourism within the tourism development 13114
district. 13115

(D) The legislative authority of an eligible municipal 13116
corporation that has designated a tourism development district may 13117
levy the tax authorized under section 5739.101 of the Revised Code 13118
or enter into and enforce agreements imposing a development charge 13119

under section 715.015 of the Revised Code. Nothing in this section 13120
limits the power of the legislative authority of a municipal 13121
corporation to levy a tax on the basis of admissions in a tourism 13122
development district pursuant to its powers of local 13123
self-government conferred by Section 3 of Article XVIII, Ohio 13124
Constitution. 13125

(E) On or before the first day of each January and July, 13126
beginning after the designation of a tourism development district, 13127
the fiscal officer shall certify a list of vendors located within 13128
the tourism development district to the tax commissioner, which 13129
shall include the name, address, and vendor's license number for 13130
each vendor. 13131

Sec. 715.72. (A) As used in this section: 13132

(1) "Contracting parties" means one or more municipal 13133
corporations, one or more townships, and, under division (D) of 13134
this section, one or more counties that have entered into a 13135
contract under this section to create a joint economic development 13136
district. 13137

(2) "District" means a joint economic development district 13138
created under this section. 13139

(3) "Contract for utility services" means a contract under 13140
which a municipal corporation agrees to provide to a township or 13141
another municipal corporation water, sewer, electric, or other 13142
utility services necessary to the public health, safety, and 13143
welfare. 13144

(4) "Business" means a sole proprietorship, a corporation for 13145
profit, a pass-through entity as defined in section 5733.04 of the 13146
Revised Code, the federal government, the state, the state's 13147
political subdivisions, a nonprofit organization, or a school 13148
district. 13149

(5) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with authority to make decisions legally binding upon a business.

(6) "Record owner" means the person or persons in whose name a parcel is listed on the tax list or exempt list compiled by the county auditor under section 319.28 or 5713.08 of the Revised Code.

(7) A business "operates within" a district if the net profits of the business or the income of employees of the business would be subject to an income tax levied within the district.

(8) An employee is "employed within" a district if any portion of the employee's income would be subject to an income tax levied within the district.

(9) "Mixed-use development" means a real estate project that tends to mitigate traffic and sprawl by integrating some combination of retail, office, residential, hotel, recreation, and other functions in a pedestrian-oriented environment that maximizes the use of available space by allowing members of the community to live, work, and play in one architecturally expressive area with multiple amenities.

(10) "Water or sewer service plan or agreement" means either of the following:

(a) A state water quality management plan adopted by the Ohio environmental protection agency or another authorized planning agency pursuant to 33 U.S.C. 1288 and 1313 that contemplates that a non-contracting municipal corporation will provide sanitary sewer disposal services to an area within a proposed joint economic development district;

(b) A binding agreement between a municipal corporation and a

third-party water or sanitary sewer services provider, including 13181
another municipal corporation or other public or private provider, 13182
that provides that a non-contracting municipal corporation or 13183
another provider that is not a contracting party will provide 13184
water or sanitary sewer services to an area within a proposed 13185
joint economic development district. 13186

(11) "Non-contracting municipal corporation" means a 13187
municipal corporation that is not a contracting party. 13188

(B) This section provides alternative procedures and 13189
requirements to those set forth in sections 715.70 and 715.71 of 13190
the Revised Code for creating and operating a joint economic 13191
development district. This section applies to municipal 13192
corporations and townships that are located in the same county or 13193
in adjacent counties. 13194

(C) One or more municipal corporations, one or more 13195
townships, and, under division (D) of this section, one or more 13196
counties may enter into a contract pursuant to which they 13197
designate one or more areas as a joint economic development 13198
district for the purpose of facilitating economic development and 13199
redevelopment, to create or preserve jobs and employment 13200
opportunities, and to improve the economic welfare of the people 13201
in this state and in the area of the contracting parties. 13202

(1) Except as otherwise provided in division (C)(2) of this 13203
section, the territory of each of the contracting parties shall be 13204
contiguous to the territory of at least one other contracting 13205
party, or contiguous to the territory of a township, municipal 13206
corporation, or county that is contiguous to another contracting 13207
party, even if the intervening township or municipal corporation 13208
is not a contracting party. 13209

(2) Contracting parties that have entered into a contract 13210
under section 715.70 or 715.71 of the Revised Code creating a 13211

joint economic development district prior to November 15, 1995, 13212
may enter into a contract under this section even if the territory 13213
of each of the contracting parties is not contiguous to the 13214
territory of at least one other contracting party, or contiguous 13215
to the territory of a township or municipal corporation that is 13216
contiguous to another contracting party as otherwise required 13217
under division (C)(1) of this section. The contract and district 13218
shall meet the requirements of this section. 13219

(D) If, on or after December 30, 2008, but on or before June 13220
30, 2009, one or more municipal corporations and one or more 13221
townships enter into a contract or amend an existing contract 13222
under this section, one or more counties in which all of those 13223
municipal corporations or townships are located also may enter 13224
into the contract as a contracting party or parties. 13225

(E)(1) The area or areas to be included in a joint economic 13226
development district shall meet all of the following criteria: 13227

(a) The area or areas shall be located within the territory 13228
of one or more of the contracting parties and may consist of all 13229
of the territory of any or all of the contracting parties. 13230

(b) No electors, except those residing in a mixed-use 13231
development, shall reside within the area or areas on the 13232
effective date of the contract creating the district. 13233

(c) The area or areas shall not include any parcel of land 13234
owned in fee by or leased to a municipal corporation or township, 13235
unless the municipal corporation or township is a contracting 13236
party or has given its consent to have the parcel of land included 13237
in the district by the adoption of an ordinance or resolution. 13238

(d) The area or areas shall not include any parcel of land 13239
excluded pursuant to division (J)(2) of this section. 13240

(2) The contracting parties may designate excluded parcels 13241
within the boundaries of the joint economic development district. 13242

Excluded parcels are not part of the district and persons employed 13243
or residing on such parcels shall not be subject to any income tax 13244
imposed within the district under division (F)(5) of this section. 13245

(F)(1) The contract creating a joint economic development 13246
district shall provide for the amount or nature of the 13247
contribution of each contracting party to the development and 13248
operation of the district and may provide for the sharing of the 13249
costs of the operation of and improvements for the district. The 13250
contributions may be in any form to which the contracting parties 13251
agree and may include, but are not limited to, the provision of 13252
services, money, real or personal property, facilities, or 13253
equipment. 13254

(2) The contract may provide for the contracting parties to 13255
share revenue from taxes levied by one or more of the contracting 13256
parties if those revenues may lawfully be applied to that purpose 13257
under the legislation by which those taxes are levied. 13258

(3) The contract shall include an economic development plan 13259
for the district that consists of a schedule for the provision of 13260
new, expanded, or additional services, facilities, or 13261
improvements. The contract may provide for expanded or additional 13262
capacity for or other enhancement of existing services, 13263
facilities, or improvements. 13264

(4) The contract shall enumerate the specific powers, duties, 13265
and functions of the board of directors of the district described 13266
under division (P) of this section and shall designate procedures 13267
consistent with that division for appointing members to the board. 13268
The contract shall enumerate rules to govern the board in carrying 13269
out its business under this section. 13270

(5)(a) The contract may grant to the board the power to adopt 13271
a resolution to levy an income tax within the entire district or 13272
within portions of the district designated by the contract. The 13273

income tax shall be used to carry out the economic development 13274
plan for the district or the portion of the district in which the 13275
tax is levied and for any other lawful purpose of the contracting 13276
parties pursuant to the contract, including the provision of 13277
utility services by one or more of the contracting parties. 13278

(b) An income tax levied under this section shall be based on 13279
both the income earned by persons employed or residing within the 13280
district and the net profit of businesses operating within the 13281
district. 13282

Except as provided in this section, the income tax levied 13283
within the district is subject to Chapter 718. of the Revised 13284
Code, except that no vote shall be required. The rate of the 13285
income tax shall be no higher than the highest rate being levied 13286
by a municipal corporation that is a contracting party. 13287

(c) If the board adopts a resolution to levy an income tax, 13288
it shall enter into an agreement with a municipal corporation that 13289
is a contracting party to administer, collect, and enforce the 13290
income tax on behalf of the district. 13291

(d) A resolution levying an income tax under this section 13292
shall require the contracting parties to annually set aside a 13293
percentage, to be stated in the resolution, of the amount of the 13294
income tax collected for the long-term maintenance of the 13295
district. 13296

(e) An income tax levied under this section shall apply in 13297
the district or the portion of the district in which the contract 13298
authorizes an income tax throughout the term of the contract 13299
creating the district. The tax shall not apply to any persons 13300
employed or residing on a parcel excluded from the district under 13301
division (E)(2) of this section. 13302

(6) If there is unincorporated territory in the district, the 13303
contract shall specify that restrictions on annexation proceedings 13304

under division (R) of this section apply to such unincorporated territory. The contract may prohibit proceedings under Chapter 709. of the Revised Code proposing the annexation to, merger of, or consolidation with a municipal corporation that is a contracting party of any unincorporated territory within a township that is a contracting party during the term of the contract regardless of whether that territory is located within the district.

(7) The contract may designate property as a community entertainment district, or may be amended to designate property as a community entertainment district, as prescribed in division (D) of section 4301.80 of the Revised Code. A contract or amendment designating a community entertainment district shall include all information and documentation described in divisions (B)(1) to (6) of section 4301.80 of the Revised Code. The public notice required under division (I) of this section shall specify that the contract designates a community entertainment district and describe the location of that district. Except as provided in division (F) of section 4301.80 of the Revised Code, an area designated as a community entertainment district under a joint economic development district contract shall not lose its designation even if the contract is canceled or terminated.

(8) If any part of the district is located either within one-half of one mile of a non-contracting municipal corporation or within an area covered by or subject to a water or sewer service plan or agreement, the contract shall include all of the following:

(a) A preliminary estimate of the costs of providing public utility services, facilities, and improvements to the district, prepared by a professional engineer;

(b) An analysis of the anticipated sources for funding the costs of the public utilities infrastructure needed to serve the

district and a projection of when such funds will be available and 13337
when such costs are likely to be incurred; 13338

(c) Evidence or estimates indicating that the construction of 13339
the public utility infrastructure needed to serve at least some 13340
portion of the district will be completed within five years after 13341
the creation of the district. 13342

(G) The contract creating a joint economic development 13343
district shall continue in existence throughout its term and shall 13344
be binding on the contracting parties and on any parties 13345
succeeding to the contracting parties, whether by annexation, 13346
merger, or consolidation. Except as provided in division (H) of 13347
this section, the contract may be amended, renewed, or terminated 13348
with the approval of the contracting parties or any parties 13349
succeeding to the contracting parties. If the contract is amended 13350
to add or remove an area to or from an existing district, the 13351
amendment shall be adopted in the manner prescribed under division 13352
(L) of this section. 13353

(H) If two or more contracting parties previously have 13354
entered into a separate contract for utility services, then 13355
amendment, renewal, or termination of the separate contract for 13356
utility services shall not constitute any part of the 13357
consideration for the contract creating a joint economic 13358
development district. A contract creating a joint economic 13359
development district shall be rebuttably presumed to violate this 13360
division if it is entered into within two years prior or five 13361
years subsequent to the amendment, renewal, or termination of a 13362
separate contract for utility services that two or more 13363
contracting parties previously have entered into. The presumption 13364
stated in this division may be rebutted by clear and convincing 13365
evidence of both of the following: 13366

(1) That other substantial consideration existed to support 13367
the contract creating a joint economic development district; 13368

(2) That the contracting parties entered into the contract 13369
creating a joint economic development district freely and without 13370
duress or coercion related to the amendment, renewal, or 13371
termination of the separate contract for utility services. 13372

A contract creating a joint economic development district 13373
that violates this division is void and unenforceable. 13374

(I)(1) Before the legislative authority of any of the 13375
contracting parties adopts an ordinance or resolution approving a 13376
contract to create a district, the legislative authority of each 13377
of the contracting parties shall hold a public hearing concerning 13378
the contract and district. Each legislative authority shall 13379
provide at least thirty days' public notice of the time and place 13380
of the public hearing in a newspaper of general circulation in the 13381
municipal corporation, township, or county, as applicable. During 13382
the thirty-day period prior to the public hearing and until the 13383
date that an ordinance or resolution is adopted under division (K) 13384
of this section to approve the joint economic development district 13385
contract, all of the following documents shall be available for 13386
public inspection in the office of the clerk of the legislative 13387
authority of a municipal corporation and county that is a 13388
contracting party and in the office of the fiscal officer of a 13389
township that is a contracting party: 13390

(a) A copy of the contract creating the district, including 13391
the economic development plan for the district and the schedule 13392
for the provision of new, expanded, or additional services, 13393
facilities, or improvements described in division (F)(3) of this 13394
section; 13395

(b) A description of the area or areas to be included in the 13396
district, including a map in sufficient detail to denote the 13397
specific boundaries of the area or areas and to indicate any 13398
zoning restrictions applicable to the area or areas, and the 13399
parcel number, provided for under section 319.28 of the Revised 13400

Code, of any parcel located within the boundaries of the joint 13401
economic development district and excluded from the district under 13402
division (E)(2) of this section; 13403

(c) If the contract authorizes the board of directors of the 13404
district to adopt a resolution to levy an income tax within the 13405
district or within portions of the district, a schedule for the 13406
collection of the tax. 13407

(2) At least thirty days before the first public hearing is 13408
to be held by one or more legislative authorities on a proposed 13409
district, notice shall be sent in writing to each non-contracting 13410
municipal corporation that is located within one-half of one mile 13411
of the proposed district or that is identified in a water or sewer 13412
service plan or agreement as a future provider of water or sewer 13413
services to all or part of the proposed district. 13414

(3) A public hearing held under this division shall allow for 13415
public comment and recommendations on the contract and district. 13416
The contracting parties may include in the contract any of those 13417
recommendations prior to approval of the contract. 13418

(J)(1) Before any of the contracting parties approves a 13419
contract under division (K) of this section, the contracting 13420
parties shall circulate one or more petitions to record owners of 13421
real property located within the proposed joint economic 13422
development district and owners of businesses operating within the 13423
proposed district. The petitions shall state that all of the 13424
documents described in divisions (I)(1)(a) to (c) of this section 13425
are available for public inspection in the office of the clerk of 13426
the legislative authority of each municipal corporation and county 13427
that is a contracting party or the office of the fiscal officer of 13428
each township that is a contracting party. The petitions shall 13429
clearly indicate that, by signing the petition, the record owner 13430
or owner consents to the proposed joint economic development 13431
district. 13432

A contracting party may send written notice of the petitions 13433
by certified mail with return receipt requested to the last known 13434
mailing addresses of any or all of the record owners of real 13435
property located within the proposed district or the owners of 13436
businesses operating within the proposed district. The contracting 13437
parties shall equally share the costs of complying with this 13438
division. 13439

(2) If any portion of property located within the proposed 13440
joint economic development district is also either located within 13441
one-half of one mile of a non-contracting municipal corporation or 13442
covered by or subject to a water or sewer service plan or 13443
agreement under which a non-contracting municipal corporation is 13444
identified as a future provider of water or sewer services to all 13445
or part of the proposed district, then that property and any 13446
property contiguous to that property if owned by the same person 13447
shall be excluded from the joint economic development district 13448
unless the owner of the property signs the petition. 13449

(K)(1) After the public hearings required under division (I) 13450
of this section have been held and the petitions described in 13451
division (J) of this section have been signed by the majority of 13452
the record owners of real property located within the proposed 13453
joint economic development district and by a majority of the 13454
owners of businesses, if any, operating within the proposed 13455
district, each contracting party may adopt an ordinance or 13456
resolution approving the contract to create a joint economic 13457
development district. Not later than ten days after all of the 13458
contracting parties have adopted ordinances or resolutions 13459
approving the district contract, each contracting party shall give 13460
notice of the proposed district to all of the following: 13461

(a) Each record owner of real property to be included in the 13462
district and in the territory of that contracting party who did 13463
not sign the petitions described in division (J) of this section; 13464

(b) An owner of each business operating within the district 13465
and in the territory of that contracting party no owner of which 13466
signed the petitions described in division (J) of this section. 13467

(2) Such notices shall be given by certified mail and shall 13468
specify that the property or business is located within an area to 13469
be included in the district and that all of the documents 13470
described in divisions (I)(1)(a) to (c) of this section are 13471
available for public inspection in the office of the clerk of the 13472
legislative authority of each municipal corporation and county 13473
that is a contracting party or the office of the fiscal officer of 13474
each township that is a contracting party. The contracting parties 13475
shall equally share the costs of complying with division (K) of 13476
this section. 13477

(L)(1) The contracting parties may amend the joint economic 13478
development district contract to add any area that was not 13479
originally included in the district if the area satisfies the 13480
criteria prescribed under division (E) of this section. The 13481
contracting parties may also amend the district contract to remove 13482
any area originally included in the district or exclude one or 13483
more parcels located within the district pursuant to division 13484
(E)(2) of this section. 13485

(2) An amendment adding an area to a district, removing an 13486
area from the district, or excluding one or more parcels from the 13487
district may be approved only by a resolution or ordinance adopted 13488
by each of the contracting parties. The contracting parties shall 13489
conduct public hearings on the amendment and provide notice in the 13490
manner required under division (I) of this section for original 13491
contracts. The contracting parties shall make available for public 13492
inspection a copy of the amendment, a description of the area to 13493
be added, removed, or excluded to or from the district, and a map 13494
of that area in sufficient detail to denote the specific 13495
boundaries of the area and to indicate any zoning restrictions 13496

applicable to the area. 13497

(3) Before adopting a resolution or ordinance approving the 13498
addition of an area to the district, the contracting parties shall 13499
circulate petitions to the record owners of real property located 13500
within the proposed addition to the district and owners of 13501
businesses operating within the proposed addition to the district 13502
in the same manner required under division (J) of this section for 13503
original contracts. The contracting parties may notify such record 13504
owners of real property and owners of businesses that the 13505
petitions are available for signing in the same manner provided by 13506
that division. The contracting parties shall equally share the 13507
costs of complying with this division. 13508

(4) The contracting parties to a joint economic development 13509
district may vote to approve an amendment to the district contract 13510
under this division after the public hearings required under 13511
division (L)(2) of this section are completed and, if the 13512
amendment adds an area or areas to the district, the petitions 13513
required under division (L)(3) of this section have been signed by 13514
the majority of record owners of real property located within the 13515
area or areas added to the district and by a majority of the 13516
owners of businesses, if any, operating within the proposed 13517
addition to the district. 13518

(5) Not later than ten days after all of the contracting 13519
parties have adopted ordinances or resolutions approving an 13520
amendment adding one or more areas to the district, each 13521
contracting party shall give notice of the addition to all of the 13522
following: 13523

(a) Each record owner of real property to be included in the 13524
addition to the district and in the territory of that contracting 13525
party who did not sign the petitions described in division (L)(3) 13526
of this section; 13527

(b) An owner of each business operating within the addition 13528
to the district and in the territory of that contracting party no 13529
owner of which signed the petitions described in division (L)(3) 13530
of this section. 13531

The contracting parties shall equally share the costs of 13532
complying with division (L)(5) of this section. 13533

(M)(1) A board of township trustees that is a party to a 13534
contract creating a joint economic development district may choose 13535
not to submit its resolution approving the contract to the 13536
electors of the township if all of the following conditions are 13537
satisfied: 13538

(a) The resolution has been approved by a unanimous vote of 13539
the members of the board of township trustees or, if a county is 13540
one of the contracting parties under division (D) of this section, 13541
the resolution has been approved by a majority vote of the members 13542
of the board of township trustees; 13543

(b) The contracting parties have circulated petitions as 13544
required under division (J) of this section and obtained the 13545
signatures required under division (L) of this section; 13546

(c) The territory to be included in the proposed district is 13547
zoned in a manner appropriate to the function of the district. 13548

(2) If the board of township trustees has not invoked its 13549
authority under division (M)(1) of this section, the board, at 13550
least ninety days before the date of the election, shall file its 13551
resolution approving the district contract with the board of 13552
elections for submission to the electors of the township for 13553
approval at the next succeeding general, primary, or special 13554
election. 13555

(3) Any contract creating a district in which a board of 13556
township trustees is a party shall provide that the contract is 13557
not effective before the thirty-first day after its approval, 13558

including approval by the electors of the township if required by 13559
this section. 13560

(4) If the board of township trustees invokes its authority 13561
under division (M)(1) of this section and does not submit the 13562
district contract to the electors for approval, the resolution of 13563
the board of township trustees approving the contract is subject 13564
to a referendum of the electors of the township when requested 13565
through a petition. When signed by ten per cent of the number of 13566
electors in the township who voted for the office of governor at 13567
the most recent general election, a referendum petition asking 13568
that the resolution be submitted to the electors of the township 13569
may be presented to the board of township trustees. Such a 13570
petition shall be presented within thirty days after the board of 13571
township trustees adopts the resolution approving the district 13572
contract. The board of township trustees shall, not later than 13573
four p.m. of the tenth day after receipt of the petition, certify 13574
the text of the resolution to the board of elections. The board of 13575
elections shall submit the resolution to the electors of the 13576
township for their approval or rejection at the next general, 13577
primary, or special election occurring at least ninety days after 13578
certification of the resolution. 13579

(N) The ballot respecting a resolution to create a district 13580
or a referendum of such a resolution shall be in the following 13581
form: 13582

"Shall the resolution of the board of township trustees 13583
approving the contract with (here insert name of 13584
every other contracting party) for the creation of a joint 13585
economic development district be approved? 13586

FOR THE RESOLUTION AND CONTRACT 13587

AGAINST THE RESOLUTION AND CONTRACT" 13588

If a majority of the electors of the township voting on the 13589

issue vote for the resolution and contract, the resolution shall 13590
become effective immediately and the contract shall go into effect 13591
on the thirty-first day after the election or thereafter in 13592
accordance with terms of the contract. 13593

(O) Upon the creation of a district under this section, one 13594
of the contracting parties shall file a copy of each of the 13595
following documents with the director of development services: 13596

(1) All of the documents described in divisions (I)(1)(a) to 13597
(c) of this section; 13598

(2) Certified copies of the ordinances and resolutions of the 13599
contracting parties relating to the contract and district; 13600

(3) Documentation from each contracting party that the public 13601
hearings required by division (I) of this section have been held, 13602
the date of the hearings, and evidence that notice of the hearings 13603
was published as required by that division; 13604

(4) A copy of the signed petitions required under divisions 13605
(J) and (K) of this section. 13606

(P) A board of directors shall govern each district created 13607
under this section. 13608

(1) If there are businesses operating and persons employed 13609
within the district, the board shall be composed of the following 13610
members: 13611

(a) One member representing the municipal corporations that 13612
are contracting parties; 13613

(b) One member representing the townships that are 13614
contracting parties; 13615

(c) One member representing the owners of businesses 13616
operating within the district; 13617

(d) One member representing the persons employed within the 13618
district; 13619

(e) One member representing the counties that are contracting parties, or, if no contracting party is a county, one member selected by the members described in divisions (P)(1)(a) to (d) of this section.

The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(1)(a) of this section shall serve a term of one year; the member described in division (P)(1)(b) of this section shall serve a term of two years; the member described in division (P)(1)(c) of this section shall serve a term of three years; and the members described in divisions (P)(1)(d) and (e) of this section shall serve terms of four years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the board, but no member shall serve more than two consecutive terms on the board.

The member described in division (P)(1)(e) of this section shall serve as chairperson of the board described under division (P)(1) of this section.

(2) If there are no businesses operating or persons employed within the district, the board shall be composed of the following members:

(a) One member representing the municipal corporations that are contracting parties;

(b) One member representing the townships that are contracting parties;

(c) One member representing the counties that are contracting parties, or if no contracting party is a county, one member selected by the members described in divisions (P)(2)(a) and (b) of this section.

The members of the board shall be appointed as provided in 13651
the district contract. Of the members initially appointed to the 13652
board, the member described in division (P)(2)(a) of this section 13653
shall serve a term of one year; the member described in division 13654
(P)(2)(b) of this section shall serve a term of two years; and the 13655
member described in division (P)(2)(c) of this section shall serve 13656
a term of three years. Thereafter, terms for each member shall be 13657
for four years, each term ending on the same day of the same month 13658
of the year as did the term that it succeeds. A member may be 13659
reappointed to the board, but no member shall serve more than two 13660
consecutive terms on the board. 13661

The member described in division (P)(2)(c) of this section 13662
shall serve as chairperson of a board described under division 13663
(P)(2) of this section. 13664

(3) A board described under division (P)(1) or (2) of this 13665
section has no powers except as described in this section and in 13666
the contract creating the district. 13667

(4) Membership on the board of directors of a joint economic 13668
development district created under this section is not the holding 13669
of a public office or employment within the meaning of any section 13670
of the Revised Code prohibiting the holding of other public office 13671
or employment. Membership on such a board is not a direct or 13672
indirect interest in a contract or expenditure of money by a 13673
municipal corporation, township, county, or other political 13674
subdivision with which a member may be affiliated. Notwithstanding 13675
any provision of law to the contrary, no member of a board of 13676
directors of a joint economic development district shall forfeit 13677
or be disqualified from holding any public office or employment by 13678
reason of membership on the board. 13679

(5) The board of directors of a joint economic development 13680
district is a public body for the purposes of section 121.22 of 13681
the Revised Code. Chapter 2744. of the Revised Code applies to 13682

such a board and the district. 13683

(Q)(1) On or before the date occurring six months after the 13684
effective date of the district contract, an owner of a business 13685
operating within the district may, on behalf of the business and 13686
its employees, file a complaint with the court of common pleas of 13687
the county in which the majority of the territory of the district 13688
is located requesting exemption from any income tax imposed by the 13689
board of directors of the district under division (F)(5) of this 13690
section if all of the following apply: 13691

(a) The business operated within an unincorporated area of 13692
the district before the effective date of the district contract; 13693

(b) No owner of the business signed a petition described in 13694
division (J) of this section; 13695

(c) Neither the business nor its employees has derived or 13696
will derive any material benefit from the new, expanded, or 13697
additional services, facilities, or improvements described in the 13698
economic development plan for the district, or the material 13699
benefit that has, or will be, derived is negligible in comparison 13700
to the income tax revenue generated from the net profits of the 13701
business and the income of employees of the business. 13702

The legislative authority of each contracting party shall be 13703
made a party to the proceedings and the business owner filing the 13704
complaint shall serve notice of the complaint by certified mail to 13705
each such contracting party. The court shall not accept any 13706
complaint filed more than six months after the effective date of 13707
the district contract. 13708

(2) Any or all of the contracting parties may submit a 13709
written answer to the complaint submitted under division (Q)(1) of 13710
this section to the court within thirty days after notice of the 13711
complaint was served upon them. Such a contracting party shall 13712
submit to the court, along with the answer, documentation 13713

sufficient to prove that the contracting party sent copies of the 13714
answer to the owner of the business who filed the complaint. 13715

(3) The court shall review each complaint submitted by a 13716
business owner under division (Q)(1) of this section and each 13717
answer submitted by a contracting party under division (Q)(2) of 13718
this section. The court may make a determination on the record and 13719
the evidence thus submitted, or it may conduct a hearing and 13720
request the presence of the business owner and the contracting 13721
parties to present evidence relevant to the complaint. The court 13722
shall make a determination on the complaint not sooner than thirty 13723
days but not later than sixty days after the complaint is filed by 13724
the business owner. The court may make a determination more than 13725
sixty days after the complaint is filed if the business owner and 13726
all contracting parties to the district consent. 13727

(4) The court shall grant the exemption requested in the 13728
complaint if all of the criteria described in divisions (Q)(1)(a) 13729
to (c) of this section are met. 13730

(5) If all the criteria described in divisions (Q)(1)(a) to 13731
(c) of this section are not met, the court shall deny the 13732
complaint and the exemption. 13733

(6) The court shall send notice of the determination with 13734
respect to the complaint to the owner of the business and each 13735
contracting party. If the court grants the exemption, the net 13736
profits of the business from operations within the district and 13737
the income of its employees from employment within the district 13738
are exempt from any income tax imposed by the board of directors 13739
of the district. If the court denies the exemption, the net 13740
profits of the business and the income of its employees shall be 13741
taxed according to the terms of the district contract and any 13742
taxes, penalties, and interest accrued before the date of the 13743
court's determination shall be paid in full. In addition, no owner 13744
of the business may submit another complaint under division (Q)(1) 13745

of this section for the same district contract. The court's 13746
determination on a complaint filed under division (Q) of this 13747
section is final. 13748

(7) Chapter 2506. of the Revised Code does not apply to the 13749
proceedings described in division (Q) of this section. 13750

(R)(1) No proceeding pursuant to Chapter 709. of the Revised 13751
Code that proposes the annexation to, merger of, or consolidation 13752
with a municipal corporation of any unincorporated territory 13753
within a joint economic development district may be commenced at 13754
any time between the effective date of the contract creating the 13755
district and the date the contract expires, terminates, or is 13756
otherwise rendered unenforceable. This division does not apply if 13757
each board of township trustees whose territory is included within 13758
the district and whose territory is proposed to be annexed, 13759
merged, or consolidated adopts a resolution consenting to the 13760
commencement of the proceeding. Each such board of township 13761
trustees shall file a copy of the resolution with the clerk of the 13762
legislative authority of each county within which a contracting 13763
party is located. 13764

(2) The contract creating a joint economic development 13765
district may prohibit any annexation proceeding by a contracting 13766
municipal corporation of any unincorporated territory within the 13767
district or zone beyond the period described in division (R)(1) of 13768
this section. 13769

(3) No contracting party is divested or relieved of its 13770
rights or obligations under the contract creating a joint economic 13771
development district because of annexation, merger, or 13772
consolidation. 13773

(S) Contracting parties may enter into agreements pursuant to 13774
the contract creating a joint economic development district with 13775
respect to the substance and administration of zoning and other 13776

land use regulations, building codes, permanent public 13777
improvements, and other regulatory and proprietary matters 13778
determined to be for a public purpose. No contract, however, shall 13779
exempt the territory within the district from the procedures of 13780
land use regulation applicable pursuant to municipal corporation, 13781
township, and county regulations, including, but not limited to, 13782
zoning procedures. 13783

(T) The powers granted under this section are in addition to 13784
and not in the derogation of all other powers possessed by or 13785
granted to municipal corporations, townships, and counties 13786
pursuant to law. 13787

(1) When exercising a power or performing a function or duty 13788
under a contract entered into under this section, a municipal 13789
corporation may exercise all the powers of a municipal 13790
corporation, and may perform all the functions and duties of a 13791
municipal corporation, within the district, pursuant to and to the 13792
extent consistent with the contract. 13793

(2) When exercising a power or performing a function or duty 13794
under a contract entered into under division (D) of this section, 13795
a county may exercise all of the powers of a county, and may 13796
perform all the functions and duties of a county, within the 13797
district pursuant to and to the extent consistent with the 13798
contract. 13799

(3) When exercising a power or performing a function or duty 13800
under a contract entered into under this section, a township may 13801
exercise all the powers of a township, and may perform all the 13802
functions and duties of a township, within the district, pursuant 13803
to and to the extent consistent with the contract. 13804

(U) No political subdivision shall grant any tax exemption 13805
under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 13806
5709.632 of the Revised Code on any property located within the 13807

district without the consent of all the contracting parties. The 13808
prohibition against granting a tax exemption under this section 13809
does not apply to any exemption filed, pending, or approved before 13810
the effective date of the contract entered into under this 13811
section. 13812

Sec. 727.031. (A) As used in this section: 13813

(1) "Nonprofit arts institution" has the same meaning as in 13814
division (G) of section 5709.121 of the Revised Code. 13815

(2) "Qualifying real property" means any real property that 13816
is located in a county having a population greater than five 13817
hundred thousand but less than five hundred forty thousand and 13818
that is either (i) owned and operated by a nonprofit arts 13819
institution or (ii) owned and operated by a limited liability 13820
company whose sole member is a nonprofit arts institution. 13821

(B) For tax years 2020 to 2024, qualifying real property is 13822
exempt from special assessments levied under Chapter 727. or 729. 13823
of the Revised Code, provided no delinquent special assessments 13824
and related interest and penalties are levied or assessed against 13825
any property owned by the owner and operator of the qualifying 13826
real property for that tax year. 13827

Sec. 901.171. (A) The department of agriculture may promote 13828
the use of Ohio-produced agricultural goods, including natural 13829
spring water, through the issuance of logotypes to qualified 13830
producers and processors under a promotional certification program 13831
to be developed and administered by the division of markets. 13832

(B) Pursuant to rules adopted under Chapter 119. of the 13833
Revised Code, the department may establish reasonable fees and 13834
criteria for participation in the program. All such fees shall be 13835
credited to the ~~general revenue~~ Ohio proud, international, and 13836
domestic market development fund created in section 901.20 of the 13837

Revised Code and used to finance the program. 13838

(C) The department may sell merchandise that promotes the 13839
certification program. The director of agriculture shall deposit 13840
all proceeds from the sales of merchandise in the state treasury 13841
to the credit of the Ohio proud, international, and domestic 13842
market development fund. 13843

Sec. 901.91. The director of agriculture may assess the 13844
operating funds of the department of agriculture to pay a share of 13845
the department's central support and administrative costs. The 13846
assessments shall be based on a plan that the director develops 13847
~~and submits to the director of budget and management not later~~ 13848
~~than the fifteenth day of July of the fiscal year in which the~~ 13849
~~assessments are to be made. If the director of budget and~~ 13850
~~management determines that the assessments proposed in the plan~~ 13851
~~are appropriate, the director shall approve the plan.~~ Assessments 13852
shall be paid from the funds designated in the plan and credited 13853
by means of intrastate transfer voucher to the department of 13854
agriculture central support indirect costs fund, which is hereby 13855
created in the state treasury. The fund shall be administered by 13856
the director of agriculture and used to pay central support and 13857
administrative costs of the department of agriculture. 13858

Sec. 905.59. (A) The director of agriculture may inspect, 13859
sample, and analyze any liming material utilized within the state 13860
to such extent as the director considers necessary to determine 13861
whether the liming material is in compliance with sections 905.51 13862
to 905.65 of the Revised Code, and the rules adopted under such 13863
sections. The director may enter into an agreement with a person 13864
that is not a department of agriculture employee that authorizes 13865
that person to perform the inspections, sampling, and analysis of 13866
liming material. If the director enters into an agreement, the 13867
director shall annually audit the records relating to the 13868

inspections, sampling, and analysis performed by the person. 13869

(B) The director or a person who has entered into an 13870
agreement with the director under division (A) of this section may 13871
enter upon any public or private premises or means of conveyance 13872
at any reasonable time to have access to liming material subject 13873
to sections 905.51 to 905.65 of the Revised Code, and the rules 13874
adopted under such sections. 13875

(C) The methods of sampling and analysis of liming materials 13876
shall be those adopted by the association of official analytical 13877
chemists or as prescribed by the director. 13878

(D) The results of the official analysis of any sample of 13879
liming material that is found to be in violation of sections 13880
905.51 to 905.65 of the Revised Code, or any regulation adopted 13881
under such sections, shall be forwarded to the licensee. A 13882
licensee may request a portion of any such sample if the request 13883
is made not more than thirty days after the date of the analysis 13884
report. 13885

(E) Analytical tolerances shall be governed by rules adopted 13886
by the director, subject to Chapter 119. of the Revised Code. 13887

Sec. 955.15. (A) The board of county commissioners shall 13888
provide nets and other suitable devices for the taking of dogs in 13889
a humane manner, provide a suitable place for impounding dogs, 13890
make proper provision for feeding and caring for the same, and 13891
provide humane devices and methods for destroying dogs. ~~In any~~ 13892
~~county in which there is a~~ 13893

(B) The dog warden shall deliver any dog that the warden or 13894
the warden's deputies have seized to one of the following: 13895

(1) A dog pound operated by the county; 13896

(2) A society for the prevention of cruelty to children and 13897
animals, ~~having~~ that has one or more agents ~~and maintaining,~~ 13898

operates an animal shelter suitable for a dog pound, and maintains 13899
devices for humanely destroying dogs, ~~the board need not furnish a~~ 13900
~~dog pound, but the county dog warden shall deliver all dogs seized~~ 13901
~~by the warden and the warden's deputies to such society at its~~ 13902
~~animal shelter, there to be dealt with in accordance with law.~~ 13903
The; 13904

(3) An animal shelter that operates in a manner suitable for 13905
a dog pound and maintains devices for humanely destroying dogs. 13906
The warden shall deliver dogs to the animal shelter only if the 13907
board of county commissioners has entered into a written agreement 13908
with the animal shelter to operate on behalf of the county. 13909

A pound, society, or shelter to which a dog has been 13910
delivered under division (B) of this section shall deal with the 13911
dog in accordance with law. 13912

(C) The board shall provide for the payment of reasonable 13913
compensation to ~~such~~ a society or shelter described in division 13914
(B) of this section for its services so performed out of the dog 13915
and kennel fund. The 13916

(D) The board may designate and appoint any officers 13917
regularly employed by any society organized under sections 1717.02 13918
to 1717.05 of the Revised Code, to act as county dog warden or 13919
deputies for the purpose of carrying out sections 955.01 to 955.27 13920
of the Revised Code, if such society whose agents are so employed 13921
owns or controls a suitable place for keeping and destroying dogs. 13922

Sec. 1121.29. (A)(1) Each bank, savings and loan association, 13923
and savings bank subject to inspection and examination by the 13924
superintendent of financial institutions and transacting business 13925
on the thirty-first day of December, or their successors in 13926
interest, shall pay to the treasurer of state assessments as 13927
provided in this section. The superintendent shall make each 13928
assessment based on the total assets as shown on the books of the 13929

bank, savings and loan association, or savings bank as of the 13930
thirty-first day of December of the previous year. The 13931
superintendent shall collect the assessment on an annual or 13932
periodic basis, as provided by the superintendent. All assessments 13933
shall be paid within fourteen days after receiving an invoice for 13934
payment of the assessment. 13935

(2) After determining the budget of the division of financial 13936
institutions for examination and regulation of banks, savings and 13937
loan associations, and savings banks, but prior to establishing 13938
the schedule of assessments under this division necessary to fund 13939
that budget, the superintendent shall consider any necessary cash 13940
reserves and any amounts collected but not ~~yet expended or~~ 13941
~~encumbered by~~ disbursed to the superintendent in the previous 13942
fiscal ~~year's budget~~ year and remaining in the banks fund pursuant 13943
to division (C) of section 1121.30 of the Revised Code. 13944

(3) The superintendent shall establish the actual schedule of 13945
assessments on an annual basis, present the schedule to the 13946
banking commission for confirmation, and forward copies of the 13947
current year's schedule to banks, savings and loan associations, 13948
and savings banks doing business under authority granted by the 13949
superintendent, or their successors in interest. 13950

If during the period between the banking commission's 13951
confirmation of the schedule of assessments and the completion of 13952
the fiscal year in which those assessments will be collected, the 13953
banking commission determines additional money is required to 13954
adequately fund the operations of the division of financial 13955
institutions for that fiscal year, the banking commission may, by 13956
the affirmative vote of two-thirds of its members, increase the 13957
schedule of assessments for that fiscal year. The superintendent 13958
shall promptly notify each bank, savings and loan association, and 13959
savings bank of the increased assessment, and each bank, savings 13960

and loan association, and savings bank shall pay the increased 13961
assessment as made and invoiced by the superintendent. 13962

(4) A bank, savings and loan association, or savings bank 13963
authorized by the superintendent to commence business in the 13964
period between assessments shall pay the actual reasonable costs 13965
of the division's examinations and visitations. The bank, savings 13966
and loan association, or savings bank shall pay the costs within 13967
fourteen days after receiving an invoice for payment. 13968

(B)(1) Whenever in the judgment of the superintendent the 13969
condition or conduct of a bank renders it necessary to make 13970
additional examinations and follow-up visitations within the 13971
examination cycle beyond the minimum required by division (A) of 13972
section 1121.10 of the Revised Code, the superintendent shall 13973
charge the bank for the additional examinations and follow-up 13974
visitations as provided in division (C) of this section. The bank 13975
shall pay the fee charged within fourteen days after receiving an 13976
invoice for payment. 13977

(2) The superintendent shall charge a bank for any 13978
examination of the bank's operations as a trust company and data 13979
processing facility in accordance with division (C) of this 13980
section whether that examination is the only examination of the 13981
bank in the examination cycle or in addition to other examinations 13982
of the bank's operations. 13983

(C) The superintendent shall periodically establish a 13984
schedule of fees to be paid for examinations, applications, 13985
certifications, and notices considered necessary by the 13986
superintendent. 13987

(D)(1) The superintendent may waive any fees provided for in 13988
division (C) of this section to protect the interests of 13989
depositors and for other fair and reasonable purposes as 13990
determined by the superintendent. 13991

(2) The fees established by the superintendent pursuant to 13992
division (C) of this section for processing applications and 13993
notices and conducting and processing examinations shall be 13994
reasonable considering the direct and indirect costs to the 13995
division, as determined by the superintendent, of processing the 13996
applications and for conducting and processing the examinations. 13997

(E) The superintendent may determine and charge reasonable 13998
fees for furnishing and certifying copies of documents filed with 13999
the division and for any expenses incurred by the division in the 14000
publication or serving of required notices. 14001

(F) Assessments and examination and application fees charged 14002
and collected pursuant to this section are not refundable. Any fee 14003
charged pursuant to this section shall be paid within fourteen 14004
days after receiving an invoice for payment of the fee. 14005

(G) The superintendent shall pay all assessments and fees 14006
charged pursuant to this section and all forfeitures required to 14007
be paid to the superintendent ~~into the state treasury~~ to the 14008
credit of the banks fund. 14009

Sec. 1121.30. (A) All assessments, fees, charges, and 14010
forfeitures provided for in Chapters 1101. to 1127. and sections 14011
1315.01 to 1315.18 of the Revised Code, except civil penalties 14012
assessed pursuant to section 1121.35 or 1315.152 of the Revised 14013
Code, shall be paid to the superintendent of financial 14014
institutions, and the superintendent shall deposit them into the 14015
~~state treasury to the credit of the~~ banks fund, which is hereby 14016
created. The fund shall be in the custody of the treasurer of 14017
state but shall not be part of the state treasury. 14018

(B) ~~The superintendent may expend or obligate~~ Money in the 14019
banks fund shall be available upon the request of the 14020
superintendent of financial institutions to defray the costs of 14021
the division of financial institutions in administering Chapters 14022

1101. to 1127. and sections 1315.01 to 1315.18 of the Revised 14023
Code. ~~The superintendent shall pay from the fund~~ Such costs shall 14024
include all actual and necessary expenses incurred by the 14025
superintendent, including for any services rendered by the 14026
department of commerce for the division's administration of 14027
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 14028
Revised Code. ~~The fund shall be assessed a proportionate share of~~ 14029
~~the administrative costs of the department and the division of~~ 14030
~~financial institutions. The proportionate share of the~~ 14031
~~administration~~ administrative costs of the division of financial 14032
institutions shall be determined in accordance with procedures 14033
prescribed by the superintendent ~~and approved by the director of~~ 14034
~~budget and management. The amount assessed for the fund's~~ 14035
~~proportional share of the~~ 14036

The treasurer shall disburse money from the banks fund to 14037
defray such costs on the order of the superintendent. The 14038
department's administrative costs and the division's 14039
administrative costs shall be paid ~~from the banks fund~~ to the 14040
division of administration fund and the division of financial 14041
institutions fund, respectively. 14042

(C) Any money deposited into ~~the state treasury to the credit~~ 14043
~~of the banks fund, but not expended or encumbered by the~~ 14044
~~superintendent to defray the costs of administering Chapters 1101.~~ 14045
~~to 1127. and sections 1315.01 to 1315.18 of the Revised Code~~ 14046
disbursed as authorized in division (B) of this section, shall 14047
remain in the banks fund ~~for expenditures by the superintendent in~~ 14048
~~subsequent years~~ and shall not be used for any purpose other than 14049
as set forth in this section. 14050

Sec. 1181.06. There is hereby created in the state treasury 14051
the financial institutions fund. The fund shall receive 14052
assessments on the banks fund established under section 1121.30 of 14053

the Revised Code, the credit unions fund established under section 14054
1733.321 of the Revised Code, and the consumer finance fund 14055
established under section 1321.21 of the Revised Code in 14056
accordance with procedures prescribed by the superintendent of 14057
financial institutions ~~and approved by the director of budget and~~ 14058
~~management~~. Such assessments shall be in addition to any 14059
assessments on these funds required under division (G) of section 14060
121.08 of the Revised Code. All operating expenses of the division 14061
of financial institutions shall be paid from the financial 14062
institutions fund. Money in the fund shall be used only for that 14063
purpose. 14064

Sec. 1321.21. All fees, charges, penalties, and forfeitures 14065
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 14066
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 14067
the Revised Code shall be paid to the superintendent of financial 14068
institutions and shall be deposited by the superintendent into the 14069
state treasury to the credit of the consumer finance fund, which 14070
is hereby created. The fund may be expended or obligated by the 14071
superintendent for the defrayment of the costs of administration 14072
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 14073
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised 14074
Code by the division of financial institutions. All actual and 14075
necessary expenses incurred by the superintendent, including any 14076
services rendered by the department of commerce for the division's 14077
administration of Chapters 1321., 1322., 4712., 4727., and 4728., 14078
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 14079
the Revised Code, shall be paid from the fund. The fund shall be 14080
assessed a proportionate share of the administrative costs of the 14081
department and the division. The proportionate share of the 14082
administrative costs of the division of financial institutions 14083
shall be determined in accordance with procedures prescribed by 14084
the superintendent ~~and approved by the director of budget and~~ 14085

~~management~~. Such assessment shall be paid from the consumer 14086
finance fund to the division of administration fund or the 14087
financial institutions fund. 14088

Periodically, in accordance with a schedule the director 14089
establishes by rule, but at least once every three months, the 14090
director of budget and management shall transfer five per cent of 14091
all charges, penalties, and forfeitures received into the consumer 14092
finance fund to the financial literacy education fund created 14093
under section 121.085 of the Revised Code. 14094

Sec. 1322.09. (A) An application for a certificate of 14095
registration shall be in writing, under oath, and in a form 14096
prescribed by the superintendent of financial institutions that 14097
complies with the requirements of the nationwide mortgage 14098
licensing system and registry. The application shall be 14099
accompanied by a nonrefundable application fee of ~~five~~ seven 14100
hundred dollars for each location of an office to be maintained by 14101
the applicant in accordance with division (A) of section 1322.07 14102
of the Revised Code and any additional fee required by the 14103
nationwide mortgage licensing system and registry. 14104

(B) Upon the filing of the application and payment of the 14105
nonrefundable application fee and any fee required by the 14106
nationwide mortgage licensing system and registry, the 14107
superintendent shall investigate the applicant and any individual 14108
whose identity is required to be disclosed in the application. As 14109
part of that investigation, the superintendent shall conduct a 14110
civil records check. 14111

If, in order to issue a certificate of registration to an 14112
applicant, additional investigation by the superintendent outside 14113
this state is necessary, the superintendent may require the 14114
applicant to advance sufficient funds to pay the actual expenses 14115
of the investigation, if it appears that these expenses will 14116

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:

(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, 14148
including by electronic transmission or facsimile, the 14149
superintendent may consider the application withdrawn. 14150

(F) A certificate of registration and the authority granted 14151
under that certificate is not transferable or assignable and 14152
cannot be franchised by contract or any other means. 14153

(G)(1) The superintendent may establish relationships or 14154
enter into contracts with the nationwide mortgage licensing system 14155
and registry, or any entities designated by it, to collect and 14156
maintain records and process transaction fees or other fees 14157
related to mortgage lender, mortgage servicer, or mortgage broker 14158
certificates of registration or the persons associated with a 14159
mortgage lender, mortgage servicer, or mortgage broker. 14160

(2) For purposes of this section and to reduce the points of 14161
contact that the federal bureau of investigation may have to 14162
maintain, the division of financial institutions may use the 14163
nationwide mortgage licensing system and registry as a channeling 14164
agent for requesting information from and distributing information 14165
to the United States department of justice or other governmental 14166
agencies. 14167

(3) For purposes of this section and to reduce the points of 14168
contact that the division may have to maintain, the division may 14169
use the nationwide mortgage licensing system and registry as a 14170
channeling agent for requesting information from and distributing 14171
information to any source as determined by the division. 14172

Sec. 1322.10. (A) Upon the conclusion of the investigation 14173
required under division (B) of section 1322.09 of the Revised 14174
Code, the superintendent of financial institutions shall issue a 14175
certificate of registration to the applicant if the superintendent 14176
finds that the following conditions are met: 14177

(1) The application is accompanied by the application fee and 14178
any fee required by the nationwide mortgage licensing system and 14179
registry. 14180

(a) If a check or other draft instrument is returned to the 14181
superintendent for insufficient funds, the superintendent shall 14182
notify the applicant by certified mail, return receipt requested, 14183
that the application will be withdrawn unless the applicant, 14184
within thirty days after receipt of the notice, submits the 14185
application fee and a one-hundred-dollar penalty to the 14186
superintendent. If the applicant does not submit the application 14187
fee and penalty within that time period, or if any check or other 14188
draft instrument used to pay the fee or penalty is returned to the 14189
superintendent for insufficient funds, the application shall be 14190
withdrawn. 14191

(b) If a check or other draft instrument is returned to the 14192
superintendent for insufficient funds after the certificate of 14193
registration has been issued, the superintendent shall notify the 14194
registrant by certified mail, return receipt requested, that the 14195
certificate of registration issued in reliance on the check or 14196
other draft instrument will be canceled unless the registrant, 14197
within thirty days after receipt of the notice, submits the 14198
application fee and a one-hundred-dollar penalty to the 14199
superintendent. If the registrant does not submit the application 14200
fee and penalty within that time period, or if any check or other 14201
draft instrument used to pay the fee or penalty is returned to the 14202
superintendent for insufficient funds, the certificate of 14203
registration shall be canceled immediately without a hearing, and 14204
the registrant shall cease activity as a mortgage broker. 14205

(2) If the application is for a location that is a residence, 14206
evidence that the use of the residence to transact business as a 14207
mortgage lender or mortgage broker is not prohibited. 14208

(3) The applicant maintains all necessary filings and 14209

approvals required by the secretary of state.	14210
(4) The applicant complies with the surety bond requirements of section 1322.32 of the Revised Code.	14211 14212
(5) The applicant has not made a material misstatement of fact or material omission of fact in the application.	14213 14214
(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.	14215 14216 14217 14218 14219 14220 14221
(7) The applicant's operations manager successfully completed the examination required by section 1322.27 of the Revised Code.	14222 14223
(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.	14224 14225 14226 14227 14228 14229 14230
(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	14231 14232 14233 14234 14235 14236 14237 14238 14239 14240

adversely influence the operations of the applicant. 14241

(C) The certificate of registration issued pursuant to 14242
division (A) of this section may be renewed annually on or before 14243
the thirty-first day of December if the superintendent finds that 14244
all of the following conditions are met: 14245

(1) The renewal application is accompanied by a nonrefundable 14246
renewal fee of ~~five~~ seven hundred dollars for each location of an 14247
office to be maintained by the applicant in accordance with 14248
division (A) of section 1322.07 of the Revised Code and any fee 14249
required by the nationwide mortgage licensing system and registry. 14250
If a check or other draft instrument is returned to the 14251
superintendent for insufficient funds, the superintendent shall 14252
notify the registrant by certified mail, return receipt requested, 14253
that the certificate of registration renewed in reliance on the 14254
check or other draft instrument will be canceled unless the 14255
registrant, within thirty days after receipt of the notice, 14256
submits the renewal fee and a one-hundred-dollar penalty to the 14257
superintendent. If the registrant does not submit the renewal fee 14258
and penalty within that time period, or if any check or other 14259
draft instrument used to pay the fee or penalty is returned to the 14260
superintendent for insufficient funds, the certificate of 14261
registration shall be canceled immediately without a hearing and 14262
the registrant shall cease activity as a mortgage broker. 14263

(2) The operations manager designated under section 1322.12 14264
of the Revised Code has completed at least eight hours of 14265
continuing education as required under section 1322.28 of the 14266
Revised Code. 14267

(3) The applicant meets the conditions set forth in divisions 14268
(A)(2), (3), (4), (5), (7), and (8) of this section. 14269

(4) Neither the applicant nor any person whose identity is 14270
required to be disclosed on the renewal application has had a 14271

certificate of registration or mortgage loan originator license, 14272
or any comparable authority, revoked in any governmental 14273
jurisdiction or has pleaded guilty or nolo contendere to or been 14274
convicted of any of the following in a domestic, foreign, or 14275
military court: 14276

(a) During the seven-year period immediately preceding the 14277
date of the renewal application but excluding any time before the 14278
certificate of registration was issued, a misdemeanor involving 14279
theft or any felony; 14280

(b) At any time between the date of the original certificate 14281
of registration and the date of the renewal application, a felony 14282
involving an act of fraud, dishonesty, a breach of trust, theft, 14283
or money laundering. 14284

(5) The applicant's certificate of registration is not 14285
subject to an order of suspension or an unpaid and past due fine 14286
imposed by the superintendent. 14287

(D)(1) Subject to division (D)(2) of this section, if a 14288
renewal fee or additional fee required by the nationwide mortgage 14289
licensing system and registry is received by the superintendent 14290
after the thirty-first day of December, the certificate of 14291
registration shall not be considered renewed, and the applicant 14292
shall cease activity as a mortgage lender or mortgage broker. 14293

(2) Division (D)(1) of this section shall not apply if the 14294
applicant, not later than forty-five days after the renewal 14295
deadline, submits the renewal fee or additional fee and a 14296
~~one hundred dollar~~ one-hundred-fifty-dollar penalty to the 14297
superintendent. 14298

(E) Certificates of registration issued under this chapter 14299
annually expire on the thirty-first day of December. 14300

(F) The pardon or expungement of a conviction shall not be 14301
considered a conviction for purposes of this section. 14302

Sec. 1322.20. (A) An application for a license as a mortgage 14303
loan originator shall be in writing, under oath, and in a form 14304
prescribed by the superintendent of financial institutions that 14305
complies with the requirements of the nationwide mortgage 14306
licensing system and registry. The application shall be 14307
accompanied by a nonrefundable application fee of ~~one~~ two hundred 14308
~~fifty~~ dollars and any additional fee required by the nationwide 14309
mortgage licensing system and registry. 14310

(B)(1) The application shall provide evidence, acceptable to 14311
the superintendent, that the applicant has successfully completed 14312
at least twenty-four hours of pre-licensing instruction consisting 14313
of all of the following: 14314

(a) Twenty hours of instruction in an approved education 14315
course; 14316

(b) Four hours of instruction in a course or program of study 14317
reviewed and approved by the superintendent concerning Ohio 14318
lending laws and the Ohio consumer sales practices act, Chapter 14319
1345. of the Revised Code, as it applies to registrants and 14320
licensees. 14321

(2) If an applicant held a valid mortgage loan originator 14322
license issued by this state at any time during the immediately 14323
preceding five-year period, the applicant shall not be required to 14324
complete any additional pre-licensing instruction. For this 14325
purpose, any time during which the individual is a registered 14326
mortgage loan originator shall not be taken into account. 14327

(3) A person having successfully completed the pre-licensing 14328
education requirement reviewed and approved by the nationwide 14329
mortgage licensing system and registry for any state within the 14330
previous five years shall be granted credit toward completion of 14331
the pre-licensing education requirement of this state. 14332

(C) In addition to the information required under division 14333
(B) of this section, the application shall provide both of the 14334
following: 14335

(1) Evidence that the applicant passed a written test that 14336
meets the requirements described in section 1322.27 of the Revised 14337
Code; 14338

(2) Any further information that the superintendent requires. 14339

(D) Upon the filing of the application and payment of the 14340
application fee and any fee required by the nationwide mortgage 14341
licensing system and registry, the superintendent of financial 14342
institutions shall investigate the applicant. As part of that 14343
investigation, the superintendent shall conduct a civil records 14344
check. 14345

If, in order to issue a license to an applicant, additional 14346
investigation by the superintendent outside this state is 14347
necessary, the superintendent may require the applicant to advance 14348
sufficient funds to pay the actual expenses of the investigation, 14349
if it appears that these expenses will exceed five hundred 14350
dollars. The superintendent shall provide the applicant with an 14351
itemized statement of the actual expenses that the applicant is 14352
required to pay. 14353

(E) In connection with applying for a loan originator 14354
license, the applicant shall furnish to the nationwide mortgage 14355
licensing system and registry information concerning the 14356
applicant's identity, including all of the following: 14357

(1) The applicant's fingerprints for submission to the 14358
federal bureau of investigation, and any other governmental agency 14359
or entity authorized to receive such information, for purposes of 14360
a state, national, and international criminal history background 14361
check; 14362

(2) Personal history and experience in a form prescribed by 14363

the nationwide mortgage licensing system and registry, along with 14364
authorization for the superintendent and the nationwide mortgage 14365
licensing system and registry to obtain both of the following: 14366

(a) An independent credit report from a consumer reporting 14367
agency; 14368

(b) Information related to any administrative, civil, or 14369
criminal findings by any governmental jurisdiction. 14370

(F) The superintendent shall pay all funds advanced and 14371
application and renewal fees and penalties the superintendent 14372
receives pursuant to this section and section 1322.21 of the 14373
Revised Code to the treasurer of state to the credit of the 14374
consumer finance fund created in section 1321.21 of the Revised 14375
Code. 14376

(G) If an application for a mortgage loan originator license 14377
does not contain all of the information required under this 14378
section, and if that information is not submitted to the 14379
superintendent or to the nationwide mortgage licensing system and 14380
registry within ninety days after the superintendent or the 14381
nationwide mortgage licensing system and registry requests the 14382
information in writing, including by electronic transmission or 14383
facsimile, the superintendent may consider the application 14384
withdrawn. 14385

(H)(1) The superintendent may establish relationships or 14386
enter into contracts with the nationwide mortgage licensing system 14387
and registry, or any entities designated by it, to collect and 14388
maintain records and process transaction fees or other fees 14389
related to mortgage loan originator licenses or the persons 14390
associated with a licensee. 14391

(2) For purposes of this section and to reduce the points of 14392
contact that the federal bureau of investigation may have to 14393
maintain, the division of financial institutions may use the 14394

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. 14395
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(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. 14399
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(I) A mortgage loan originator license, or the authority granted under that license, is not assignable or transferable. 14404
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Sec. 1322.21. (A) Upon the conclusion of the investigation required under division (C) of section 1322.20 of the Revised Code, the superintendent of financial institutions shall issue a mortgage loan originator license to the applicant if the superintendent finds that the following conditions are met: 14406
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(1) The application is accompanied by the application fee and any fee required by the nationwide mortgage licensing system and registry. 14411
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(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. 14414
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(b) If a check or other draft instrument is returned to the superintendent for insufficient funds after the license has been issued, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license issued in reliance on the check or other draft instrument will be canceled unless the licensee, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the licensee 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 license shall be canceled immediately without a hearing, and the licensee shall cease activity as a loan originator.

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

(3) The applicant has not been convicted of or pleaded guilty or nolo contendere to a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(4) The applicant completed the prelicensing instruction set forth in division (B) of section 1322.20 of the Revised Code.

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

(6) The applicant is in compliance with the surety bond requirements of section 1322.32 of the Revised Code.

(7) The applicant has not had a mortgage loan originator license, or comparable authority, revoked in any governmental jurisdiction.

(B) The license issued under division (A) of this section may 14456
be renewed annually on or before the thirty-first day of December 14457
if the superintendent finds that all of the following conditions 14458
are met: 14459

(1) The renewal application is accompanied by a nonrefundable 14460
renewal fee of ~~one~~ two hundred ~~fifty~~ dollars and any fee required 14461
by the nationwide mortgage licensing system and registry. If a 14462
check or other draft instrument is returned to the superintendent 14463
for insufficient funds, the superintendent shall notify the 14464
licensee by certified mail, return receipt requested, that the 14465
license renewed in reliance on the check or other draft instrument 14466
will be canceled unless the licensee, within thirty days after 14467
receipt of the notice, submits the renewal fee and a 14468
one-hundred-dollar penalty to the superintendent. If the licensee 14469
does not submit the renewal fee and penalty within that time 14470
period, or if any check or other draft instrument used to pay the 14471
fee or penalty is returned to the superintendent for insufficient 14472
funds, the license shall be canceled immediately without a 14473
hearing, and the licensee shall cease activity as a loan 14474
originator. 14475

(2) The applicant has completed at least eight hours of 14476
continuing education as required under section 1322.28 of the 14477
Revised Code. 14478

(3) The applicant meets the conditions set forth in divisions 14479
(A)(2), (4), (5), (6), and (7) of this section. 14480

(4) The applicant has not been convicted of or pleaded guilty 14481
or nolo contendere to any of the following in a domestic, foreign, 14482
or military court: 14483

(a) During the seven-year period immediately preceding the 14484
date of the renewal application but excluding any time before the 14485
license was issued, a misdemeanor involving theft or any felony; 14486

(b) At any time between the date of the original license and 14487
the date of the renewal application, a felony involving an act of 14488
fraud, dishonesty, a breach of trust, theft, or money laundering. 14489

(5) The applicant's license is not subject to an order of 14490
suspension or an unpaid and past due fine imposed by the 14491
superintendent. 14492

(C)(1) Subject to division (C)(2) of this section, if a 14493
license renewal application fee, including any fee required by the 14494
nationwide mortgage licensing system and registry, is received by 14495
the superintendent after the thirty-first day of December, the 14496
license shall not be considered renewed, and the applicant shall 14497
cease activity as a mortgage loan originator. 14498

(2) Division (C)(1) of this section shall not apply if the 14499
applicant, not later than forty-five days after the renewal 14500
deadline, submits the renewal application and any other required 14501
fees and a ~~one hundred dollar~~ one-hundred-fifty-dollar penalty to 14502
the superintendent. 14503

(D) Mortgage originator licenses annually expire on the 14504
thirty-first day of December. 14505

(E) The pardon or expungement of a conviction shall not be 14506
considered a conviction for purposes of this section. When 14507
determining the eligibility of an applicant, the superintendent 14508
may consider the underlying crime, facts, or circumstances 14509
connected with a pardoned or expunged conviction. 14510

Sec. 1333.11. As used in sections 1333.11 to 1333.21 of the 14511
Revised Code: 14512

(A) "Cost to the retailer" means the invoice cost of 14513
cigarettes to the retailer, or the replacement cost of cigarettes 14514
to the retailer within thirty days prior to the date of sale, in 14515
the quantity last purchased, whichever is lower, less all trade 14516

discounts except customary discounts for cash, to which shall be 14517
added the cost of doing business by the retailer as evidenced by 14518
the standards and the methods of accounting regularly employed by 14519
the retailer in the retailer's allocation of overhead costs and 14520
expenses, paid or incurred. "Cost to the retailer" must include, 14521
without limitation, labor, including salaries of executives and 14522
officers, rent, depreciation, selling costs, maintenance of 14523
equipment, delivery costs, all types of licenses, insurance, 14524
advertising, and taxes, exclusive of county cigarette taxes paid 14525
or payable on the cigarettes. Where the sale to the retailer is on 14526
a cash and carry basis, the cartage to the retail outlet, if 14527
performed or paid for by the retailer, shall be added to the 14528
invoice cost of the cigarettes to the retailer. In the absence of 14529
proof of a lesser or higher cost by the retailer, the cartage cost 14530
shall be three-fourths of one per cent of the invoice cost of the 14531
cigarettes to the retailer, not including the amount added thereto 14532
by the wholesaler for the face value of state and county cigarette 14533
tax stamps affixed to each package of cigarettes. 14534

(B) In the absence of proof of a lesser or higher cost of 14535
doing business by the retailer making the sale, the cost of doing 14536
business to the retailer shall be eight per cent of the invoice 14537
cost of the cigarettes to the retailer exclusive of the face value 14538
of county cigarette taxes paid on the cigarettes or of the 14539
replacement cost of the cigarettes to the retailer within thirty 14540
days prior to the date of sale in the quantity last purchased 14541
exclusive of the face value of county cigarette taxes paid on the 14542
cigarettes, whichever is lower, less all trade discounts except 14543
customary discounts for cash. 14544

(C) "Cost to the wholesaler" means the manufacturer gross 14545
invoice cost of the cigarettes to the wholesaler, or the 14546
replacement cost of the cigarettes to the wholesaler within thirty 14547
days prior to the date of sale, in the quantity last purchased, 14548

whichever is lower, less all trade discounts except customary 14549
discounts for cash, to which shall be added a wholesaler's markup 14550
to cover in part the cost of doing business, which wholesaler's 14551
markup, in the absence of proof filed with and approved by the tax 14552
commissioner of a lesser or higher cost of doing business by the 14553
wholesaler as evidenced by the standards and methods of accounting 14554
regularly employed by the wholesaler in the wholesaler's 14555
allocation of overhead costs and expenses, paid or incurred, 14556
including without limitation, labor, salaries of executives and 14557
officers, rent, depreciation, selling costs, maintenance of 14558
equipment, delivery, delivery costs, all types of licenses, taxes, 14559
insurance, and advertising, shall be three and five-tenths per 14560
cent of such invoice cost of the cigarettes to the wholesaler, to 14561
which shall be added the full face value of state and county 14562
cigarette tax stamps affixed by the wholesaler to each package of 14563
cigarettes, or of the replacement cost of the cigarettes to the 14564
wholesaler within thirty days prior to the date of sale in the 14565
quantity last purchased, whichever is lower, less all trade 14566
discounts except customary discounts for cash. ~~Where~~ 14567

Where the sale by the wholesaler to the retailer is on a cash 14568
and carry basis, the wholesaler may, in the absence of proof of a 14569
lesser or higher cost filed with and approved by the tax 14570
commissioner, allow to the retailer an amount not to exceed 14571
three-fourths of one per cent of the "cost to the wholesaler" 14572
excluding the amount added thereto for the face value of state and 14573
county cigarette tax stamps affixed to each package of cigarettes. 14574

The tax commissioner may require a wholesaler who is filing 14575
proof of a lesser or higher cost of doing business under this 14576
section to have an independent certified public accountant certify 14577
that the calculation of the wholesaler's cost of doing business 14578
has been made in accordance with generally accepted accounting 14579
principles. The commissioner also may request, and upon such a 14580

request the wholesaler shall provide, any additional information 14581
the commissioner considers necessary during review of the filing. 14582
The commissioner shall deny the wholesaler's request for a new 14583
cost of doing business if the wholesaler fails to provide such 14584
information. The commissioner shall approve or deny the 14585
wholesaler's request within ninety days after receipt of the 14586
original filing or of the filing of requested additional 14587
information, whichever is later. A denial is subject to appeal 14588
under section 5717.02 of the Revised Code. 14589

(D) Any person licensed to sell cigarettes as both a 14590
wholesaler and a retailer, who does sell cigarettes at retail, 14591
shall, in determining "cost to the retailer", first compute "cost 14592
to the wholesaler" as provided in division (C) of this section; 14593
that "cost to the wholesaler" shall then be used in lieu of the 14594
lower of either invoice cost or replacement cost less all trade 14595
discounts except customary discounts for cash in computing "cost 14596
to the retailer" as provided in divisions (A) and (B) of this 14597
section. 14598

(E) In all advertisements, offers for sale, or sales 14599
involving two or more items at a combined price and in all 14600
advertisements, offers for sale, or sales involving the giving of 14601
any concession of any kind, whether it be coupons or otherwise, 14602
the retailer's or wholesaler's selling price shall not be below 14603
the "cost to the retailer" or the "cost to wholesaler", 14604
respectively, of all articles, products, commodities, and 14605
concessions included in such transactions. 14606

(F)(1) "Sell at retail," "sales at retail," and "retail 14607
sales" include any transfer of title to tangible personal property 14608
for a valuable consideration made, in the ordinary course of trade 14609
or usual prosecution of the seller's business, to the purchaser 14610
for consumption or use. 14611

(2) "Sell at wholesale," "sales at wholesale," and "wholesale 14612

sales" include any such transfer of title to tangible personal 14613
property for the purpose of resale. 14614

(G) "Retailer" includes any person who is permitted to sell 14615
cigarettes at retail within this state under section 5743.15 of 14616
the Revised Code. 14617

(H) "Wholesaler" includes any person who is permitted to sell 14618
cigarettes at wholesale within this state under that section. 14619

(I) "Person" includes individuals, corporations, 14620
partnerships, associations, joint-stock companies, business 14621
trusts, unincorporated organizations, receivers, or trustees. 14622

(J) "County cigarette taxes" means the taxes levied under 14623
section 5743.021, 5743.024, or 5743.026 of the Revised Code. 14624

Sec. 1333.12. No retailer shall, with intent to injure 14625
competitors, destroy substantially or lessen competition, 14626
advertise, offer to sell, or sell at retail cigarettes at less 14627
than cost to the retailer. ~~No~~ 14628

No wholesaler shall ~~recklessly~~, with intent to injure 14629
competitors, ~~or~~ destroy substantially or lessen competition, 14630
advertise, offer to sell, or sell at wholesale cigarettes at less 14631
than cost to the wholesaler, unless the lower cost has been 14632
approved by the tax commissioner pursuant to division (C) of 14633
section 1333.11 of the Revised Code. 14634

Evidence of advertisement, offering to sell, or sale of 14635
cigarettes by any retailer or wholesaler at less than cost to ~~him~~ 14636
the wholesaler or retailer, is prima-facie evidence of intent to 14637
injure competitors, ~~or~~ destroy substantially or lessen 14638
competition. 14639

Sec. 1333.13. When one wholesaler sells cigarettes to another 14640
wholesaler, the selling wholesaler shall not be required to 14641

include in the selling price the cost to the wholesaler who is the 14642
seller, as defined in division (C) of section 1333.11 of the 14643
Revised Code. Upon resale to a retailer, the purchasing wholesaler 14644
shall be deemed to be the wholesaler and shall be governed by 14645
division (C) of section 1333.11 of the Revised Code. 14646

Sec. 1333.14. Sections 1333.11 to 1333.21, inclusive, of the 14647
Revised Code do not apply to sales at retail or sales at wholesale 14648
made in any of the following circumstances, provided prior 14649
approval of the tax commissioner is obtained: 14650

(A) In an isolated transaction and not in the usual course of 14651
business; 14652

(B) Where cigarettes are advertised, offered for sale, or 14653
sold in bona fide clearance sales for the purpose of discontinuing 14654
trade in such cigarettes, and said advertising, offer to sell, or 14655
sale states the reason thereof and the quantity of such cigarettes 14656
advertised, offered for sale, or to be sold; 14657

(C) Where cigarettes are advertised, offered for sale, or 14658
sold as imperfect or damaged and said advertising, offer to sell, 14659
or sale states the reason thereof and the quantity of such 14660
cigarettes advertised, offered for sale, or to be sold; 14661

(D) Where cigarettes are sold upon the complete final 14662
liquidation of a business; 14663

(E) Where cigarettes are advertised, offered for sale, or 14664
sold by any fiduciary or other officer acting under the order or 14665
direction of any court. 14666

Sec. 1333.15. Any retailer or wholesaler may advertise, offer 14667
to sell, or sell cigarettes at a price made in good faith to meet 14668
the prices of a competitor who is selling the same article at cost 14669
to ~~him~~ the competitor as a wholesaler or retailer. A wholesaler 14670
may meet the price of a competitor that is less than the cost to 14671

the wholesaler only if the competitor's lower cost has been 14672
approved by the tax commissioner pursuant to division (C) of 14673
section 1333.11 of the Revised Code. The prices of cigarettes 14674
advertised, offered for sale, or sold under the exemptions 14675
specified in section 1333.14 of the Revised Code shall not be 14676
considered the price of a competitor and used as a basis for 14677
establishing prices below cost, nor shall prices established at 14678
bankrupt sales be considered as prices of a competitor under this 14679
section. 14680

Sec. 1503.03. The chief of the division of forestry shall 14681
cooperate with all state operated universities and the department 14682
of agriculture. The chief, with the approval of the director of 14683
natural resources, may purchase or acquire by gift, donations, or 14684
contributions any interest in land suitable for forestry purposes. 14685
The chief may enter into agreements with the federal government or 14686
other agencies for the acquisition, by lease, purchase, or 14687
otherwise, of such lands as in the judgment of the chief and 14688
director are desirable for state forests, building sites, or 14689
nursery lands. The chief may expend funds, not otherwise 14690
obligated, for the management, development, and utilization of 14691
such lands. 14692

The chief, with the approval of the director of natural 14693
resources, may acquire by lease, purchase, gift, or otherwise, in 14694
the name of the state, forested or other lands in the state 14695
suitable for the growth of forest trees to the amount of the 14696
appropriation for that purpose. The chief shall prepare and submit 14697
to the director of natural resources maps and descriptions of such 14698
areas including and adjacent to the existing state forest lands, 14699
the lands within which, not at the time belonging to the state, 14700
are properly subject to purchase as state forest lands for reasons 14701
of protection, utilization, and administration. When such an area 14702
is approved by the director of natural resources, it shall be 14703

known as a state forest purchase area and the map and description, 14704
with the approval of the director of natural resources indorsed 14705
thereon, shall be filed in duplicate with the ~~auditor of state~~ 14706
director of administrative services and the attorney general. 14707

All lands purchased for forest purposes shall be deeded to 14708
the state, but the purchase price of such lands shall not be paid 14709
until the title thereof has been approved by the attorney general. 14710
The price of such lands shall not exceed the appropriation for 14711
such purposes. 14712

Sec. 1503.05. (A) The chief of the division of forestry may 14713
sell timber and other forest products from the state forest ~~and,~~ 14714
state forest nurseries, and federal lands in accordance with the 14715
terms of an agreement under section 1503.271 of the Revised Code 14716
whenever the chief considers such a sale desirable ~~and, with.~~ With 14717
the approval of the attorney general and the director of natural 14718
resources, the chief may sell portions of the state forest lands 14719
when such a sale is advantageous to the state. 14720

(B) Except as otherwise provided in this section, a timber 14721
sale agreement shall not be executed unless the person or 14722
governmental entity bidding on the sale executes and files a 14723
surety bond conditioned on completion of the timber sale in 14724
accordance with the terms of the agreement in an amount determined 14725
by the chief. All bonds shall be given in a form prescribed by the 14726
chief and shall run to the state as obligee. 14727

The chief shall not approve any bond until it is personally 14728
signed and acknowledged by both principal and surety, or as to 14729
either by the attorney in fact thereof, with a certified copy of 14730
the power of attorney attached. The chief shall not approve the 14731
bond unless there is attached a certificate of the superintendent 14732
of insurance that the company is authorized to transact a fidelity 14733
and surety business in this state. 14734

In lieu of a bond, the bidder may deposit any of the following: 14735
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(1) Cash in an amount equal to the amount of the bond; 14737

(2) United States government securities having a par value equal to or greater than the amount of the bond; 14738
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(3) Negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond. 14740
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The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate or certificates of deposit. 14744
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Immediately upon a deposit of cash, securities, certificates of deposit, or letters of credit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of the deposits. A bidder making a deposit of cash, securities, certificates of deposit, or letters of credit may withdraw and receive from the treasurer of state, on the written order of the chief, all or any portion of the cash, securities, certificates of deposit, or letters of credit upon depositing with the treasurer of state cash, other United States government securities, or other negotiable certificates of deposit or irrevocable letters of credit issued by 14754
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any bank organized or transacting business in this state, equal in 14766
par value to the par value of the cash, securities, certificates 14767
of deposit, or letters of credit withdrawn. 14768

A bidder may demand and receive from the treasurer of state 14769
all interest or other income from any such securities or 14770
certificates as it becomes due. If securities so deposited with 14771
and in the possession of the treasurer of state mature or are 14772
called for payment by their issuer, the treasurer of state, at the 14773
request of the bidder who deposited them, shall convert the 14774
proceeds of the redemption or payment of the securities into other 14775
United States government securities, negotiable certificates of 14776
deposit, or cash as the bidder designates. 14777

When the chief finds that a person or governmental agency has 14778
failed to comply with the conditions of the person's or 14779
governmental agency's bond, the chief shall make a finding of that 14780
fact and declare the bond, cash, securities, certificates, or 14781
letters of credit forfeited. The chief thereupon shall certify the 14782
total forfeiture to the attorney general, who shall proceed to 14783
collect the amount of the bond, cash, securities, certificates, or 14784
letters of credit. 14785

In lieu of total forfeiture, the surety, at its option, may 14786
cause the timber sale to be completed or pay to the treasurer of 14787
state the cost thereof. 14788

All ~~moneys~~ money collected as a result of forfeitures of 14789
bonds, cash, securities, certificates, and letters of credit under 14790
this section shall be credited to the state forest fund created in 14791
this section. 14792

(C) The chief may grant easements and leases on portions of 14793
the state forest lands and state forest nurseries under terms that 14794
are advantageous to the state, and the chief may grant mineral 14795
rights on a royalty basis on those lands and nurseries, with the 14796

approval of the attorney general and the director. 14797

(D) All ~~moneys~~ money received from the sale of state forest 14798
lands, or in payment for easements or leases on or as rents from 14799
those lands or from state forest nurseries, shall be paid into the 14800
state treasury to the credit of the state forest fund, which is 14801
hereby created. In addition, all ~~moneys~~ money received from 14802
federal grants, payments, and reimbursements, from the sale of 14803
reforestation tree stock, from the sale of forest products, other 14804
than standing timber, and from the sale of minerals taken from the 14805
state forest lands and state forest nurseries, together with 14806
royalties from mineral rights, shall be paid into the state 14807
treasury to the credit of the state forest fund. Any other 14808
revenues derived from the operation of the state forests and 14809
related facilities or equipment also shall be paid into the state 14810
treasury to the credit of the state forest fund, as shall 14811
contributions received for the issuance of Smokey Bear license 14812
plates under section 4503.574 of the Revised Code and any other 14813
~~moneys~~ money required by law to be deposited in the fund. Any 14814
revenue generated from agreements entered into under section 14815
1503.271 of the Revised Code shall be deposited in the fund. 14816

The state forest fund shall not be expended for any purpose 14817
other than the administration, operation, maintenance, 14818
development, or utilization of the state forests, forest 14819
nurseries, and forest programs~~;~~i for facilities or equipment 14820
incident to them~~;~~i for the further purchase of lands for state 14821
forest or forest nursery purposes~~;~~or~~i~~ for wildfire suppression 14822
payments ~~and~~; for fire prevention purposes in the case of 14823
contributions received pursuant to section 4503.574 of the Revised 14824
Code~~;~~ for fire prevention purposes; or for forest management 14825
projects associated with federal lands in the case of revenues 14826
received pursuant to agreements entered into under section 14827
1503.271 of the Revised Code. 14828

(E) All ~~moneys~~ money received from the sale of standing 14829
timber taken from state forest lands and state forest nurseries 14830
shall be deposited into the state treasury to the credit of the 14831
forestry holding account redistribution fund, which is hereby 14832
created. The ~~moneys~~ money shall remain in the fund until they are 14833
redistributed in accordance with this division. 14834

The redistribution shall occur at least once each year. To 14835
begin the redistribution, the chief first shall determine the 14836
amount of all standing timber sold from state forest lands and 14837
state forest nurseries, together with the amount of the total sale 14838
proceeds, in each county, in each township within the county, and 14839
in each school district within the county. The chief next shall 14840
determine the amount of the direct costs that the division of 14841
forestry incurred in association with the sale of that standing 14842
timber. The amount of the direct costs shall be subtracted from 14843
the amount of the total sale proceeds and shall be transferred 14844
from the forestry holding account redistribution fund to the state 14845
forest fund. 14846

The remaining amount of the total sale proceeds equals the 14847
net value of the standing timber that was sold. The chief shall 14848
determine the net value of standing timber sold from state forest 14849
lands and state forest nurseries in each county, in each township 14850
within the county, and in each school district within the county 14851
and shall send to each county treasurer a copy of the 14852
determination at the time that ~~moneys are~~ money is paid to the 14853
county treasurer under this division. 14854

Thirty-five per cent of the net value of standing timber sold 14855
from state forest lands and state forest nurseries located in a 14856
county shall be transferred from the forestry holding account 14857
redistribution fund to the state forest fund. The remaining 14858
sixty-five per cent of the net value shall be transferred from the 14859
forestry holding account redistribution fund and paid to the 14860

county treasurer for the use of the general fund of that county. 14861

The county auditor shall do all of the following: 14862

(1) Retain for the use of the general fund of the county 14863
one-fourth of the amount received by the county under division 14864
~~(D)~~(E) of this section; 14865

(2) Pay into the general fund of any township located within 14866
the county and containing such lands and nurseries one-fourth of 14867
the amount received by the county from standing timber sold from 14868
lands and nurseries located in the township; 14869

(3) Request the board of education of any school district 14870
located within the county and containing such lands and nurseries 14871
to identify which fund or funds of the district should receive the 14872
~~moneys~~ money available to the school district under division 14873
~~(D)~~~~(3)~~(E)(3) of this section. After receiving notice from the 14874
board, the county auditor shall pay into the fund or funds so 14875
identified one-half of the amount received by the county from 14876
standing timber sold from lands and nurseries located in the 14877
school district, distributed proportionately as identified by the 14878
board. 14879

The division of forestry shall not supply logs, lumber, or 14880
other forest products or minerals, taken from the state forest 14881
lands or state forest nurseries, to any other agency or 14882
subdivision of the state unless payment is made therefor in the 14883
amount of the actual prevailing value thereof. This section is 14884
applicable to the ~~moneys~~ money so received. 14885

~~(E)~~(F) The chief may enter into a personal service contract 14886
for consulting services to assist the chief with the sale of 14887
timber or other forest products and related inventory. 14888
Compensation for consulting services shall be paid from the 14889
proceeds of the sale of timber or other forest products and 14890
related inventory that are the subject of the personal service 14891

contract. 14892

Sec. 1503.141. (A) As used in this section, "firefighting agency" and "private fire company" have the same meanings as in section 9.60 of the Revised Code. 14893
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(B) Each fiscal year, the director of natural resources or 14896
the director's designee shall designate not more than two hundred 14897
thousand dollars in the state forest fund created in section 14898
1503.05 of the Revised Code for wildfire suppression payments. The 14899
amount designated shall consist only of money credited to the fund 14900
from the sale of standing timber taken from state forest lands as 14901
set forth in that section. 14902

(C) The director or the director's designee may use money 14903
designated for wildfire suppression payments to reimburse 14904
firefighting agencies and private fire companies for their costs 14905
incurred in the suppression of wildfires in counties within fire 14906
protection areas established under section 1503.08 of the Revised 14907
Code where there is a state forest or national forest, or portion 14908
thereof. The director or the director's designee may provide such 14909
reimbursement in additional counties. The director or the 14910
director's designee shall provide such reimbursement pursuant to 14911
agreements and contracts entered into under section 1503.14 of the 14912
Revised Code and in accordance with the following schedule: 14913

~~(A)~~(1) For wildfire suppression on private land, an initial 14914
seventy-dollar payment to the firefighting agency or private fire 14915
company; 14916

~~(B)~~(2) For wildfire suppression on land under the 14917
administration or care of the department of natural resources or 14918
on land that is part of any national forest administered by the 14919
United States department of agriculture forest service, an initial 14920
one-hundred-dollar payment to the firefighting agency or private 14921
fire company; 14922

~~(C)(3)~~ For any wildfire suppression on land specified in 14923
division ~~(A)(C)(1)~~ or ~~(B)(2)~~ of this section lasting more than two 14924
hours, an additional payment of thirty-five dollars per hour. 14925

~~As used in this section, "firefighting agency" and "private~~ 14926
~~fire company" have the same meanings as in section 9.60 of the~~ 14927
~~Revised Code (D) For wildfire suppression, prescribed fire~~ 14928
~~assistance, or emergency response support to federal agencies, the~~ 14929
~~division may reimburse costs in addition to the amounts set forth~~ 14930
~~in division (C) of this section provided those costs are eligible~~ 14931
~~in accordance with an agreement under section 1503.27 of the~~ 14932
~~Revised Code.~~ 14933

Sec. 1503.271. The chief of the division of forestry may 14934
enter into agreements with the federal government under 16 U.S.C. 14935
2113a or other applicable federal statutes for the purpose of 14936
forest management projects, including timber sales. 14937

Sec. 1503.33. In order to further cooperation with other 14938
states and with federal agencies, the chief of the division of 14939
forestry, with the approval of the director of natural resources, 14940
may request assistance and aid from and may provide assistance and 14941
aid to other states, groups of states, and federal agencies in the 14942
protection of forests from forest fires and may enter into 14943
agreements for that purpose. Upon the request of another state, 14944
the chief may send to or receive from that state such personnel, 14945
equipment, and supplies as may be available and appropriate for 14946
use in accordance with the terms of the applicable agreement. 14947

Employees of the ~~division~~ department of natural resources and 14948
the department of commerce serving outside the state under the 14949
terms of an agreement entered into under this section shall be 14950
considered as performing services within their regular employment 14951
for the purposes of compensation, pension or indemnity fund 14952

rights, workers' compensation, and other rights or benefits to 14953
which they may be entitled as incidents of their regular 14954
employment. Such employees retain personal immunity from civil 14955
liability as specified in section 9.86 of the Revised Code. 14956

Sec. 1505.09. (A) There is hereby created in the state 14957
treasury the geological mapping fund, to be administered by the 14958
chief of the division of geological survey. Except as provided in 14959
~~divisions~~ division (C) and ~~(D)~~ of this section, the fund shall be 14960
used for ~~both~~ any of the following purposes: 14961

(1) Performing the necessary field, laboratory, and 14962
administrative tasks to map and make public reports on the 14963
geology, geologic hazards, and energy and mineral resources of the 14964
state; 14965

(2) The administration of the oil and gas ~~leasing~~ land 14966
management commission created in section ~~1509.71~~ 155.31 of the 14967
Revised Code; 14968

(3) To award grants to geology departments at state colleges 14969
and universities for undergraduate or graduate level research 14970
conducted at locations of geological interest in the state. The 14971
chief shall award grants at least annually, but at the chief's 14972
discretion, may award grants more frequently; 14973

(4) To provide materials such as rock and mineral kits to 14974
state elementary and secondary schools to assist students in the 14975
study of geology. 14976

(B) The sources of money for the fund shall include all of 14977
the following: 14978

(1) The mineral severance tax as specified in section 5749.02 14979
of the Revised Code; 14980

(2) Transfers made to the fund in accordance with section 14981
6111.046 of the Revised Code; 14982

~~(3) Contributions that a person pays to the bureau of motor vehicles to obtain "Ohio geology" license plates under section 4503.515 of the Revised Code;~~ 14983
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~~(4) The fees collected under rules adopted under section 1505.05 of the Revised Code.~~ 14986
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The chief may seek federal or other money in addition to the mineral severance tax and fees to carry out the purposes of this section. If the chief receives federal money for the purposes of this section, the chief shall deposit that money into the state treasury to the credit of a fund created by the controlling board to carry out those purposes. 14988
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Other money received by the chief for the purposes of this section in addition to the mineral severance tax, fees, and federal money shall be credited to the geological mapping fund. 14994
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(C) Any money transferred to the geological mapping fund in accordance with section 6111.046 of the Revised Code shall be used by the chiefs of the divisions of mineral resources management, oil and gas resources management, geological survey, and water resources in the department of natural resources for the purpose of executing their duties under sections 6111.043 to 6111.047 of the Revised Code. 14997
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~~(D) The director of natural resources shall use contributions from "Ohio geology" license plates deposited into the fund for both of the following purposes in order of preference:~~ 15004
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~~(1) To award grants to geology departments at state colleges and universities for graduate level research conducted at locations of geological interest in the state;~~ 15007
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~~(2) To provide materials such as rock and mineral kits to state elementary and secondary schools to assist students in the study of geology.~~ 15010
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~~The director shall award grants at least annually, but at the~~ 15013
~~director's discretion, may award grants more frequently.~~ 15014

Sec. 1509.12. (A) ~~(1) No owner of any well~~ person shall 15015
construct or operate a well, ~~or permit defective casing in a well~~ 15016
~~to leak fluids or gases~~, that causes damage to other permeable 15017
strata, underground sources of drinking water, or the surface of 15018
the land or that threatens the public health and safety or the 15019
environment. ~~Upon~~ 15020

(2) No owner of a well shall permit defective casing in a 15021
well to leak fluids or gases. 15022

(3) Upon the discovery that the casing in a well is defective 15023
or that a well was not adequately constructed, the person that 15024
constructed the well or owner of the well shall notify the chief 15025
of the division of oil and gas resources management within 15026
twenty-four hours of the discovery, and ~~the owner~~ shall 15027
immediately repair the casing, correct the construction 15028
inadequacies, or plug and abandon the well. 15029

(B) When the chief finds that a well should be plugged, the 15030
chief shall notify the person that constructed the well or owner 15031
of the well to that effect by order in writing and shall specify 15032
in the order a reasonable time within which to comply. No ~~owner~~ 15033
person shall fail or refuse to plug a well within the time 15034
specified in the order. Each day on which such a well remains 15035
unplugged thereafter constitutes a separate offense. 15036

Where the plugging method prescribed by rules adopted 15037
pursuant to section 1509.15 of the Revised Code cannot be applied 15038
or if applied would be ineffective in carrying out the protection 15039
that the law is meant to give, the chief may designate a different 15040
method of plugging. The abandonment report shall show the manner 15041
in which the well was plugged. 15042

(C) In case of oil or gas wells abandoned prior to September 1, 1978, the board of county commissioners of the county in which the wells are located may submit to the electors of the county the question of establishing a special fund, by general levy, by general bond issue, or out of current funds, which shall be approved by a majority of the electors voting upon that question for the purpose of plugging the wells. The fund shall be administered by the board and the plugging of oil and gas wells shall be under the supervision of the chief, and the board shall let contracts for that purpose, provided that the fund shall not be used for the purpose of plugging oil and gas wells that were abandoned subsequent to September 1, 1978.

Sec. 1509.13. (A) ~~No~~ (1) Except as otherwise provided in division (A)(2) of this section and division (E)(1) of section 1509.071 of the Revised Code, no person shall plug and abandon a well without having a permit to do so issued by the chief of the division of oil and gas resources management. The permit shall be issued by the chief in accordance with this chapter and shall be valid for a period of twenty-four months from the date of issue.

(2) The holder of a valid permit issued under section 1509.06 of the Revised Code may receive approval from an oil and gas resources inspector to plug and abandon the well associated with that permit, without obtaining the permit required under division (A) of this section, if either of the following apply:

(a) The well was drilled to total depth and the well cannot or will not be completed.

(b) The well is a lost hole or dry hole.

(3) A permit holder plugging a well pursuant to division (A)(2)(a) of this section shall plug the well within thirty days of receipt of approval from the oil and gas resources inspector.

(4) A permit holder plugging a well pursuant to division (A)(2)(b) of this section shall plug the well immediately after determining that the well is a lost hole or dry hole in accordance with rules adopted under this chapter. 15073
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(B) ~~Application by the owner~~ The application for a permit to plug and abandon shall be filed as many days in advance as will be necessary for an oil and gas resources inspector or, if the well is located in a coal bearing township, both a deputy mine inspector and an oil and gas resources inspector to be present at the plugging. The application shall be filed with the chief upon a form that the chief prescribes and shall contain the following information: 15077
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(1) The name and address of the ~~owner~~ applicant; 15085

(2) The signature of the ~~owner~~ applicant or the ~~owner's~~ applicant's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as that agent. 15086
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(3) The location of the well identified by section or lot number, city, village, township, and county; 15090
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(4) Designation of well by name and number; 15092

(5) The total depth of the well to be plugged; 15093

(6) The date and amount of last production from the well; 15094

(7) Other ~~data~~ information that the chief may require. 15095

(C) Except as otherwise provided in division (E)(2)(a) of section 1509.071 of the Revised Code, ~~if oil or gas has been produced from the well,~~ the application shall be accompanied by a nonrefundable fee of two hundred fifty dollars. ~~If a well has been drilled in accordance with law and the permit is still valid, the permit holder may receive approval to plug the well from an oil and gas resources inspector so that the well can be plugged and~~ 15096
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~~abandoned without undue delay.~~ Unless waived by an oil and gas 15103
resources inspector, the owner of a well or the owner's authorized 15104
representative shall notify an oil and gas resources inspector at 15105
least twenty-four hours prior to the commencement of the plugging 15106
of a well. No well shall be plugged and abandoned without an oil 15107
and gas resources inspector present unless permission has been 15108
granted by the chief. The owner of a well that has produced oil or 15109
gas shall give written notice at the same time to the owner of the 15110
land upon which the well is located and to all lessors that 15111
receive gas from the well pursuant to ~~a lease~~ an agreement. If the 15112
well penetrates or passes within one hundred feet of the 15113
excavations and workings of a mine, the owner of the well shall 15114
give written notice to the owner or lessee of that mine, ~~of the~~ 15115
~~well owner's~~ intention to abandon the well and of the time when 15116
the ~~well~~ owner of the well will be prepared to commence plugging 15117
it. 15118

(D) An applicant may file a request with the chief for 15119
expedited review of an application for a permit to plug and 15120
abandon a well. The chief may refuse to accept a request for 15121
expedited review if, in the chief's judgment, acceptance of the 15122
request will prevent the issuance, within twenty-one days of 15123
filing, of permits for which applications filed under section 15124
1509.06 of the Revised Code are pending. In addition to a complete 15125
application for a permit that meets the requirements of this 15126
section and the permit fee prescribed by this section, if 15127
applicable, a request shall be accompanied by a nonrefundable 15128
filing fee of five hundred dollars unless the chief has ordered 15129
the applicant to plug and abandon the well. When a request for 15130
expedited review is filed, the chief shall immediately begin to 15131
process the application and shall issue a permit within seven days 15132
of the filing of the request unless the chief, by order, denies 15133
the application. 15134

(E) This (1) Except as otherwise provided in division (E)(2) 15135
of this section, any person undertaking the plugging of a well for 15136
which a permit has been issued under this section shall obtain 15137
insurance for bodily injury coverage and property damage coverage 15138
in the amount established under section 1509.07 of the Revised 15139
Code to pay for damages or injury to property or person, including 15140
damages caused by the plugging of the well. The person shall 15141
electronically submit proof of insurance to the chief upon the 15142
chief's request. 15143

(2) Division (E)(1) of this section does not apply to a 15144
person already required to maintain an insurance policy under 15145
section 1509.07 of the Revised Code. 15146

(F) This section does not apply to a well plugged or 15147
abandoned in compliance with section 1571.05 of the Revised Code. 15148

Sec. 1509.28. (A) The chief of the division of oil and gas 15149
resources management, upon the chief's own motion or upon 15150
application by the owners of sixty-five per cent of the land area 15151
overlying the pool, shall hold a hearing to consider the need for 15152
the operation as a unit of an entire pool or part thereof. In 15153
calculating the sixty-five per cent, an owner's entire interest in 15154
each tract in the proposed unit area, including any divided, 15155
undivided, partial, fee, or other interest in the tract, shall be 15156
included to the fullest extent of that interest. An application by 15157
owners shall be accompanied by a nonrefundable fee of ten thousand 15158
dollars and by such information as the chief may request. 15159

The chief shall make an order providing for the unit 15160
operation of a pool or part thereof if the chief finds that such 15161
operation is reasonably necessary to increase substantially the 15162
ultimate recovery of oil and gas, and the value of the estimated 15163
additional recovery of oil or gas exceeds the estimated additional 15164
cost incident to conducting the operation. The order shall be upon 15165

terms and conditions that are just and reasonable and shall 15166
prescribe a plan for unit operations that shall include: 15167

(1) A description of the unitized area, termed the unit area; 15168

(2) A statement of the nature of the operations contemplated; 15169

(3) An allocation to the separately owned tracts in the unit 15170
area of all the oil and gas that is produced from the unit area 15171
and is saved, being the production that is not used in the conduct 15172
of operations on the unit area or not unavoidably lost. The 15173
allocation shall be in accord with the agreement, if any, of the 15174
interested parties. If there is no such agreement, the chief shall 15175
determine the value, from the evidence introduced at the hearing, 15176
of each separately owned tract in the unit area, exclusive of 15177
physical equipment, for development of oil and gas by unit 15178
operations, and the production allocated to each tract shall be 15179
the proportion that the value of each tract so determined bears to 15180
the value of all tracts in the unit area. 15181

(4) A provision for the credits and charges to be made in the 15182
adjustment among the owners in the unit area for their respective 15183
investments in wells, tanks, pumps, machinery, materials, and 15184
equipment contributed to the unit operations; 15185

(5) A provision providing how the expenses of unit 15186
operations, including capital investment, shall be determined and 15187
charged to the separately owned tracts and how the expenses shall 15188
be paid; 15189

(6) A provision, if necessary, for carrying or otherwise 15190
financing any person who is unable to meet the person's financial 15191
obligations in connection with the unit, allowing a reasonable 15192
interest charge for such service; 15193

(7) A provision for the supervision and conduct of the unit 15194
operations, in respect to which each person shall have a vote with 15195
a value corresponding to the percentage of the expenses of unit 15196

operations chargeable against the interest of that person; 15197

(8) The time when the unit operations shall commence, and the 15198
manner in which, and the circumstances under which, the unit 15199
operations shall terminate; 15200

(9) Such additional provisions as are found to be appropriate 15201
for carrying on the unit operations, and for the protection or 15202
adjustment of correlative rights. 15203

(B) No order of the chief providing for unit operations shall 15204
become effective unless and until the plan for unit operations 15205
prescribed by the chief has been approved in writing by those 15206
owners who, under the chief's order, will be required to pay at 15207
least sixty-five per cent of the costs of the unit operation, and 15208
also by the royalty or, with respect to unleased acreage, fee 15209
owners of sixty-five per cent of the acreage to be included in the 15210
unit. If the plan for unit operations has not been so approved by 15211
owners and royalty owners at the time the order providing for unit 15212
operations is made, the chief shall upon application and notice 15213
hold such supplemental hearings as may be required to determine if 15214
and when the plan for unit operations has been so approved. If the 15215
owners and royalty owners, or either, owning the required 15216
percentage of interest in the unit area do not approve the plan 15217
for unit operations within a period of six months from the date on 15218
which the order providing for unit operations is made, the order 15219
shall cease to be of force and shall be revoked by the chief. 15220

An order providing for unit operations may be amended by an 15221
order made by the chief, in the same manner and subject to the 15222
same conditions as an original order providing for unit 15223
operations, provided that: 15224

(1) If such an amendment affects only the rights and 15225
interests of the owners, the approval of the amendment by the 15226
royalty owners shall not be required. 15227

(2) No such order of amendment shall change the percentage 15228
for allocation of oil and gas as established for any separately 15229
owned tract by the original order, except with the consent of all 15230
persons owning interest in the tract. 15231

The chief, by an order, may provide for the unit operation of 15232
a pool or a part thereof that embraces a unit area established by 15233
a previous order of the chief. Such an order, in providing for the 15234
allocation of unit production, shall first treat the unit area 15235
previously established as a single tract, and the portion of the 15236
unit production so allocated thereto shall then be allocated among 15237
the separately owned tracts included in the previously established 15238
unit area in the same proportions as those specified in the 15239
previous order. 15240

Oil and gas allocated to a separately owned tract shall be 15241
deemed, for all purposes, to have been actually produced from the 15242
tract, and all operations, including, but not limited to, the 15243
commencement, drilling, operation of, or production from a well 15244
upon any portion of the unit area shall be deemed for all purposes 15245
the conduct of such operations and production from any lease or 15246
contract for lands any portion of which is included in the unit 15247
area. The operations conducted pursuant to the order of the chief 15248
shall constitute a fulfillment of all the express or implied 15249
obligations of each lease or contract covering lands in the unit 15250
area to the extent that compliance with such obligations cannot be 15251
had because of the order of the chief. 15252

Oil and gas allocated to any tract, and the proceeds from the 15253
sale thereof, shall be the property and income of the several 15254
persons to whom, or to whose credit, the same are allocated or 15255
payable under the order providing for unit operations. 15256

No order of the chief or other contract relating to the sale 15257
or purchase of production from a separately owned tract shall be 15258
terminated by the order providing for unit operations, but shall 15259

remain in force and apply to oil and gas allocated to the tract 15260
until terminated in accordance with the provisions thereof. 15261

Notwithstanding divisions (A) to ~~(H)~~(G) of section ~~1509.73~~ 15262
155.33 of the Revised Code and rules adopted under it, the chief 15263
shall issue an order for the unit operation of a pool or a part of 15264
a pool that encompasses a unit area for which all or a portion of 15265
the mineral rights are owned by the department of transportation. 15266

Except to the extent that the parties affected so agree, no 15267
order providing for unit operations shall be construed to result 15268
in a transfer of all or any part of the title of any person to the 15269
oil and gas rights in any tract in the unit area. All property, 15270
whether real or personal, that may be acquired for the account of 15271
the owners within the unit area shall be the property of such 15272
owners in the proportion that the expenses of unit operations are 15273
charged. 15274

Sec. 1513.08. (A) After a coal mining and reclamation permit 15275
application has been approved, the applicant shall file with the 15276
chief of the division of mineral resources management, on a form 15277
prescribed and furnished by the chief, the performance security 15278
required under this section that shall be payable to the state and 15279
conditioned on the faithful performance of all the requirements of 15280
this chapter and rules adopted under it and the terms and 15281
conditions of the permit. 15282

(B) Using the information contained in the permit 15283
application; the requirements contained in the approved permit and 15284
reclamation plan; and, after considering the topography, geology, 15285
hydrology, and revegetation potential of the area of the approved 15286
permit, the probable difficulty of reclamation; the chief shall 15287
determine the estimated cost of reclamation under the initial term 15288
of the permit if the reclamation has to be performed by the 15289
division of mineral resources management in the event of 15290

forfeiture of the performance security by the applicant. The chief 15291
shall send written notice of the amount of the estimated cost of 15292
reclamation by certified mail to the applicant. The applicant 15293
shall send written notice to the chief indicating the method by 15294
which the applicant will provide the performance security pursuant 15295
to division (C) of this section. 15296

(C) The applicant shall provide the performance security in 15297
an amount using one of the following: 15298

(1) If the applicant elects to provide performance security 15299
without reliance on the reclamation forfeiture fund created in 15300
section 1513.18 of the Revised Code, the amount of the estimated 15301
cost of reclamation as determined by the chief under division (B) 15302
of this section for the increments of land on which the operator 15303
will conduct a coal mining and reclamation operation under the 15304
initial term of the permit as indicated in the application; 15305

(2) If the applicant elects to provide performance security 15306
together with reliance on the reclamation forfeiture fund through 15307
payment of the additional tax on the severance of coal that is 15308
levied under division (A)(8) of section 5749.02 of the Revised 15309
Code, an amount of twenty-five hundred dollars per acre of land on 15310
which the operator will conduct coal mining and reclamation under 15311
the initial term of the permit as indicated in the application. 15312
~~However, in~~ In order for an applicant to be eligible to provide 15313
performance security in accordance with division (C)(2) of this 15314
section, the applicant, an owner and controller of the applicant, 15315
or an affiliate of the applicant shall have held a permit issued 15316
under this chapter for any coal mining and reclamation operation 15317
for a period of not less than five years. ~~It~~ 15318

If a permit is transferred, assigned, or sold, the transferee 15319
is not eligible to provide performance security under division 15320
(C)(2) of this section if the transferee has not held a permit 15321
issued under this chapter for any coal mining and reclamation 15322

operation for a period of not less than five years. This 15323
restriction applies even if the status or name of the permittee 15324
otherwise remains the same after the transfer, assignment, or 15325
sale. 15326

In the event of forfeiture of performance security that was 15327
provided in accordance with division (C)(2) of this section, the 15328
difference between the amount of that performance security and the 15329
estimated cost of reclamation as determined by the chief under 15330
division (B) of this section shall be obtained from money in the 15331
reclamation forfeiture fund as needed to complete the reclamation. 15332

The performance security provided under division (C) of this 15333
section for the entire area to be mined under one permit issued 15334
under this chapter shall not be less than ten thousand dollars. 15335

The performance security shall cover areas of land affected 15336
by mining within or immediately adjacent to the permitted area, so 15337
long as the total number of acres does not exceed the number of 15338
acres for which the performance security is provided. However, the 15339
authority for the performance security to cover areas of land 15340
immediately adjacent to the permitted area does not authorize a 15341
permittee to mine areas outside an approved permit area. As 15342
succeeding increments of coal mining and reclamation operations 15343
are to be initiated and conducted within the permit area, the 15344
permittee shall file with the chief additional performance 15345
security to cover the increments in accordance with this section. 15346
If a permittee intends to mine areas outside the approved permit 15347
area, the permittee shall provide additional performance security 15348
in accordance with this section to cover the areas to be mined. 15349

If an applicant or permittee ~~has is not held a permit issued~~ 15350
~~under this chapter for any coal mining and reclamation operation~~ 15351
~~for a period of five years or more~~ eligible to provide performance 15352
security in accordance with division (C)(2) of this section, the 15353
applicant or permittee shall provide performance security in 15354

accordance with division (C)(1) of this section in the full amount 15355
of the estimated cost of reclamation as determined by the chief 15356
for a permitted coal preparation plant or coal refuse disposal 15357
area that is not located within a permitted area of a mine. If an 15358
applicant for a permit for a coal preparation plant or coal refuse 15359
disposal area or a permittee of a permitted coal preparation plant 15360
or coal refuse disposal area that is not located within a 15361
permitted area of a mine has held a permit issued under this 15362
chapter for any coal mining and reclamation operation for a period 15363
of five years or more, the applicant or permittee may provide 15364
performance security for the coal preparation plant or coal refuse 15365
disposal area either in accordance with division (C)(1) of this 15366
section in the full amount of the estimated cost of reclamation as 15367
determined by the chief or in accordance with division (C)(2) of 15368
this section in an amount of twenty-five hundred dollars per acre 15369
of land with reliance on the reclamation forfeiture fund. If a 15370
permittee has previously provided performance security under 15371
division (C)(1) of this section for a coal preparation plant or 15372
coal refuse disposal area that is not located within a permitted 15373
area of a mine and elects to provide performance security in 15374
accordance with division (C)(2) of this section, the permittee 15375
shall submit written notice to the chief indicating that the 15376
permittee elects to provide performance security in accordance 15377
with division (C)(2) of this section. Upon receipt of such a 15378
written notice, the chief shall release to the permittee the 15379
amount of the performance security previously provided under 15380
division (C)(1) of this section that exceeds the amount of 15381
performance security that is required to be provided under 15382
division (C)(2) of this section. 15383

(D) A permittee's liability under the performance security 15384
shall be limited to the obligations established under the permit, 15385
which include completion of the reclamation plan in order to make 15386
the land capable of supporting the postmining land use that was 15387

approved in the permit. The period of liability under the 15388
performance security shall be for the duration of the coal mining 15389
and reclamation operation and for a period coincident with the 15390
operator's responsibility for revegetation requirements under 15391
section 1513.16 of the Revised Code. 15392

(E) The amount of the estimated cost of reclamation 15393
determined under division (B) of this section and the amount of a 15394
permittee's performance security provided in accordance with 15395
division (C)(1) of this section shall be adjusted by the chief as 15396
the land that is affected by mining increases or decreases or if 15397
the cost of reclamation increases or decreases. If the performance 15398
security was provided in accordance with division (C)(2) of this 15399
section and the chief has issued a cessation order under division 15400
(D)(2) of section 1513.02 of the Revised Code for failure to abate 15401
a violation of the contemporaneous reclamation requirement under 15402
division (A)(15) of section 1513.16 of the Revised Code, the chief 15403
may require the permittee to increase the amount of performance 15404
security from twenty-five hundred dollars per acre of land to five 15405
thousand dollars per acre of land. 15406

The chief shall notify the permittee, each surety, and any 15407
person who has a property interest in the performance security and 15408
who has requested to be notified of any proposed adjustment to the 15409
performance security. The permittee may request an informal 15410
conference with the chief concerning the proposed adjustment, and 15411
the chief shall provide such an informal conference. 15412

If the chief increases the amount of performance security 15413
under this division, the permittee shall provide additional 15414
performance security in an amount determined by the chief. If the 15415
chief decreases the amount of performance security under this 15416
division, the chief shall determine the amount of the reduction of 15417
the performance security and send written notice of the amount of 15418
reduction to the permittee. The permittee may reduce the amount of 15419

the performance security in the amount determined by the chief. 15420

(F) A permittee may request a reduction in the amount of the 15421
performance security by submitting to the chief documentation 15422
proving that the amount of the performance security provided by 15423
the permittee exceeds the estimated cost of reclamation if the 15424
reclamation would have to be performed by the division in the 15425
event of forfeiture of the performance security. The chief shall 15426
examine the documentation and determine whether the permittee's 15427
performance security exceeds the estimated cost of reclamation. If 15428
the chief determines that the performance security exceeds that 15429
estimated cost, the chief shall determine the amount of the 15430
reduction of the performance security and send written notice of 15431
the amount to the permittee. The permittee may reduce the amount 15432
of the performance security in the amount determined by the chief. 15433
Adjustments in the amount of performance security under this 15434
division shall not be considered release of performance security 15435
and are not subject to section 1513.16 of the Revised Code. 15436

(G) If the performance security is a bond, it shall be 15437
executed by the operator and a corporate surety licensed to do 15438
business in this state. If the performance security is a cash 15439
deposit or negotiable certificates of deposit of a bank or savings 15440
and loan association, the bank or savings and loan association 15441
shall be licensed and operating in this state. The cash deposit or 15442
market value of the securities shall be equal to or greater than 15443
the amount of the performance security required under this 15444
section. The chief shall review any documents pertaining to the 15445
performance security and approve or disapprove the documents. The 15446
chief shall notify the applicant of the chief's determination. 15447

(H) If the performance security is a bond, the chief may 15448
accept the bond of the applicant itself without separate surety 15449
when the applicant demonstrates to the satisfaction of the chief 15450
the existence of a suitable agent to receive service of process 15451

and a history of financial solvency and continuous operation 15452
sufficient for authorization to self-insure or bond the amount. 15453

(I) Performance security provided under this section may be 15454
held in trust, provided that the state is the primary beneficiary 15455
of the trust and the custodian of the performance security held in 15456
trust is a bank, trust company, or other financial institution 15457
that is licensed and operating in this state. The chief shall 15458
review the trust document and approve or disapprove the document. 15459
The chief shall notify the applicant of the chief's determination. 15460

(J) If a surety, bank, savings and loan association, trust 15461
company, or other financial institution that holds the performance 15462
security required under this section becomes insolvent, the 15463
permittee shall notify the chief of the insolvency, and the chief 15464
shall order the permittee to submit a plan for replacement 15465
performance security within thirty days after receipt of notice 15466
from the chief. If the permittee provided performance security in 15467
accordance with division (C)(1) of this section, the permittee 15468
shall provide the replacement performance security within ninety 15469
days after receipt of notice from the chief. If the permittee 15470
provided performance security in accordance with division (C)(2) 15471
of this section, the permittee shall provide the replacement 15472
performance security within one year after receipt of notice from 15473
the chief, and, for a period of one year after the permittee's 15474
receipt of notice from the chief or until the permittee provides 15475
the replacement performance security, whichever occurs first, 15476
money in the reclamation forfeiture fund shall be the permittee's 15477
replacement performance security in an amount not to exceed the 15478
estimated cost of reclamation as determined by the chief. 15479

(K) If a permittee provided performance security in 15480
accordance with division (C)(1) of this section, the permittee's 15481
responsibility for repairing material damage and replacement of 15482
water supply resulting from subsidence shall be satisfied by 15483

either of the following: 15484

(1) The purchase prior to mining of a noncancelable 15485
premium-prepaid liability insurance policy in lieu of the 15486
permittee's performance security for subsidence damage. The 15487
insurance policy shall contain terms and conditions that 15488
specifically provide coverage for repairing material damage and 15489
replacement of water supply resulting from subsidence. 15490

(2) The provision of additional performance security in the 15491
amount of the estimated cost to the division of mineral resources 15492
management to repair material damage and replace water supplies 15493
resulting from subsidence until the repair or replacement is 15494
completed. However, if such repair or replacement is completed, or 15495
compensation for structures that have been damaged by subsidence 15496
is provided, by the permittee within ninety days of the occurrence 15497
of the subsidence, additional performance security is not 15498
required. In addition, the chief may extend the ninety-day period 15499
for a period not to exceed one year if the chief determines that 15500
the permittee has demonstrated in writing that subsidence is not 15501
complete and that probable subsidence-related damage likely will 15502
occur and, as a result, the completion of repairs of 15503
subsidence-related material damage to lands or protected 15504
structures or the replacement of water supply within ninety days 15505
of the occurrence of the subsidence would be unreasonable. 15506

(L) If the performance security provided in accordance with 15507
this section exceeds the estimated cost of reclamation, the chief 15508
may authorize the amount of the performance security that exceeds 15509
the estimated cost of reclamation together with any interest or 15510
other earnings on the performance security to be paid to the 15511
permittee. 15512

(M) A permittee that held a valid coal mining and reclamation 15513
permit immediately prior to April 6, 2007, shall provide, not 15514
later than a date established by the chief, performance security 15515

in accordance with division (C)(1) or (2) of this section, rather 15516
than in accordance with the law as it existed prior to that date, 15517
by filing it with the chief on a form that the chief prescribes 15518
and furnishes. Accordingly, for purposes of this section, 15519
"applicant" is deemed to include such a permittee. 15520

(N) As used in this section: 15521

(1) "Affiliate of the applicant" means an entity that has a 15522
parent entity in common with the applicant. 15523

(2) "Owner and controller of the applicant" means a person 15524
that has any relationship with the applicant that gives the person 15525
authority to determine directly or indirectly the manner in which 15526
the applicant conducts coal mining operations. 15527

Sec. 1521.06. (A) No dam may be constructed for the purpose 15528
of storing, conserving, or retarding water, or for any other 15529
purpose, nor shall any levee be constructed for the purpose of 15530
diverting or retaining flood water, unless the person or 15531
governmental agency desiring the construction has a construction 15532
permit for the dam or levee issued by the chief of the division of 15533
water resources. 15534

A construction permit is not required under this section for: 15535

(1) A dam that is or will be less than ten feet in height and 15536
that has or will have a storage capacity of not more than fifty 15537
acre-feet at the elevation of the top of the dam, as determined by 15538
the chief. For the purposes of this section, the height of a dam 15539
shall be measured from the natural stream bed or lowest ground 15540
elevation at the downstream or outside limit of the dam to the 15541
elevation of the top of the dam. 15542

(2) A dam, regardless of height, that has or will have a 15543
storage capacity of not more than fifteen acre-feet at the 15544
elevation of the top of the dam, as determined by the chief; 15545

(3) A dam, regardless of storage capacity, that is or will be 15546
six feet or less in height, as determined by the chief; 15547

(4) A dam or levee that belongs to a class exempted by the 15548
chief; 15549

(5) The repair, maintenance, improvement, alteration, or 15550
removal of a dam or levee that is subject to section 1521.062 of 15551
the Revised Code, unless the construction constitutes an 15552
enlargement or reconstruction of the structure as determined by 15553
the chief; 15554

(6) A dam or impoundment constructed under Chapter 1513. of 15555
the Revised Code. 15556

(B) Before a construction permit may be issued, three copies 15557
of the plans and specifications, including a detailed cost 15558
estimate, for the proposed construction, prepared by a registered 15559
professional engineer, together with any filing fee specified by 15560
rules adopted by the chief in accordance with division (I) of this 15561
section and the bond or other security required by section 15562
1521.061 of the Revised Code, shall be filed with the chief. The 15563
detailed estimate of the cost shall include all costs associated 15564
with the construction of the dam or levee, including supervision 15565
and inspection of the construction by a registered professional 15566
engineer. 15567

All fees collected pursuant to this section, ~~and all fines~~ 15568
~~collected pursuant to section 1521.99 of the Revised Code,~~ shall 15569
be deposited in the state treasury to the credit of the dam safety 15570
fund, which is hereby created. Expenditures from the fund shall be 15571
made by the chief for the purpose of administering this section 15572
and sections 1521.061 and 1521.062 of the Revised Code. 15573

(C) The chief shall, within thirty days from the date of the 15574
receipt of the application, fee, and bond or other security, issue 15575
or deny a construction permit for the construction or may issue a 15576

construction permit conditioned upon the making of such changes in 15577
the plans and specifications for the construction as the chief 15578
considers advisable if the chief determines that the construction 15579
of the proposed dam or levee, in accordance with the plans and 15580
specifications filed, would endanger life, health, or property. 15581

(D) The chief may deny a construction permit after finding 15582
that a dam or levee built in accordance with the plans and 15583
specifications would endanger life, health, or property, because 15584
of improper or inadequate design, or for such other reasons as the 15585
chief may determine. 15586

In the event the chief denies a permit for the construction 15587
of the dam or levee, or issues a permit conditioned upon a making 15588
of changes in the plans or specifications for the construction, 15589
the chief shall state the reasons therefor and so notify, in 15590
writing, the person or governmental agency making the application 15591
for a permit. If the permit is denied, the chief shall return the 15592
bond or other security to the person or governmental agency making 15593
application for the permit. 15594

The decision of the chief conditioning or denying a 15595
construction permit is subject to appeal as provided in Chapter 15596
119. of the Revised Code. A dam or levee built substantially at 15597
variance from the plans and specifications upon which a 15598
construction permit was issued is in violation of this section. 15599
The chief may at any time inspect any dam or levee, or site upon 15600
which any dam or levee is to be constructed, in order to determine 15601
whether it complies with this section. 15602

(E) A registered professional engineer shall inspect the 15603
construction for which the permit was issued during all phases of 15604
construction and shall furnish to the chief such regular reports 15605
of the engineer's inspections as the chief may require. When the 15606
chief finds that construction has been fully completed in 15607
accordance with the terms of the permit and the plans and 15608

specifications approved by the chief, the chief shall approve the 15609
construction. When one year has elapsed after approval of the 15610
completed construction, and the chief finds that within this 15611
period no fact has become apparent to indicate that the 15612
construction was not performed in accordance with the terms of the 15613
permit and the plans and specifications approved by the chief, or 15614
that the construction as performed would endanger life, health, or 15615
property, the chief shall release the bond or other security. No 15616
bond or other security shall be released until one year after 15617
final approval by the chief, unless the dam or levee has been 15618
modified so that it will not retain water and has been approved as 15619
nonhazardous after determination by the chief that the dam or 15620
levee as modified will not endanger life, health, or property. 15621

(F) When inspections required by this section are not being 15622
performed, the chief shall notify the person or governmental 15623
agency to which the permit has been issued that inspections are 15624
not being performed by the registered professional engineer and 15625
that the chief will inspect the remainder of the construction. 15626
Thereafter, the chief shall inspect the construction and the cost 15627
of inspection shall be charged against the owner. Failure of the 15628
registered professional engineer to submit required inspection 15629
reports shall be deemed notice that the engineer's inspections are 15630
not being performed. 15631

(G) The chief may order construction to cease on any dam or 15632
levee that is being built in violation of this section, and may 15633
prohibit the retention of water behind any dam or levee that has 15634
been built in violation of this section. 15635

(H) The chief may adopt rules in accordance with Chapter 119. 15636
of the Revised Code, for the design and construction of dams and 15637
levees for which a construction permit is required by this section 15638
or for which periodic inspection is required by section 1521.062 15639
of the Revised Code, for deposit and forfeiture of bonds and other 15640

securities required by section 1521.061 of the Revised Code, for 15641
the periodic inspection, operation, repair, improvement, 15642
alteration, or removal of all dams and levees, as specified in 15643
section 1521.062 of the Revised Code, and for establishing classes 15644
of dams or levees that are exempt from the requirements of this 15645
section and section 1521.062 of the Revised Code as being of a 15646
size, purpose, or situation that does not present a substantial 15647
hazard to life, health, or property. The chief may, by rule, limit 15648
the period during which a construction permit issued under this 15649
section is valid. The rules may allow for the extension of the 15650
period during which a permit is valid upon written request, 15651
provided that the written request includes a revised construction 15652
cost estimate, and may require the payment of an additional filing 15653
fee for the requested extension. If a construction permit expires 15654
without an extension before construction is completed, the person 15655
or agency shall apply for a new permit, and shall not continue 15656
construction until the new permit is issued. 15657

(I) The chief shall adopt rules in accordance with Chapter 15658
119. of the Revised Code establishing a filing fee schedule for 15659
purposes of division (B) of this section. 15660

Sec. 1521.061. (A)(1) Except as otherwise provided in this 15661
section, the chief of the division of water resources shall not 15662
issue a construction permit ~~shall not be issued~~ under section 15663
1521.06 of the Revised Code unless the person or governmental 15664
agency applying for the permit executes and files a surety bond 15665
conditioned on completion of the dam or levee in accordance with 15666
the terms of the permit and the plans and specifications approved 15667
by the chief ~~of the division of water resources, in an amount~~ 15668
~~equal to fifty per cent of the estimated cost of the project.~~ 15669
Except as provided in division (A)(2) of this section, the surety 15670
bond shall equal: 15671

(a) \$50,000 for the first \$500,000 of the estimated cost of 15672
the project; plus 15673

(b) Twenty-five per cent of the estimated cost for the next 15674
\$4,500,000 of the estimated cost of the project; plus 15675

(c) Ten per cent of the estimated cost that exceeds 15676
\$5,000,000. 15677

(2) The chief may reduce the amount of the required surety 15678
bond to the amount equal to the cost estimate of construction 15679
activities necessary to render the dam nonhazardous if the cost 15680
estimate is provided by the applicant and approved by the chief. 15681

(B) If a permittee requests an extension of the time period 15682
during which a construction permit is valid in accordance with 15683
rules adopted under section 1521.06 of the Revised Code, the chief 15684
shall determine whether the revised construction cost estimate 15685
provided with the request exceeds the original construction cost 15686
estimate that was filed with the chief by more than twenty-five 15687
per cent. If the revised construction cost estimate exceeds the 15688
original construction cost estimate by more than twenty-five per 15689
cent, the chief may require an additional surety bond to be filed 15690
~~so that the total amount of the surety bonds equals at least fifty~~ 15691
~~per cent of~~ in an amount determined in accordance with division 15692
(A) of this section based on the revised construction cost 15693
estimate. 15694

(C) The chief shall not approve any bond until it is 15695
personally signed and acknowledged by both principal and surety, 15696
or as to either by the attorney in fact thereof, with a certified 15697
copy of the power of attorney attached. The chief shall not 15698
approve the bond unless there is attached a certificate of the 15699
superintendent of insurance that the company is authorized to 15700
transact a fidelity and surety business in this state. 15701

All bonds shall be given in a form prescribed by the chief 15702

and shall run to the state as obligee. 15703

(D)(1) The applicant may deposit, in lieu of a bond, cash in 15704
an amount equal to the amount of the bond or United States 15705
government securities or negotiable certificates of deposit issued 15706
by any bank organized or transacting business in this state having 15707
a par value equal to or greater than the amount of the bond. Such 15708
cash or securities shall be deposited upon the same terms as 15709
bonds. If one or more certificates of deposit are deposited in 15710
lieu of a bond, the chief shall require the bank that issued any 15711
such certificate to pledge securities of the aggregate market 15712
value equal to the amount of the certificate that is in excess of 15713
the amount insured by the federal deposit insurance corporation. 15714
The securities to be pledged shall be those designated as eligible 15715
under section 135.18 of the Revised Code. The securities shall be 15716
security for the repayment of the certificate of deposit. 15717

(2) Immediately upon a deposit of cash, securities, or 15718
certificates of deposit, the chief shall deliver them to the 15719
treasurer of state, who shall hold them in trust for the purposes 15720
for which they have been deposited. The treasurer of state is 15721
responsible for the safekeeping of such deposits. An applicant 15722
making a deposit of cash, securities, or certificates of deposit 15723
may withdraw and receive from the treasurer of state, on the 15724
written order of the chief, all or any portion of the cash, 15725
securities, or certificates of deposit, upon depositing with the 15726
treasurer of state cash, other United States government 15727
securities, or negotiable certificates of deposit issued by any 15728
bank organized or transacting business in this state equal in par 15729
value to the par value of the cash, securities, or certificates of 15730
deposit withdrawn. An applicant may demand and receive from the 15731
treasurer of state all interest or other income from any such 15732
securities or certificates as it becomes due. If securities so 15733
deposited with and in the possession of the treasurer of state 15734

mature or are called for payment by the issuer thereof, the 15735
treasurer of state, at the request of the applicant who deposited 15736
them, shall convert the proceeds of the redemption or payment of 15737
the securities into such other United States government 15738
securities, negotiable certificates of deposit issued by any bank 15739
organized or transacting business in this state, or cash as the 15740
applicant designates. 15741

(E)(1) When the chief finds that a person or governmental 15742
agency has failed to comply with the conditions of the person's or 15743
agency's bond, the chief shall make a finding of that fact and 15744
declare the bond, cash, securities, or certificates of deposit 15745
forfeited in the amount set by rule of the chief. The chief shall 15746
thereupon certify the total forfeiture to the attorney general, 15747
who shall proceed to collect that amount. 15748

(2) In lieu of total forfeiture, the surety, at its option, 15749
may cause the dam or levee to be completed as required by section 15750
1521.06 of the Revised Code and rules of the chief, or otherwise 15751
rendered nonhazardous, or pay to the treasurer of state the cost 15752
thereof. 15753

(F)(1) All moneys collected on account of forfeitures of 15754
bonds, cash, securities, and certificates of deposit under this 15755
section shall be credited to the dam safety fund created in 15756
section 1521.06 of the Revised Code. The chief shall make 15757
expenditures from the fund to complete dams and levees for which 15758
bonds have been forfeited or to otherwise render them 15759
nonhazardous. 15760

(2) Expenditures from the fund for those purposes shall be 15761
made pursuant to contracts entered into by the chief with persons 15762
who agree to furnish all of the materials, equipment, work, and 15763
labor as specified and provided in the contract. 15764

(G) A surety bond shall not be required for a permit for a 15765

dam or levee that is to be designed and constructed by an agency 15766
of the United States government, if the agency files with the 15767
chief written assurance of the agency's financial responsibility 15768
for the structure ~~during the one-year period~~ for one year 15769
following the chief's approval of the completed construction 15770
provided for under division (E) of section 1521.06 of the Revised 15771
Code. 15772

Sec. 1521.40. (A) No person shall violate any provision of 15773
this chapter, any rule or order adopted or issued under it, or any 15774
term or condition of a permit issued under it. 15775

(B) The attorney general, upon written request of the chief 15776
of the division of water resources, shall bring an action for an 15777
injunction or other appropriate legal or equitable action against 15778
any person who has violated, is violating, or is threatening to 15779
violate any provision of this chapter, any rule or order adopted 15780
or issued under it, or any term or condition of a permit issued 15781
under it. 15782

(C) A person who violates any provision of this chapter, any 15783
rule or order adopted or issued under it, or any term or condition 15784
of a permit issued under it is liable to the chief for any costs 15785
incurred by the division of water resources in investigating, 15786
mitigating, minimizing, removing, or abating the violation and 15787
conditions caused by it. The chief also may assess a civil penalty 15788
of not more than five thousand dollars per day for each day a 15789
violation occurs of any provision of this chapter, any rule or 15790
order adopted or issued under it, or any term or condition of a 15791
permit issued under it. 15792

(D) Upon the request of the chief, the attorney general shall 15793
bring a civil action against the responsible person to recover 15794
those costs and civil penalties in the court of common pleas of 15795
Franklin county. ~~Moneys~~ Money recovered under this division for 15796

violations of sections 1521.06 to 1521.063 of the Revised Code, 15797
any rule or order adopted or issued under those sections, or any 15798
term or condition of a permit issued under those sections shall be 15799
deposited in the state treasury to the credit of the dam safety 15800
fund created in section 1521.06 of the Revised Code. Money 15801
recovered under this division for violations of sections 1521.16 15802
and 1521.22 to 1521.35 of the Revised Code, any rule or order 15803
adopted or issued under those sections, or any term or condition 15804
of a permit issued under those sections shall be deposited in the 15805
state treasury to the credit of the water management fund created 15806
in section 1521.22 of the Revised Code. 15807

Sec. 1521.99. (A) Whoever violates division (E)(1) of section 15808
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 15809
is guilty of a misdemeanor of the fourth degree. All fines 15810
collected pursuant to this division shall be deposited in the 15811
state treasury to the credit of the water management fund created 15812
in section 1521.22 of the Revised Code. 15813

(B) Whoever violates section 1521.06 or 1521.062 of the 15814
Revised Code shall be fined not less than one hundred dollars nor 15815
more than one thousand dollars for each offense. Each day of 15816
violation constitutes a separate offense. All fines collected 15817
pursuant to this division shall be deposited in the state treasury 15818
to the credit of the dam safety fund created in section 1521.06 of 15819
the Revised Code. 15820

(C) Whoever violates section 1521.22 of the Revised Code or 15821
the terms or conditions of a permit issued under that section 15822
shall be fined not more than ten thousand dollars for each day of 15823
violation. All fines collected pursuant to this division shall be 15824
deposited in the state treasury to the credit of the water 15825
management fund created in section 1521.22 of the Revised Code. 15826

(D) Whoever violates section 1521.23 of the Revised Code or 15827

the terms or conditions of a permit issued under section 1521.29 15828
of the Revised Code is guilty of a misdemeanor of the fourth 15829
degree. All fines collected pursuant to this division shall be 15830
deposited in the state treasury to the credit of the water 15831
management fund created in section 1521.22 of the Revised Code. 15832

Sec. 1531.01. As used in this chapter and Chapter 1533. of 15833
the Revised Code: 15834

(A) "Person" means a person as defined in section 1.59 of the 15835
Revised Code or a company; an employee, agent, or officer of such 15836
a person or company; a combination of individuals; the state; a 15837
political subdivision of the state; an interstate body created by 15838
a compact; or the federal government or a department, agency, or 15839
instrumentality of it. 15840

(B) "Resident" means any individual who has resided in this 15841
state for not less than six months preceding the date of making 15842
application for a license or permit. 15843

(C) "Nonresident" means any individual who does not qualify 15844
as a resident. 15845

(D) "Division rule" or "rule" means any rule adopted by the 15846
chief of the division of wildlife under section 1531.10 of the 15847
Revised Code unless the context indicates otherwise. 15848

(E) "Closed season" means that period of time during which 15849
the taking of wild animals protected by this chapter and Chapter 15850
1533. of the Revised Code is prohibited. 15851

(F) "Open season" means that period of time during which the 15852
taking of wild animals protected by this chapter and Chapter 1533. 15853
of the Revised Code is permitted. 15854

(G) "Take or taking" includes pursuing, shooting, hunting, 15855
killing, trapping, angling, fishing with a trotline, or netting 15856
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 15857

wild bird, or wild quadruped, and any lesser act, such as 15858
wounding, or placing, setting, drawing, or using any other device 15859
for killing or capturing any wild animal, whether it results in 15860
killing or capturing the animal or not. "Take or taking" includes 15861
every attempt to kill or capture and every act of assistance to 15862
any other person in killing or capturing or attempting to kill or 15863
capture a wild animal. 15864

(H) "Possession" means both actual and constructive 15865
possession and any control of things referred to. 15866

(I) "Bag limit" means the number, measurement, or weight of 15867
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 15868
birds, and wild quadrupeds permitted to be taken. 15869

(J) "Transport and transportation" means carrying or moving 15870
or causing to be carried or moved. 15871

(K) "Sell and sale" means barter, exchange, or offer or 15872
expose for sale. 15873

(L) "Whole to include part" means that every provision 15874
relating to any wild animal protected by this chapter and Chapter 15875
1533. of the Revised Code applies to any part of the wild animal 15876
with the same effect as it applies to the whole. 15877

(M) "Angling" means fishing with not more than two hand 15878
lines, not more than two units of rod and line, or a combination 15879
of not more than one hand line and one rod and line, either in 15880
hand or under control at any time while fishing. The hand line or 15881
rod and line shall have attached to it not more than three baited 15882
hooks, not more than three artificial fly rod lures, or one 15883
artificial bait casting lure equipped with not more than three 15884
sets of three hooks each. 15885

(N) "Trotline" means a device for catching fish that consists 15886
of a line having suspended from it, at frequent intervals, 15887
vertical lines with hooks attached. 15888

(O) "Fish" means a cold-blooded vertebrate having fins.	15889
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	15890 15891
(Q) "Wild birds" includes game birds and nongame birds.	15892
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	15893 15894
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	15895 15896 15897 15898 15899 15900
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	15901 15902
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	15903 15904
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.	15905 15906 15907 15908
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	15909 15910 15911
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	15912 15913 15914
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds	15915 15916 15917 15918

whether or not the acts result in killing or wounding. "Hunting" 15919
includes every attempt to kill or wound and every act of 15920
assistance to any other person in killing or wounding or 15921
attempting to kill or wound wild birds or wild quadrupeds. 15922

(Z) "Trapping" means securing or attempting to secure 15923
possession of a wild bird or wild quadruped by means of setting, 15924
placing, drawing, or using any device that is designed to close 15925
upon, hold fast, confine, or otherwise capture a wild bird or wild 15926
quadruped whether or not the means results in capture. "Trapping" 15927
includes every act of assistance to any other person in capturing 15928
wild birds or wild quadrupeds by means of the device whether or 15929
not the means results in capture. 15930

(AA) "Muskrat spear" means any device used in spearing 15931
muskrats. 15932

(BB) "Channels and passages" means those narrow bodies of 15933
water lying between islands or between an island and the mainland 15934
in Lake Erie. 15935

(CC) "Island" means a rock or land elevation above the waters 15936
of Lake Erie having an area of five or more acres above water. 15937

(DD) "Reef" means an elevation of rock, either broken or in 15938
place, or gravel shown by the latest United States chart to be 15939
above the common level of the surrounding bottom of the lake, 15940
other than the rock bottom, or in place forming the base or 15941
foundation rock of an island or mainland and sloping from the 15942
shore of it. "Reef" also means all elevations shown by that chart 15943
to be above the common level of the sloping base or foundation 15944
rock of an island or mainland, whether running from the shore of 15945
an island or parallel with the contour of the shore of an island 15946
or in any other way and whether formed by rock, broken or in 15947
place, or from gravel. 15948

(EE) "Fur farm" means any area used exclusively for raising 15949

fur-bearing animals or in addition thereto used for hunting game, 15950
the boundaries of which are plainly marked as such. 15951

(FF) "Waters" includes any lake, pond, reservoir, stream, 15952
channel, lagoon, or other body of water, or any part thereof, 15953
whether natural or artificial. 15954

(GG) "Crib" or "car" refers to that particular compartment of 15955
the net from which the fish are taken when the net is lifted. 15956

(HH) "Commercial fish" means those species of fish permitted 15957
to be taken, possessed, bought, or sold unless otherwise 15958
restricted by the Revised Code or division rule and are alewife 15959
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 15960
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 15961
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 15962
cyprinellus), black bullhead (*Ictalurus melas*), yellow bullhead 15963
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 15964
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 15965
olivaris), whitefish (*Coregonus sp.*), cisco (*Coregonus sp.*), 15966
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 15967
(*Lepisosteus sp.*), gizzard shad (*Dorosoma cepedianum*), goldfish 15968
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 15969
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 15970
(*Allosmerus elongatus*, *Hypomesus sp.*, *Osmerus sp.*, *Spirinchus* 15971
sp.), sturgeon (*Acipenser sp.*, *Scaphirhynchus sp.*), sucker other 15972
than buffalo and quillback (*Carpiodes sp.*, *Catostomus sp.*, 15973
Hypentelium sp., *Minytrema sp.*, *Moxostoma sp.*), white bass (*Morone* 15974
chrysops), white perch (*Roccus americanus*), and yellow perch 15975
(*Perca flavescens*). When the common name of a fish is used in this 15976
chapter or Chapter 1533. of the Revised Code, it refers to the 15977
fish designated by the scientific name in this definition. 15978

(II) "Fishing" means taking or attempting to take fish by any 15979
method, and all other acts such as placing, setting, drawing, or 15980
using any device commonly used to take fish whether resulting in a 15981

taking or not.	15982
(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.	15983 15984
(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.	15985 15986
(LL) "Round" when used in describing fish means with head and tail intact.	15987 15988
(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.	15989 15990 15991 15992
(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.	15993 15994 15995 15996
(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.	15997 15998 15999 16000 16001 16002
(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.	16003 16004 16005 16006
(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.	16007 16008 16009 16010
(RR) "Native wildlife" means any species of the animal	16011

kingdom indigenous to this state. 16012

(SS) "Gill net" means a single section of fabric or netting 16013
seamed to a float line at the top and a lead line at the bottom, 16014
which is designed to entangle fish in the net openings as they 16015
swim into it. 16016

(TT) "Tag fishing tournament" means a contest in which a 16017
participant pays a fee, or gives other valuable consideration, for 16018
a chance to win a prize by virtue of catching a tagged or 16019
otherwise specifically marked fish within a limited period of 16020
time. 16021

(UU) "Tenant" means an individual who resides on land for 16022
which the individual pays rent and whose annual income is 16023
primarily derived from agricultural production conducted on that 16024
land, as "agricultural production" is defined in section 929.01 of 16025
the Revised Code. 16026

(VV) "Nonnative wildlife" means any wild animal not 16027
indigenous to this state, but does not include domestic deer. 16028

(WW) "Reptiles" includes common musk turtle (*sternotherus* 16029
odoratus), common snapping turtle (*Chelydra serpentina* 16030
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 16031
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 16032
blandingii), common map turtle (*Graptemys geographica*), ouachita 16033
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 16034
painted turtle (*Chrysemys picta marginata*), red-eared slider 16035
(*Trachemys scripta elegans*), eastern spiny softshell turtle 16036
(*Apalone spinifera spinifera*), midland smooth softshell turtle 16037
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 16038
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 16039
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 16040
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 16041
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 16042

septemvittata), Kirtland's snake (*Clonophis kirtlandii*), northern 16043
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 16044
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 16045
erythrogaster neglecta), northern brown snake (*Storeria dekayi* 16046
dekayi), midland brown snake (*Storeria dekayi wrightorum*), 16047
northern redbelly snake (*Storeria occipitomaculata* 16048
occipitomaculata), eastern garter snake (*Thamnophis sirtalis* 16049
sirtalis), eastern plains garter snake (*Thamnophis radix radix*), 16050
Butler's garter snake (*Thamnophis butleri*), shorthead garter snake 16051
(*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis* 16052
sauritus sauritus), northern ribbon snake (*Thamnophis sauritus* 16053
septentrionalis), eastern hognose snake (*Heterodon platirhinos*), 16054
eastern smooth earth snake (*Virginia valeriae valeriae*), northern 16055
ringneck snake (*Diadophis punctatus edwardsii*), midwest worm snake 16056
(*Carphophis amoenus helenae*), eastern worm snake (*Carphophis* 16057
amoenus amoenus), black racer (*Coluber constrictor constrictor*), 16058
blue racer (*Coluber constrictor foxii*), rough green snake 16059
(*Opheodrys aestivus*), smooth green snake (*Opheodrys vernalis* 16060
vernalis), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox 16061
snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis* 16062
getula nigra), eastern milk snake (*Lampropeltis triangulum* 16063
triangulum), northern copperhead (*Agkistrodon contortrix mokasen*), 16064
eastern massasauga (*Sistrurus catenatus catenatus*), and timber 16065
rattlesnake (*Crotalus horridus horridus*). 16066

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus* 16067
alleganiensis alleganiensis), mudpuppy (*Necturus maculosus* 16068
maculosus), red-spotted newt (*Notophthalmus viridescens* 16069
viridescens), Jefferson salamander (*Ambystoma jeffersonianum*), 16070
spotted salamander (*Ambystoma maculatum*), blue-spotted salamander 16071
(*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), 16072
streamside salamander (*Ambystoma barbouri*), marbled salamander 16073
(*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum* 16074
tigrinum), northern dusky salamander (*Desmognathus fuscus fuscus*), 16075

mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	16076
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	16077
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	16078
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	16079
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	16080
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	16081
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	16082
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	16083
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	16084
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	16085
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	16086
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	16087
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	16088
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	16089
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	16090
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	16091
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	16092
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	16093
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	16094
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	16095
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	16096
frog (<i>Rana sylvatica</i>).	16097
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	16098
<i>virginianus</i>).	16099
(ZZ) "Domestic deer" means nonnative deer that have been	16100
legally acquired or their offspring and that are held in private	16101
ownership for primarily agricultural purposes.	16102
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>);	16103
doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants	16104
(<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and	16105
woodcock and snipe (<i>Scolopacidae</i>).	16106
(BBB) "Accompany" means to go along with another person while	16107

staying within a distance from the person that enables 16108
uninterrupted, unaided visual and auditory communication. 16109

(CCC) "All-purpose vehicle" means any vehicle that is 16110
designed primarily for cross-country travel on land, water, or 16111
land and water and that is steered by wheels, caterpillar treads, 16112
or a combination of wheels and caterpillar treads and includes 16113
vehicles that operate on a cushion of air, vehicles commonly known 16114
as all-terrain vehicles, all-season vehicles, mini-bikes, and 16115
trail bikes. 16116

(DDD) "Wholly enclosed preserve" means an area of land that 16117
is surrounded by a fence that is at least six feet in height, 16118
unless otherwise specified in division rule, and is constructed of 16119
a woven wire mesh, or another enclosure that the division of 16120
wildlife may approve, where game birds, game quadrupeds, reptiles, 16121
amphibians, or fur-bearing animals are raised and may be sold 16122
under the authority of a commercial propagating license or captive 16123
white-tailed deer propagation license obtained under section 16124
1533.71 of the Revised Code. 16125

(EEE) "Commercial bird shooting preserve" means an area of 16126
land where game birds are released and hunted by shooting as 16127
authorized by a commercial bird shooting preserve license obtained 16128
under section 1533.72 of the Revised Code. 16129

(FFF) "Wild animal hunting preserve" means an area of land 16130
where game, captive white-tailed deer, and nonnative wildlife, 16131
other than game birds, are released and hunted as authorized by a 16132
wild animal hunting preserve license obtained under section 16133
1533.721 of the Revised Code. 16134

(GGG) "Captive white-tailed deer" means legally acquired deer 16135
that are held in private ownership at a facility licensed under 16136
section 943.03 or 943.031 of the Revised Code and under section 16137
1533.71 or 1533.721 of the Revised Code. 16138

~~(HHH) "Lake Erie sport fishing district" means the Ohio waters of Lake Erie and its embayments, including Maumee bay, Sandusky bay, East Harbor, Middle Harbor, West Harbor, and the entire length of all tributaries or to the first dam or designated landmark as follows:~~

~~Vermilion river — state route 2 bridge~~ 16144

~~Black river — state route 611 bridge~~ 16145

~~Rocky river — Detroit road bridge~~ 16146

~~Cuyahoga river — Harvard road bridge~~ 16147

~~Euclid creek — state route 283 bridge~~ 16148

~~Chagrin river — state route 283 bridge~~ 16149

~~Arcola creek — United States route 20 bridge~~ 16150

~~Wheeler creek — United States route 20 bridge~~ 16151

~~Cowles creek — United States route 20 bridge~~ 16152

~~Indian creek — United States route 20 bridge~~ 16153

~~Grand river — state route 535 bridge~~ 16154

~~Conneaut creek — Main street bridge, downtown Conneaut~~ 16155

~~Ashtabula river — east 24th street bridge~~ 16156

Sec. 1531.33. (A) The wildlife habitat fund is hereby created in the state treasury. The fund shall consist of the investment earnings of the wildlife habitat trust fund created in section 1531.32 of the Revised Code; gifts, donations, bequests, and other moneys contributed to the division of wildlife for the purposes of the fund; moneys collected under division (H) of section 1531.06 of the Revised Code; ~~moneys deposited in the fund under division (C)(2)(b) of section 1509.73 of the Revised Code;~~ contributions collected under section 4503.568 of the Revised Code from issuance of the "Ohio Bullfrog" license plate; and moneys received by the

division pursuant to negotiated mitigation settlements from 16167
persons who have adversely affected fish and wildlife, or their 16168
habitats, over which the division has jurisdiction under this 16169
chapter or Chapter 1533. of the Revised Code other than fish and 16170
wildlife of the Ohio river or their habitats. 16171

(B)(1) Except as provided in division (B)(2) of this section, 16172
the fund shall be used by the division to acquire and develop 16173
lands for the preservation, propagation, and protection of wild 16174
animals. 16175

(2) The contributions from the "Ohio Bullfrog" license plate 16176
shall be used for the protection and preservation of wetlands in 16177
Ohio and for educational programs pertaining to the bullfrog and 16178
similar wetland animals. 16179

(C) All expenditures from the wildlife habitat fund shall be 16180
approved by the director of natural resources. 16181

(D) Quarterly each fiscal year, the treasurer of state shall 16182
transfer the investment earnings of the wildlife habitat trust 16183
fund to the wildlife habitat fund. 16184

Sec. 1531.35. The wildlife boater angler fund is hereby 16185
created in the state treasury. The fund shall consist of money 16186
credited to the fund pursuant to section 5735.051 of the Revised 16187
Code and other money contributed to the division of wildlife for 16188
the purposes of the fund. The fund shall be used for boating 16189
access construction, improvements, maintenance and repair of dams 16190
and impoundments, and acquisitions, including lands and facilities 16191
for boating access, and to pay for equipment and personnel costs 16192
involved with those activities, on waters on which the operation 16193
of gasoline-powered watercraft is permissible. ~~However, not more~~ 16194
~~than five hundred thousand dollars of the annual expenditures from~~ 16195
~~the fund may be used to pay for the equipment and personnel costs.~~ 16196

Sec. 1533.01. As used in this chapter, "person," "resident," 16197
"nonresident," "division rule," "rule," "closed season," "open 16198
season," "take or taking," "possession," "bag limit," "transport 16199
and transportation," "sell and sale," "whole to include part," 16200
"angling," "trotline," "fish," "measurement of fish," "wild 16201
birds," "game," "game birds," "nongame birds," "wild quadrupeds," 16202
"game quadrupeds," "fur-bearing animals," "wild animals," 16203
"hunting," "trapping," "muskrat spear," "channels and passages," 16204
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 16205
fish," "fishing," "fillet," "part fillet," "round," "migrate," 16206
"spreader bar," "fishing guide," "net," "commercial fishing gear," 16207
"native wildlife," "gill net," "tag fishing tournament," "tenant," 16208
"nonnative wildlife," "reptiles," "amphibians," "deer," "domestic 16209
deer," "migratory game bird," "accompany," "all-purpose vehicle," 16210
"wholly enclosed preserve," "commercial bird shooting preserve," 16211
"wild animal hunting preserve," and "captive white-tailed deer," 16212
~~and "Lake Erie sport fishing district"~~ have the same meanings as 16213
in section 1531.01 of the Revised Code. 16214

Sec. 1533.101. Any person who has a current hunting or 16215
fishing license, ~~a nonresident Lake Erie sport fishing district~~ 16216
~~permit~~, a wetlands habitat stamp, a deer or wild turkey permit, or 16217
a fur taker permit pursuant to this chapter and has lost or 16218
destroyed the license, stamp, or permit, or had the license, 16219
stamp, or permit stolen, may be reissued such license, stamp, or 16220
permit. The person shall file with the clerk of the court of 16221
common pleas an application in affidavit form or, if the chief of 16222
the division of wildlife authorizes it, apply for a reissued 16223
license, stamp, or permit to an authorized agent designated by the 16224
chief, and pay a fee for each license, stamp, or permit of four 16225
dollars. The clerk or agent shall administer the oath to the 16226
applicant, issue a reissued license, stamp, or permit that shall 16227

allow the applicant to hunt, fish, or trap, as applicable, and 16228
send a copy of the reissued license, stamp, or permit to the 16229
division of wildlife. 16230

All moneys received as fees for the issuance of reissued 16231
licenses, stamps, or permits shall be transmitted to the director 16232
of natural resources to be paid into the state treasury to the 16233
credit of the funds to which the fees for the original licenses, 16234
stamps, and permits were credited. 16235

No person shall knowingly or willfully secure, attempt to 16236
secure, or use a reissued hunting or fishing license, wetlands 16237
habitat stamp, deer or wild turkey permit, or fur taker permit to 16238
which the person is not entitled. No person shall knowingly or 16239
willfully issue a reissued hunting or fishing license, wetlands 16240
habitat stamp, deer or wild turkey permit, or fur taker permit 16241
under this section to any person who is not entitled to receive 16242
and use such a reissued license, stamp, or permit. 16243

Sec. 1533.11. (A)(1) Except as provided in this section or 16244
section 1533.731 of the Revised Code, no person shall hunt deer on 16245
lands of another without first obtaining an annual deer permit. 16246
Except as provided in this section, no person shall hunt wild 16247
turkeys on lands of another without first obtaining an annual wild 16248
turkey permit. A deer or wild turkey permit is valid during the 16249
hunting license year in which the permit is purchased. Except as 16250
provided in rules adopted under division (B) of ~~that~~ section 16251
1533.12 of the Revised Code, each applicant for a deer or wild 16252
turkey permit shall pay an annual fee for each permit in 16253
accordance with the following schedule: 16254

Deer permit - resident	\$30.00	16255
Deer permit - nonresident	\$74.00	16256
Youth deer permit - resident and nonresident	\$15.00	16257

Senior deer permit - resident	\$11.50 <u>\$11.00</u>	16258
Wild turkey permit - resident	\$30.00	16259
Wild turkey permit - nonresident	\$37.00	16260
Youth wild turkey permit - resident and nonresident	\$15.00	16261
Senior wild turkey permit - resident	\$11.50 <u>\$11.00</u>	16262
(2) As used in division (A)(1) of this section:		16263
(a) "Resident" means an individual who has resided in this state for not less than six months preceding the date of making application for a permit.		16264 16265 16266
(b) "Nonresident" means any individual who does not qualify as a resident.		16267 16268
(c) (e) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.		16269 16270
(d) (b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit.		16271 16272
(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey.		16273 16274 16275 16276 16277 16278 16279
(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section.		16280 16281 16282 16283 16284
(5) The chief of the division of wildlife shall adopt any additional rules the chief considers necessary to carry out this section and section 1533.10 of the Revised Code.		16285 16286 16287

(6) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the children of the owner of lands in this state may hunt deer or wild turkey thereon without a deer or wild turkey permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may hunt deer or wild turkey on the land owned by the limited liability company or limited liability partnership without a deer or wild turkey permit. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may hunt deer or wild turkey on the land owned by the trust without a deer or wild turkey permit. The tenant and children of the tenant may hunt deer or wild turkey on lands where they reside without a deer or wild turkey permit.

(B) A deer or wild turkey permit is not transferable. No person shall carry a deer or wild turkey permit issued in the name of another person.

(C) The wildlife refunds fund is hereby created in the state treasury. The fund shall consist of money received from application fees for deer permits that are not issued. Money in the fund shall be used to make refunds of such application fees.

(D) If the division establishes a system for the electronic submission of information regarding deer or wild turkey that are taken, the division shall allow the owner and the children of the owner of lands in this state to use the owner's name or address for purposes of submitting that information electronically via that system.

Sec. 1533.12. (A)(1) Except as otherwise provided in division 16320
(A)(2) of this section, every person on active duty in the armed 16321
forces of the United States who is stationed in this state and who 16322
wishes to engage in an activity for which a license, permit, or 16323
stamp is required under this chapter first shall obtain the 16324
requisite license, permit, or stamp. Such a person is eligible to 16325
obtain a resident hunting or fishing license regardless of whether 16326
the person qualifies as a resident of this state. To obtain a 16327
resident hunting or fishing license, the person shall present a 16328
card or other evidence identifying the person as being on active 16329
duty in the armed forces of the United States and as being 16330
stationed in this state. 16331

(2) Every person on active duty in the armed forces of the 16332
United States, while on leave or furlough, may take or catch fish 16333
of the kind lawfully permitted to be taken or caught within the 16334
state, may hunt any wild bird or wild quadruped lawfully permitted 16335
to be hunted within the state, and may trap fur-bearing animals 16336
lawfully permitted to be trapped within the state, without 16337
procuring a fishing license, a hunting license, a fur taker 16338
permit, or a wetlands habitat stamp required by this chapter, 16339
provided that the person shall carry on the person when fishing, 16340
hunting, or trapping, a card or other evidence identifying the 16341
person as being on active duty in the armed forces of the United 16342
States, and provided that the person is not otherwise violating 16343
any of the hunting, fishing, and trapping laws of this state. 16344

In order to hunt deer or wild turkey, any such person shall 16345
obtain a deer or wild turkey permit, as applicable, under section 16346
1533.11 of the Revised Code. Such a person is eligible to obtain a 16347
deer or wild turkey permit at the resident rate, regardless of 16348
whether the person is a resident of this state. However, the 16349
person need not obtain a hunting license in order to obtain such a 16350
permit. 16351

(B) The chief of the division of wildlife shall provide by 16352
rule adopted under section 1531.10 of the Revised Code all of the 16353
following: 16354

~~(1) Every resident of this state with a disability that has 16355
been determined by the veterans administration to be permanently 16356
and totally disabling, who receives a pension or compensation from 16357
the veterans administration, and who received an honorable 16358
discharge from the armed forces of the United States, and every 16359
veteran to whom the registrar of motor vehicles has issued a set 16360
of license plates under section 4503.41 of the Revised Code, shall 16361
be issued a fishing license, hunting license, fur taker permit, 16362
deer or wild turkey permit, or wetlands habitat stamp, or any 16363
combination of those licenses, permits, and stamp, free of charge 16364
on an annual, multi year, or lifetime basis as determined 16365
appropriate by the chief when application is made to the chief in 16366
the manner prescribed by and on forms provided by the chief. A 16367
fishing license, hunting license, fur taker permit, deer or wild 16368
turkey permit, or wetlands habitat stamp, or any combination of 16369
those licenses, permits, or stamp free of charge to both of the 16370
following: 16371~~

(a) A veteran with a disability that has been determined by 16372
the United States department of veterans affairs to be permanently 16373
and totally disabling, who received an honorable discharge from 16374
the armed forces of the United States, and who receives one of the 16375
following: 16376

(i) A non-service connected pension; 16377

(ii) Service connected disability compensation with 16378
entitlement to dependents' education assistance benefits 16379
administered by the United States department of veterans affairs. 16380

(b) A veteran to whom the registrar of motor vehicles has 16381
issued a set of license plates under section 4503.41 of the 16382

Revised Code. 16383

The chief shall prescribe the manner by which a person may 16384
apply for the free license, permit, or stamp, or combination 16385
thereof and shall establish the form of the application. 16386

(2) Every resident of the state who was born on or before 16387
December 31, 1937, shall be issued an annual fishing license, 16388
hunting license, fur taker permit, deer or wild turkey permit, or 16389
wetlands habitat stamp, or any combination of those licenses, 16390
permits, and stamp, free of charge when application is made to the 16391
chief in the manner prescribed by and on forms provided by the 16392
chief. 16393

(3) Every resident of state or county institutions, 16394
charitable institutions, and military homes in this state shall be 16395
issued an annual fishing license free of charge when application 16396
is made to the chief in the manner prescribed by and on forms 16397
provided by the chief. 16398

(4) Any mobility impaired or blind person, as defined in 16399
section 955.011 of the Revised Code, who is a resident of this 16400
state and who is unable to engage in fishing without the 16401
assistance of another person shall be issued an annual fishing 16402
license free of charge when application is made to the chief in 16403
the manner prescribed by and on forms provided by the chief. The 16404
person who is assisting the mobility impaired or blind person may 16405
assist in taking or catching fish of the kind permitted to be 16406
taken or caught without procuring the license required under 16407
section 1533.32 of the Revised Code, provided that only one line 16408
is used by both persons. 16409

(5) As used in division (B)(5) of this section, "prisoner of 16410
war" means any regularly appointed, enrolled, enlisted, or 16411
inducted member of the military forces of the United States who 16412
was captured, separated, and incarcerated by an enemy of the 16413

United States. 16414

Any person who has been a prisoner of war, was honorably 16415
discharged from the military forces, and is a resident of this 16416
state shall be issued a fishing license, hunting license, fur 16417
taker permit, or wetlands habitat stamp, or any combination of 16418
those licenses, permits, and stamp, free of charge on an annual, 16419
multi-year, or lifetime basis as determined appropriate by the 16420
chief when application is made to the chief in the manner 16421
prescribed by and on forms provided by the chief. 16422

(C) The chief shall adopt rules pursuant to section 1531.08 16423
of the Revised Code designating not more than two days, which need 16424
not be consecutive, in each year as "free sport fishing days" on 16425
which any resident may exercise the privileges accorded the holder 16426
of a fishing license issued under section 1533.32 of the Revised 16427
Code without procuring such a license, provided that the person is 16428
not otherwise violating any of the fishing laws of this state. 16429

Sec. 1533.321. (A) The chief of the division of wildlife may 16430
issue any of the following: 16431

(1) Multi-year hunting or fishing licenses for three-, five-, 16432
or ten-year terms to a resident of this state; 16433

(2) Lifetime hunting or fishing licenses to a resident of 16434
this state; 16435

(3) A package consisting of any combination of license, 16436
stamp, or permit that the chief is authorized to issue under this 16437
chapter. 16438

(B) The chief may adopt rules in accordance with section 16439
1531.10 of the Revised Code governing multi-year hunting and 16440
fishing licenses, lifetime hunting and fishing licenses, and 16441
combination packages, including rules establishing fees for the 16442
combination packages. The chief shall ensure that the price for a 16443

combination package is not discounted by more than five per cent 16444
of the total fees for the licenses, permits, or stamps that a 16445
person would otherwise pay for those licenses, permits, or stamps 16446
if the person purchased them individually. 16447

(C)(1) The multi-year and lifetime license fund is hereby 16448
created in the state treasury. The fund shall consist of money 16449
received from application fees for multi-year and lifetime hunting 16450
and fishing licenses. 16451

(2) Each fiscal year, a prorated amount of the money from 16452
each multi-year and lifetime license fee shall be transferred from 16453
the multi-year and lifetime license fund to the fund into which 16454
the applicable single year license fee would otherwise be 16455
deposited. The prorated amount shall equal the total amount of the 16456
fee charged for the license divided by the number of years the 16457
license is valid. The chief shall adopt rules in accordance with 16458
section 1531.10 of the Revised Code for the administration of this 16459
division, including establishing a system that prorates lifetime 16460
license fees for deposit each year into the wildlife fund created 16461
in section 1531.17 of the Revised Code. 16462

(3) Each fiscal year, all previous year's investment earnings 16463
from the multi-year and lifetime license fund shall be transferred 16464
into the wildlife fund created in section 1531.17 of the Revised 16465
Code. 16466

(D)(1) Each applicant for a multi-year or lifetime fishing 16467
license who is a resident of this state shall pay a fee for each 16468
license in accordance with the following schedule: 16469

Senior 3-year fishing license	\$27.50	16470
	<u>26.00</u>	
Senior 5-year fishing license	\$45.75	16471
	<u>43.34</u>	
Senior lifetime fishing license	\$81.00	16472

3-year fishing license	\$52.00 <u>69.34</u>	16473
5-year fishing license	\$86.75 <u>115.56</u>	16474
10-year fishing license	\$173.50 <u>231.12</u>	16475
Lifetime fishing license	\$450.00 <u>576.00</u>	16476
Youth lifetime fishing license	\$414.00	16477
(2) As used in division (D)(1) of this section:		16478
(a) "Youth" means an applicant who is under the age of		16479
sixteen years at the time of application for a license.		16480
(b) "Senior" means an applicant who is sixty-six years of age		16481
or older at the time of application for a license.		16482
(E)(1) Each applicant for a multi-year or lifetime hunting		16483
license who is a resident of this state shall pay a fee for each		16484
license in accordance with the following schedule:		16485
Senior 3-year hunting license	\$27.50 <u>26.00</u>	16486
Senior 5-year hunting license	\$45.75 <u>43.34</u>	16487
Senior lifetime hunting license	\$81.00	16488
Youth 3-year hunting license	\$27.50 <u>26.00</u>	16489
Youth 5-year hunting license	\$45.75 <u>43.34</u>	16490
Youth 10-year hunting license	\$91.50 <u>86.67</u>	16491
Youth lifetime hunting license	\$414.00	16492
3-year hunting license	\$52.00	16493
5-year hunting license	\$86.75 <u>86.67</u>	16494
10-year hunting license	\$173.50	16495

	<u>173.34</u>	
Lifetime hunting license	\$450.00	16496
	<u>432.00</u>	
(2) As used in division (E)(1) of this section:		16497
(a) "Youth" means an applicant who is under the age of		16498
eighteen years at the time of application for a license.		16499
(b) "Senior" means an applicant who is sixty-six years of age		16500
or older at the time of application for a license.		16501
(F) If a person who is issued a multi-year hunting or fishing		16502
license or lifetime hunting or fishing license in accordance with		16503
division (A) of this section subsequently becomes a nonresident		16504
after issuance of the license, the person's license remains valid		16505
in this state during its term, regardless of residency status.		16506
Sec. 1546.06. The chief of the division of parks and		16507
watercraft shall prepare and submit to the director of natural		16508
resources maps and descriptions of the areas of lands and waters		16509
which the chief intends to designate as state park purchase areas.		16510
Such state park purchase areas may include lands and waters at the		16511
time belonging to the state, together with lands and waters not		16512
belonging to the state but which for reasons of protection,		16513
utilization, and administration should be subject to purchase by		16514
the state for park purposes. If such area is approved by the		16515
director <u>of natural resources</u> , it shall be known as a state park		16516
purchase area, and the map and description thereof, with the		16517
approval of the director <u>of natural resources</u> indorsed thereon,		16518
shall be filed in duplicate with the auditor of state <u>director of</u>		16519
<u>administrative services</u> and the attorney general.		16520
All moneys appropriated for the purchase of lands and waters		16521
by the state for park purposes, unless specifically appropriated		16522
for the purchase of particular tracts or areas, may be expended		16523
for the purchase of lands or waters within any legally established		16524

state park purchase area. If, after the purchase of specifically 16525
designated tracts or areas, moneys from such appropriations remain 16526
unexpended, upon the request of the director of natural resources, 16527
the controlling board shall release such funds, in whole or in 16528
part, for the purchase of lands or waters within any state park 16529
purchase area. 16530

Sec. 1547.533. No person shall operate a watercraft in this 16531
state if it displays an identification number or registration 16532
decal that is any of the following: 16533

(A) Fictitious; 16534

(B) A counterfeit or an unlawfully made copy of any 16535
identification number or registration decal; 16536

(C) An identification number or registration decal that 16537
belongs to another watercraft. 16538

Sec. 1547.59. The operator of a vessel involved in a 16539
collision, accident, or other casualty, so far as the operator can 16540
do so without serious danger to the operator's own vessel, crew, 16541
and passengers, shall render to other persons affected by the 16542
collision, accident, or other casualty such assistance as may be 16543
practicable and as may be necessary in order to save them from or 16544
minimize any danger caused by the collision, accident, or other 16545
casualty. The operator also shall give the operator's name, 16546
address, and identification of the operator's vessel in writing to 16547
any person injured and to the owner of any property damaged in the 16548
collision, accident, or other casualty. 16549

Any person who renders assistance at the scene of a 16550
collision, accident, or other casualty involving a vessel is not 16551
liable in a civil action for damages or injury to persons or 16552
property resulting from any act or omission in rendering 16553
assistance or in providing or arranging salvage, towage, medical 16554

treatment, or other assistance, except that the person is liable 16555
for willful or wanton misconduct in rendering assistance. Nothing 16556
in this section precludes recovery from any tortfeasor causing a 16557
collision, accident, or other casualty of damages caused or 16558
aggravated by the rendering of assistance. 16559

In the case of collision, accident, or other casualty 16560
involving a vessel, the operator thereof, if the collision, 16561
accident, or other casualty results in loss of life, personal 16562
injury requiring medical treatment beyond first aid, damage to 16563
property in excess of ~~five hundred~~ one thousand dollars, or the 16564
total loss of a vessel, shall file with the chief of the division 16565
of parks and watercraft a full description of the collision, 16566
accident, or other casualty on a form prescribed by the chief. 16567

If the operator of the vessel involved in a collision, 16568
accident, or other casualty is incapacitated, the investigating 16569
law enforcement officer shall file the required form as prescribed 16570
by the chief. 16571

Sec. 1551.01. As used in this chapter: 16572

(A) "Governmental agency" means the United States government 16573
or any department, agency, or instrumentality thereof; any 16574
department, agency, or instrumentality of a state government; any 16575
municipal corporation, county, township, board of education, or 16576
other political subdivision or any other body corporate and 16577
politic of a state; or any agency, commission, or authority 16578
established under an interstate compact or agreement. 16579

(B) "Energy resource development facility" means any energy 16580
resource development, research, or conservation facility, 16581
including pilot as well as demonstration facilities, and including 16582
undivided or other interests therein, acquired or to be acquired, 16583
or constructed or to be constructed under this chapter or Chapter 16584
6121. or 6123. of the Revised Code, or acquired or to be acquired, 16585

or constructed or to be constructed by a governmental agency or 16586
person with all or a part of the cost thereof being paid from a 16587
loan or grant under such chapters, including all buildings and 16588
facilities that the director of development ~~services~~ determines 16589
necessary for the operation of the facility, together with all 16590
property, rights, easements, and interests that may be required 16591
for the operation of the facility, which facilities may include: 16592

(1) Any building, testing facility, testing device, or 16593
support facilities which would provide experimental, 16594
demonstration, or testing capabilities or services not otherwise 16595
available in this state and which are necessary for the 16596
accomplishment of the purposes of this chapter; 16597

(2) Any method, process, structure, or equipment that is used 16598
to store coal, oil, natural gas, fuel for nuclear reactors, or any 16599
other form of energy; 16600

(3) Any method, process, structure, or equipment that is used 16601
to recover or convert coal, oil, natural gas, steam, or other form 16602
of energy from property located within the state for the purpose 16603
of supplying energy for utilization; 16604

(4) Any method, process, structure, or equipment that is 16605
designed to result in more efficient recovery, conversion, or 16606
utilization of energy resources within the state, including any 16607
scrap tire recovery facility for which a registration certificate 16608
or permit has been issued under section 3734.78 of the Revised 16609
Code; 16610

(5) Any improvement that is designed to improve the thermal 16611
efficiency of a building or structure or reduce the fuel or power 16612
needed to heat, cool, light, ventilate, or provide hot water in a 16613
building or structure; 16614

(6) Any improvement designed to enable the substitution of 16615
coal or alternate fuel, other than natural gas, for natural gas or 16616

a petroleum fuel, or the conversion of coal to other fuels; 16617

(7) Any improvement designed to enable the combustion of high 16618
sulfur coal in compliance with air or water pollution control or 16619
solid waste disposal laws, including, but not limited to, any 16620
facility for processing coal to remove sulfur before combustion of 16621
the coal, for fluidized bed combustion, or for removal of the 16622
sulfur before the products of combustion are emitted or 16623
discharged. 16624

(C) "Cost" as applied to an energy resource development 16625
facility means the cost of acquisition and construction, the cost 16626
of acquisition of all land, rights-of-way, property rights, 16627
easements, franchise rights, and interests required for such 16628
acquisition and construction, the cost of demolishing or removing 16629
any buildings or structures on land so acquired, including the 16630
cost of acquiring any lands to which such buildings or structures 16631
may be moved, the cost of acquiring or constructing and equipping 16632
a principal office and sub-offices of the department of 16633
development, the cost of diverting highways, interchange of 16634
highways, access roads to private property, including the cost of 16635
land or easements for such access roads, the cost of public 16636
utility and common carrier relocation or duplication, the cost of 16637
all machinery, furnishings, and equipment, financing charges, 16638
interest prior to and during construction and for no more than 16639
eighteen months after completion of construction, engineering, 16640
expenses of research and development with respect to the facility, 16641
legal expenses, plans, specifications, surveys, studies, estimates 16642
of cost and revenues, working capital, other expenses necessary or 16643
incident to determining the feasibility or practicability of 16644
acquiring or constructing such facility, administrative expense, 16645
and such other expense as may be necessary or incident to the 16646
acquisition or construction of the facility, the financing of such 16647
acquisition or construction, including the amount authorized in 16648

the resolution of the Ohio water development authority providing 16649
for the issuance of energy resource development revenue bonds to 16650
be paid into any special funds from the proceeds of such bonds, 16651
and the financing of the placing of such facility in operation. 16652
Any obligation, cost, or expense incurred after August 26, 1975, 16653
by any governmental agency or person for surveys, borings, 16654
preparation of plans and specifications, and other engineering 16655
services, or any other cost described above, in connection with 16656
the acquisition or construction of a facility may be regarded as a 16657
part of the cost of such facility and may be reimbursed out of the 16658
proceeds of energy resource development revenue bonds. 16659

(D) "Revenues" means all rentals and other charges received 16660
by the Ohio water development authority for the use or services of 16661
any energy resource development facility, any contract, gift, or 16662
grant received with respect to any energy resource development 16663
facility, and moneys received with respect to the lease, sublease, 16664
sale, including installment sale or conditional sale, or other 16665
disposition of an energy resource development facility, moneys 16666
received in repayment of and for interest on any loans made by the 16667
authority to a person or governmental agency, whether from the 16668
United States or any department, administration, or agency 16669
thereof, or otherwise, proceeds of energy resource development 16670
revenue bonds to the extent that the use thereof for payment of 16671
principal of, premium, if any, or interest on the bonds is 16672
authorized by the authority, proceeds from any insurance, 16673
condemnation, or guaranty pertaining to a facility or property 16674
mortgaged to secure bonds or pertaining to the financing of a 16675
facility, and income and profit from the investment of the 16676
proceeds of energy resource development revenue bonds or of any 16677
revenues. 16678

(E) "Construction," unless the context indicates a different 16679
meaning or intent, includes construction, reconstruction, 16680

enlargement, improvement, or providing furnishings or equipment. 16681

(F) "Energy resource development revenue bonds," unless the 16682
context indicates a different meaning or intent, includes energy 16683
resource development revenue bonds, energy resource development 16684
revenue notes, and energy resource development revenue refunding 16685
bonds. 16686

(G) "Energy" means work or heat that is, or can be, produced 16687
from any fuel or source whatsoever. 16688

(H) "Energy audit" means any process by which energy usage or 16689
costs of heating, cooling, lighting, and climate control in a 16690
building or structure are determined. 16691

(I) "Energy conservation" means preservation of energy 16692
resources by efficient utilization, and reduction of waste. 16693

(J) "Energy conservation measure" means any modification of a 16694
building, structure, machine, appliance, vehicle, improvement, or 16695
process in order to improve its efficiency of energy use or energy 16696
costs. 16697

(K) "Fuel" means petroleum, crude oil, petroleum product, 16698
coal, natural gas, synthetic natural or artificial gas, nuclear, 16699
or other substance used primarily for its energy content. 16700

(L) "Net energy analysis" means the determination of the 16701
amount of energy remaining after all energy outputs have been 16702
subtracted from the energy inputs of a given system. 16703

~~(M) "Department of development" means the development 16704
services agency and "director of development" means the director 16705
of development services. 16706~~

Sec. 1551.33. (A) The director of development ~~services~~ shall 16707
appoint and fix the compensation of the director of the Ohio coal 16708
development office. The director shall serve at the pleasure of 16709
the director of development ~~services~~. 16710

- (B) The director of the office shall do all of the following: 16711
- (1) Biennially prepare and maintain the Ohio coal development 16712
agenda required under section 1551.34 of the Revised Code; 16713
- (2) Propose and support policies for the office consistent 16714
with the Ohio coal development agenda and develop means to 16715
implement the agenda; 16716
- (3) Initiate, undertake, and support projects to carry out 16717
the office's purposes and ensure that the projects are consistent 16718
with and meet the selection criteria established by the Ohio coal 16719
development agenda; 16720
- (4) Actively encourage joint participation in and, when 16721
feasible, joint funding of the office's projects with governmental 16722
agencies, electric utilities, universities and colleges, other 16723
public or private interests, or any other person; 16724
- (5) Establish a table of organization for and employ such 16725
employees and agents as are necessary for the administration and 16726
operation of the office. Any such employees shall be in the 16727
unclassified service and shall serve at the pleasure of the 16728
director of development ~~services~~. 16729
- (6) Convene the technical advisory committee established 16730
under section 1551.35 of the Revised Code; 16731
- (7) Review, with the assistance of the technical advisory 16732
committee, proposed coal research and development projects as 16733
defined in section 1555.01 of the Revised Code, and coal 16734
development projects, submitted to the office by public utilities 16735
for the purpose of section 4905.304 of the Revised Code. If the 16736
director and the advisory committee determine that any such 16737
facility or project has as its purpose the enhanced use of Ohio 16738
coal in an environmentally acceptable, cost effective manner, 16739
promotes energy conservation, is cost effective, and is 16740
environmentally sound, the director shall submit to the public 16741

utilities commission a report recommending that the commission 16742
allow the recovery of costs associated with the facility or 16743
project under section 4905.304 of the Revised Code and including 16744
the reasons for the recommendation. 16745

(8) Establish such policies, procedures, and guidelines as 16746
are necessary to achieve the office's purposes. 16747

(C) With the approval of the director of development 16748
~~services~~, the director of the office may exercise any of the 16749
powers and duties that the director of development ~~services~~ 16750
considers appropriate or desirable to achieve the office's 16751
purposes, including, but not limited to, the powers and duties 16752
enumerated in sections 1551.11, 1551.12, and 1551.15 of the 16753
Revised Code. 16754

Additionally, the director of the office may make loans to 16755
governmental agencies or persons for projects to carry out the 16756
office's purposes. Fees, charges, rates of interest, times of 16757
payment of interest and principal, and other terms, conditions, 16758
and provisions of the loans shall be such as the director of the 16759
office determines to be appropriate and in furtherance of the 16760
purposes for which the loans are made. The mortgage lien securing 16761
any moneys lent by the director of the office may be subordinate 16762
to the mortgage lien securing any moneys lent or invested by a 16763
financial institution, but shall be superior to that securing any 16764
moneys lent or expended by any other person. The moneys used in 16765
making the loans shall be disbursed upon order of the director of 16766
the office. 16767

Sec. 1551.35. (A) There is hereby established a technical 16768
advisory committee to assist the director of the Ohio coal 16769
development office in achieving the office's purposes. The 16770
director of development ~~services~~ shall appoint to the committee 16771
one member of the public utilities commission and one 16772

representative each of coal production companies, the united mine 16773
workers of America, and electric utilities, as well as two people 16774
with a background in coal research and development technology, one 16775
of whom is employed at the time of the member's appointment by a 16776
state university, as defined in section 3345.011 of the Revised 16777
Code. In addition, the committee shall include four legislative 16778
members. The speaker and minority leader of the house of 16779
representatives each shall appoint one member of the house of 16780
representatives, and the president and minority leader of the 16781
senate each shall appoint one member of the senate, to the 16782
committee. The director of environmental protection shall serve on 16783
the committee as an ex officio member. Any member of the committee 16784
may designate in writing a substitute to serve in the member's 16785
absence on the committee. The director of environmental protection 16786
may designate in writing the chief of the air pollution control 16787
division of the environmental protection agency to represent the 16788
agency. Members shall serve on the committee at the pleasure of 16789
their appointing authority. Members of the committee appointed by 16790
the director of development ~~services~~ and, notwithstanding section 16791
101.26 of the Revised Code, legislative members of the committee, 16792
when engaged in their official duties as members of the committee, 16793
shall be compensated on a per diem basis in accordance with 16794
division (J) of section 124.15 of the Revised Code, except that 16795
the member of the public utilities commission and, while employed 16796
by a state university, the member with a background in coal 16797
research, shall not be so compensated. Members shall receive their 16798
actual and necessary expenses incurred in the performance of their 16799
duties. 16800

(B) The technical advisory committee shall review and make 16801
recommendations concerning the Ohio coal development agenda 16802
required under section 1551.34 of the Revised Code, project 16803
proposals, research and development projects submitted to the 16804

office by public utilities for the purpose of section 4905.304 of 16805
the Revised Code, proposals for grants, loans, and loan guarantees 16806
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 16807
and such other topics as the director of the office considers 16808
appropriate. 16809

(C) The technical advisory committee may hold an executive 16810
session at any regular or special meeting for the purpose of 16811
considering research and development project proposals or 16812
applications for assistance submitted to the Ohio coal development 16813
office under section 1551.33, or sections 1555.01 to 1555.06, of 16814
the Revised Code, to the extent that the proposals or applications 16815
consist of trade secrets or other proprietary information. 16816

Any materials or data submitted to, made available to, or 16817
received by the department of development ~~services agency~~ or the 16818
director of the Ohio coal development office in connection with 16819
agreements for assistance entered into under this chapter or 16820
Chapter 1555. of the Revised Code, or any information taken from 16821
those materials or data for any purpose, to the extent that the 16822
materials or data consist of trade secrets or other proprietary 16823
information, are not public records for the purposes of section 16824
149.43 of the Revised Code. 16825

As used in this division, "trade secrets" has the same 16826
meaning as in section 1333.61 of the Revised Code. 16827

Sec. 1561.12. An applicant for any examination or certificate 16828
under this section shall, before being examined, register the 16829
applicant's name with the chief of the division of mineral 16830
resources management and file with the chief an affidavit as to 16831
all matters of fact establishing the applicant's right to receive 16832
the examination and a certificate from a reputable and 16833
disinterested physician as to the physical condition of the 16834
applicant showing that the applicant is physically capable of 16835

performing the duties of the office or position. 16836

Each applicant for examination for any of the following 16837
positions shall present evidence satisfactory to the chief that 16838
the applicant has been a resident and citizen of this state for 16839
two years next preceding the date of application: 16840

(A) An applicant for the position of deputy mine inspector of 16841
underground mines shall have had actual practical experience of 16842
not less than six years, ~~at least two of which shall have been in~~ 16843
~~the underground workings of mines in this state. In the case of an~~ 16844
~~applicant who would inspect underground coal mines, the two years~~ 16845
~~shall consist of actual practical experience in underground coal~~ 16846
~~mines. In the case of an applicant who would inspect noncoal~~ 16847
~~mines, the two years shall consist of actual practical experience~~ 16848
~~in noncoal mines in underground mines.~~ In lieu of two of the six 16849
years of ~~the~~ actual practical experience required in underground 16850
mines, the chief may accept as the equivalent thereof a 16851
certificate evidencing graduation from an accredited school of 16852
mines or mining, after a four-year course of study, ~~but such~~ 16853
~~credit shall not apply as to the two years' actual practical~~ 16854
~~experience required in the mines in this state.~~ 16855

The applicant shall pass an examination as to the applicant's 16856
practical and technological knowledge of mine surveying, mining 16857
machinery, and appliances; the proper development and operation of 16858
mines; the best methods of working and ventilating mines; the 16859
nature, properties, and powers of noxious, poisonous, and 16860
explosive gases, particularly methane; the best means and methods 16861
of detecting, preventing, and removing the accumulation of such 16862
gases; the use and operation of gas detecting devices and 16863
appliances; first aid to the injured; and the uses and dangers of 16864
electricity as applied and used in, at, and around mines. The 16865
applicant shall also hold a certificate for foreperson of gaseous 16866

mines issued by the chief. 16867

(B) An applicant for the position of deputy mine inspector of 16868
surface mines shall have had actual practical mining experience of 16869
not less than six years, ~~at least two of which shall have been in~~ 16870
surface mines ~~in this state~~. In lieu of two of the six years of 16871
~~the~~ actual practical experience required, the chief may accept as 16872
the equivalent thereof a certificate evidencing graduation from an 16873
accredited school of mines or mining, after a four-year course of 16874
study, ~~but that credit shall not apply as to the two years' actual~~ 16875
~~practical experience required in the mines in this state~~. The 16876
applicant shall pass an examination as to the applicant's 16877
practical and technological knowledge of surface mine surveying, 16878
machinery, and appliances; the proper development and operations 16879
of surface mines; first aid to the injured; and the use and 16880
dangers of explosives and electricity as applied and used in, at, 16881
and around surface mines. The applicant shall also hold a surface 16882
mine foreperson certificate issued by the chief. 16883

(C) An applicant for the position of electrical inspector 16884
shall have had at least five years' practical experience in the 16885
installation and maintenance of electrical circuits and equipment 16886
in mines, and the applicant shall be thoroughly familiar with the 16887
principles underlying the safety features of permissible and 16888
approved equipment as authorized and used in mines. 16889

The applicant shall be required to pass the examination 16890
required for deputy mine inspectors and an examination testing and 16891
determining the applicant's qualification and ability to 16892
competently inspect and administer the mining law that relates to 16893
electricity used in and around mines and mining in this state. 16894

(D) An applicant for the position of superintendent or 16895
assistant superintendent of rescue stations shall possess the same 16896
qualifications as those required for a deputy mine inspector. In 16897
addition, the applicant shall present evidence satisfactory to the 16898

chief that the applicant is sufficiently qualified and trained to 16899
organize, supervise, and conduct group training classes in first 16900
aid, safety, and rescue work. 16901

The applicant shall pass the examination required for deputy 16902
mine inspectors and shall be tested as to the applicant's 16903
practical and technological experience and training in first aid, 16904
safety, and mine rescue work. 16905

(E) An applicant for the position of mine chemist shall have 16906
such educational training as is represented by the degree MS in 16907
chemistry from a university of recognized standing, and at least 16908
five years of actual practical experience in research work in 16909
chemistry or as an assistant chemist. The chief may provide that 16910
an equivalent combination of education and experience together 16911
with a wide knowledge of the methods of and skill in chemical 16912
analysis and research may be accepted in lieu of the above 16913
qualifications. It is preferred that the chemist shall have had 16914
actual experience in mineralogy and metallurgy. 16915

Sec. 1561.23. (A) The chief of the division of mineral 16916
resources management shall issue the following certificates to 16917
those applicants who pass their examination: 16918

- ~~(A)~~(1) Certificates for mine forepersons of gaseous mines; 16919
- ~~(B)~~(2) Certificates for mine forepersons of nongaseous mines; 16920
- ~~(C)~~(3) Certificates for forepersons of gaseous mines; 16921
- ~~(D)~~(4) Certificates for forepersons of nongaseous mines; 16922
- ~~(E)~~(5) Certificates for forepersons of surface maintenance 16923
facilities of underground or surface mines; 16924
- ~~(F)~~(6) Certificates for mine forepersons of surface mines; 16925
- ~~(G)~~(7) Certificates for forepersons of surface mines; 16926
- ~~(H)~~(8) Certificates for fire bosses; 16927

- ~~(I)~~(9) Certificates for mine electricians; 16928
- ~~(J)~~(10) Certificates for surface mine blasters; 16929
- ~~(K)~~(11) Certificates for shot firers. 16930

(B) Applicants for certificates shall make application to the chief, on a form provided by the chief, for examination. All applicants shall be able to read and write the English language intelligently, and shall furnish the chief with a certificate as to the length and description of their practical experience and satisfactory evidence of their ability to perform the duties of the position for which they make application for examination.

(C) The chief may issue a certificate to an applicant for mine foreperson, foreperson, or mine electrician who holds a valid certification or other authorization from a state with which the department of natural resources has a reciprocal agreement for the certification or other authorization. However, the applicant shall pass an examination on this chapter and rules adopted under it or on any other relevant material that the chief determines to be appropriate.

A mine foreperson, foreperson, or mine electrician who has been issued a temporary certificate under section 1565.06 of the Revised Code prior to the effective date of this amendment and who holds a valid certification or other authorization from a state with which the department has a reciprocal agreement for the certification or other authorization may continue to operate under the temporary certificate until it expires or the chief suspends or revokes it.

(D) Except as provided in sections 1561.16 and 1561.17 of the Revised Code, any certificate issued by the former mine examining board prior to October 29, 1995, shall remain in effect notwithstanding the new classifications of certificates established by this section.

Sec. 1703.27. No foreign nonprofit corporation shall exercise 16959
its corporate privileges in this state in a continual course of 16960
transactions until it has first procured from the secretary of 16961
state a certificate authorizing it to do so. 16962

Before issuing such certificate, the secretary of state shall 16963
require such foreign corporation to file in the secretary of 16964
state's office a certificate of good standing or subsistence, 16965
setting forth the exact corporate title, the date of 16966
incorporation, and the fact that the corporation is in good 16967
standing or is a subsisting corporation, certified by the 16968
secretary of state, or other proper official, of the state under 16969
the laws of which the corporation was incorporated, and a 16970
statement, on a form prescribed by the secretary of state, 16971
verified by the oath of one of its officers, setting forth, but 16972
not limited to, the following: 16973

(A) The name of the corporation; 16974

(B) The state under the laws of which it is incorporated; 16975

(C) The location of its principal office; 16976

(D) The corporate privileges it proposes to exercise in this 16977
state; 16978

~~(E) The location of its principal office in this state;~~ 16979

~~(F)~~ The appointment of a designated agent and the complete 16980
address of such agent, which shall comply with the requirements of 16981
section 1703.041 of the Revised Code; 16982

~~(G)~~~~(F)~~ Its irrevocable consent to service of process on such 16983
agent so long as the authority of the agent continues and to 16984
service of process upon the secretary of state in the events 16985
provided for in section 1703.19 of the Revised Code. 16986

For the filing of that statement, the secretary of state 16987
shall charge and collect the fee specified in division (I)(1) of 16988

section 111.16 of the Revised Code. 16989

A foreign nonprofit corporation shall file an amendment with 16990
the secretary of state if there is a modification of any of the 16991
information required to be included in its statement, except for 16992
changes in information required by division ~~(F)~~(E) of this 16993
section, which shall be corrected in the same manner as described 16994
in section 1702.06 of the Revised Code. For the filing of those 16995
amendments and corrections, the secretary of state shall charge 16996
and collect the fee specified in division (B) or (R) of section 16997
111.16 of the Revised Code. 16998

Sections 1703.01 to 1703.31 of the Revised Code, governing 16999
foreign corporations for profit in respect to exemption from 17000
attachment, change of location of principal office, change of its 17001
designated agent or of the designated agent's address, service on 17002
the secretary of state, license certificate as prima-facie 17003
evidence, proof of due incorporation, filing of amendments 17004
evidencing changes of corporate name, merger, or consolidation, 17005
filing of certificate of surrender, service on retired 17006
corporation, and penalties or forfeitures for transacting business 17007
without license, for false reports, and for failure to comply with 17008
other applicable provisions of such sections, shall also apply to 17009
foreign nonprofit corporations. 17010

The secretary of state may require further reports, 17011
certificates, or information from a foreign nonprofit corporation, 17012
including verification of the continued existence of the 17013
corporation. Upon the failure of any corporation to provide the 17014
information, the secretary of state shall give notice of the 17015
failure by certified mail and, if the report is not filed within 17016
thirty days after the mailing of the notice, the license of the 17017
corporation to exercise its corporate privileges in this state 17018
shall expire and the secretary of state shall make a notation to 17019
that effect on the secretary of state's records. 17020

Sec. 1707.37. (A) All fees and charges collected under this 17021
chapter shall be paid into the state treasury to the credit of the 17022
division of securities fund, which is hereby created. All expenses 17023
of the division of securities, other than those specified in 17024
division (B) of this section, shall be paid from the fund. 17025

The fund shall be assessed a proportionate share of the 17026
administrative costs of the department of commerce in accordance 17027
with procedures prescribed by the director of commerce ~~and~~ 17028
~~approved by the director of budget and management.~~ The assessments 17029
shall be paid from the division of securities fund to the division 17030
of administration fund. 17031

If moneys in the division of securities fund are determined 17032
by the director of budget and management and the director of 17033
commerce to be in excess of those necessary to defray all the 17034
expenses in any fiscal year, the director of budget and management 17035
shall transfer the excess to the general revenue fund. 17036

(B) There is hereby created in the state treasury the 17037
division of securities investor education and enforcement expense 17038
fund, which shall consist of all money received in settlement of 17039
any violation of this chapter and any cash transfers. Money in the 17040
fund shall be used to pay expenses of the division of securities 17041
relating to education or enforcement for the protection of 17042
securities investors and the public. The division may adopt rules 17043
pursuant to section 1707.20 of the Revised Code that establish 17044
what qualifies as such an expense. 17045

Sec. 1707.47. (A) As used in this section and section 17046
1707.471 of the Revised Code: 17047

(1) "Claimant" means a person that files an application for 17048
restitution assistance on behalf of a victim. 17049

(2) "Final order" means a final administrative order issued 17050

by the division of securities or a final court order in a civil or 17051
criminal proceeding initiated by the division. 17052

(3) "Victim" means a purchaser identified in a final order 17053
that has suffered a pecuniary loss as the result of a violation of 17054
this chapter or any rules adopted thereunder, or, in the case of a 17055
deceased purchaser so identified, the purchaser's surviving spouse 17056
or dependent children. 17057

(B) There is hereby created in the state treasury the Ohio 17058
investor recovery fund, which shall consist of all cash transfers 17059
from the division of securities fund, created in section 1707.37 17060
of the Revised Code, not to exceed an aggregate total of two 17061
million five hundred thousand dollars in any fiscal year. Money in 17062
the Ohio investor recovery fund shall be used for the purposes 17063
identified in division (C) of this section. 17064

(C) The division shall use the Ohio investor recovery fund 17065
only to pay awards of restitution assistance and any expenses 17066
incurred in administering this section. 17067

(D)(1) If the Ohio investor recovery fund is reduced below 17068
two hundred fifty thousand dollars due to payment in full of 17069
restitution assistance awards that become final during a month, 17070
the division shall suspend payment of further claims that become 17071
final during that month and the following two months. 17072

(2) At the end of the suspension period described in division 17073
(D)(1) of this section, the division shall pay the suspended 17074
claims. If the Ohio investor recovery fund would be exhausted by 17075
payment in full of the suspended claims, the amount paid to each 17076
claimant shall be prorated according to the amount remaining in 17077
the Ohio investor recovery fund at the end of the suspension 17078
period. 17079

(E) The state shall not be liable for a determination made by 17080
the division under this section except to the extent that money is 17081

available in the Ohio investor recovery fund on the date the award 17082
is calculated. 17083

(F) The following victims are eligible for restitution 17084
assistance: 17085

(1) A natural person who is a resident of this state; 17086

(2) A person, other than a natural person, that is domiciled 17087
in Ohio. 17088

(G) The division shall not award restitution assistance as 17089
follows: 17090

(1) To more than one claimant per victim; 17091

(2) To a claimant on behalf of a victim that has received the 17092
full amount of restitution owed from the person ordered to pay 17093
restitution to the victim in the final order before the 17094
application for restitution assistance from the fund is filed; 17095

(3) To a claimant if the final order identifies no pecuniary 17096
loss to the victim on whose behalf the application is made; 17097

(4) To a claimant on behalf of a victim that assisted in the 17098
commission of the violation of this chapter; 17099

(5) If the portion of the final order giving rise to a 17100
restitution order or otherwise establishing a pecuniary loss to 17101
the victim is overturned on appeal. 17102

(H) If, after the division has made a restitution assistance 17103
award from the Ohio investor recovery fund under this section, the 17104
restitution award in the final order is overturned on appeal and 17105
all legal remedies have been exhausted, then the claimant shall 17106
forfeit the restitution assistance award. 17107

Sec. 1707.471. (A) A person that is eligible for a 17108
restitution assistance award under section 1707.47 of the Revised 17109
Code may submit an application for restitution assistance to the 17110

division in a manner and form prescribed by the division of 17111
securities. 17112

(B) To receive a restitution assistance award, the claimant 17113
shall submit an application to the division within one hundred 17114
eighty days after the date of the final order. The division may 17115
grant an extension for good cause shown by the claimant. In no 17116
case shall the division accept an application that is received 17117
more than two years after the date of the final order. 17118

(C) The maximum award from the Ohio investor recovery fund 17119
created in section 1707.47 of the Revised Code for each claimant 17120
shall be the lesser of twenty-five thousand dollars or twenty-five 17121
per cent of the amount of monetary injury suffered by the victim 17122
as specified in the final order. 17123

(D) The state is subrogated to the rights of the person 17124
awarded restitution assistance under section 1707.47 of the 17125
Revised Code to the extent of the award. The subrogation rights 17126
are against the person that committed the securities violation or 17127
a person liable for the pecuniary loss. 17128

(E) The state may obtain a lien on the restitution assistance 17129
award in a separation action brought by the state or through state 17130
intervention in an action brought by or on behalf of the victim. 17131

(F)(1) No claimant shall knowingly file or cause to be filed 17132
an application for restitution assistance or documents supporting 17133
the application that contain false, incomplete, or misleading 17134
information in any material respect. 17135

(2) A claimant that violates division (F)(1) of this section 17136
shall forfeit all restitution assistance provided from the fund 17137
and shall be fined not more than ten thousand dollars by the 17138
division. 17139

(3) Notwithstanding section 1707.28 of the Revised Code, a 17140

proceeding to determine whether a violation of division (F)(1) of 17141
this section occurred shall be commenced not later than two years 17142
after the date on which the division discovered the violation or 17143
through reasonable diligence should have discovered the violation, 17144
whichever is earlier. 17145

(G) The division shall adopt rules as necessary to implement 17146
sections 1707.47 and 1707.471 of the Revised Code, including rules 17147
governing the processes for both of the following: 17148

(1) Reviewing applications for restitution assistance awards; 17149

(2) Suspending awards or making a prorated payment of awards 17150
when the fund balance approaches or reaches a balance below two 17151
hundred fifty thousand dollars. 17152

Sec. 1707.49. (A) As used in this section: 17153

(1) "Eligible adult" means either of the following: 17154

(a) A person sixty years of age or older; 17155

(b) A person eligible to receive protective services pursuant 17156
to sections 5101.60 to 5101.71 of the Revised Code. 17157

(2) "Financial exploitation" means either of the following: 17158

(a) The wrongful or unauthorized taking, withholding, 17159
directing, appropriation, or use of money, assets, or property of 17160
an eligible adult; 17161

(b) Any act or omission by a person, including through the 17162
use of a power of attorney or guardianship of an eligible adult, 17163
to do either of the following: 17164

(i) Obtain control, through deception, intimidation, or undue 17165
influence, money, assets, or property of an eligible adult and 17166
thereby deprive the eligible adult of the ownership, use, benefit, 17167
or possession of the money, assets, or property; 17168

(ii) Convert money, assets, or property of an eligible adult 17169

and thereby deprive the eligible adult of the ownership, use, benefit, or possession of the money, assets, or property. 17170
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(B) If an employee of a dealer or investment adviser has reasonable cause to believe that an eligible adult who is an account holder may be subject to past, current, or attempted financial exploitation, then both of the following apply: 17172
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(1) The employee shall follow any internal written policy, program, plan, or procedure adopted by the dealer or investment adviser for the purpose of establishing protocols for the reporting of past, current, or attempted financial exploitation. 17176
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(2) The dealer or investment adviser may place a hold on any transaction impacted by the past, current, or attempted financial exploitation for a period of time not to exceed fifteen business days. 17180
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(C) A dealer or investment adviser shall report any transactional hold placed pursuant to division (B)(2) of this section, along with a summary of the facts and circumstances leading up to the hold, in writing immediately to the division and the county department of job and family services for the county in which the eligible adult resides. 17184
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(D) A dealer or investment adviser making a report to the division and the county department of job and family services pursuant to division (C) of this section may continue the transactional hold for up to another fifteen business days at the request of an investigating federal or state agency or if the dealer or investment adviser has not heard from either the division or the county department of job and family services within the initial fifteen-day hold period. Nothing in this section shall be construed as limiting a dealer's or investment adviser's ability to seek injunctive relief from a court of competent jurisdiction at any time for any past, current, or 17190
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attempted financial exploitation. 17201

(E) Any person participating in good faith in making a report 17202
or placing a transactional hold pursuant to this section is immune 17203
from any civil or administrative liability arising from the report 17204
or hold. 17205

(F) Any record made available to a state agency under this 17206
section shall be considered an investigative record pursuant to 17207
division (B) of section 1707.12 of the Revised Code. Any record of 17208
a transactional hold, any report relating to the hold, and any 17209
notification of the hold shall be maintained by the dealer or 17210
investment adviser for not less than five years. 17211

Sec. 1710.01. As used in this chapter: 17212

(A) "Special improvement district" means a special 17213
improvement district organized under this chapter. 17214

(B) "Church" means a fellowship of believers, congregation, 17215
society, corporation, convention, or association that is formed 17216
primarily or exclusively for religious purposes and that is not 17217
formed for the private profit of any person. 17218

(C) "Church property" means property that is described as 17219
being exempt from taxation under division (A)(2) of section 17220
5709.07 of the Revised Code and that the county auditor has 17221
entered on the exempt list compiled under section 5713.07 of the 17222
Revised Code. 17223

(D) "Municipal executive" means the mayor, city manager, or 17224
other chief executive officer of the municipal corporation in 17225
which a special improvement district is located. 17226

(E) "Participating political subdivision" means the municipal 17227
corporation or township, or each of the municipal corporations or 17228
townships, that has territory within the boundaries of a special 17229
improvement district created under this chapter. 17230

(F) "Legislative authority of a participating political subdivision" means, with reference to a township, the board of township trustees. 17231
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(G) "Public improvement" means the planning, design, construction, reconstruction, enlargement, or alteration of any facility or improvement, including the acquisition of land, for which a special assessment may be levied under Chapter 727. of the Revised Code, and includes any special energy improvement project or shoreline improvement project. 17234
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(H) "Public service" means any service that can be provided by a municipal corporation or any service for which a special assessment may be levied under Chapter 727. of the Revised Code. 17240
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(I) "Special energy improvement project" means any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, whether such real or personal property is publicly or privately owned. 17243
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(J) "Existing qualified nonprofit corporation" means a nonprofit corporation that existed before the creation of the corresponding district under this chapter, that is composed of members located within or adjacent to the district, that has established a police department under section 1702.80 of the Revised Code, and that is organized for purposes that include acquisition of real property within an area specified by its articles for the subsequent transfer of such property to its members exclusively for charitable, scientific, literary, or educational purposes, or holding and maintaining and leasing such property; planning for and assisting in the development of its members; providing for the relief of the poor and distressed or 17251
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underprivileged in the area and adjacent areas; combating 17263
community deterioration and lessening the burdens of government; 17264
providing or assisting others in providing housing for low- or 17265
moderate-income persons; and assisting its members by the 17266
provision of public safety and security services, parking 17267
facilities, transit service, landscaping, and parks. 17268

(K) "Energy efficiency improvement" means energy efficiency 17269
technologies, products, and activities that reduce or support the 17270
reduction of energy consumption, allow for the reduction in 17271
demand, or support the production of clean, renewable energy and 17272
that are or will be permanently fixed to real property. 17273

(L) "Customer-generated energy project" means a wind, 17274
biomass, or gasification facility for the production of 17275
electricity that meets either of the following requirements: 17276

(1) The facility is designed to have a generating capacity of 17277
two hundred fifty kilowatts of electricity or less. 17278

(2) The facility is: 17279

(a) Designed to have a generating capacity of more than two 17280
hundred fifty kilowatts of electricity; 17281

(b) Operated in parallel with electric transmission and 17282
distribution facilities serving the real property at the site of 17283
the customer-generated energy project; 17284

(c) Intended primarily to offset part or all of the facility 17285
owner's requirements for electricity at the site of the 17286
customer-generated energy project and is located on the facility 17287
owner's real property; and 17288

(d) Not producing energy for direct sale by the facility 17289
owner to the public. 17290

(M) "Reduction in demand" means a change in customer behavior 17291
or a change in customer-owned or operated assets that reduces or 17292

has the capability to reduce the demand for electricity as a 17293
result of price signals or other incentives. 17294

(N) "Electric distribution utility" and "mercantile customer" 17295
have the same meanings as in section 4928.01 of the Revised Code. 17296

(O) "Shoreline improvement project" means acquiring, 17297
constructing, installing, equipping, improving, maintaining, or 17298
repairing real or tangible personal property necessary or useful 17299
for making improvements to abate erosion along either the Lake 17300
Erie shoreline or any water resource. 17301

(P) "Water resource" has the same meaning as in section 17302
6105.01 of the Revised Code. 17303

Sec. 1710.06. (A) The board of directors of a special 17304
improvement district may develop and adopt one or more written 17305
plans for public improvements or public services that benefit all 17306
or any part of the district. Each plan shall set forth the 17307
specific public improvements or public services that are to be 17308
provided, identify the area in which they will be provided, and 17309
specify the method of assessment to be used. Each plan for public 17310
improvements or public services shall indicate the period of time 17311
the assessments are to be levied for the improvements and services 17312
and, if public services are included in the plan, the period of 17313
time the services are to remain in effect. Plans for public 17314
improvements may include the planning, design, construction, 17315
reconstruction, enlargement, or alteration of any public 17316
improvements and the acquisition of land for the improvements. 17317
Plans for public improvements or public services may also include, 17318
but are not limited to, provisions for the following: 17319

(1) Creating and operating the district and the nonprofit 17320
corporation under this chapter, including hiring employees and 17321
professional services, contracting for insurance, and purchasing 17322
or leasing office space and office equipment and other 17323

requirements of the district;	17324
(2) Planning, designing, and implementing a public	17325
improvements or public services plan, including hiring	17326
architectural, engineering, legal, appraisal, insurance,	17327
consulting, energy auditing, and planning services, and, for	17328
public services, managing, protecting, and maintaining public and	17329
private facilities, including public improvements;	17330
(3) Conducting court proceedings to carry out this chapter;	17331
(4) Paying damages resulting from the provision of public	17332
improvements or public services and implementing the plans;	17333
(5) Paying the costs of issuing, paying interest on, and	17334
redeeming notes and bonds issued for funding public improvements	17335
and public services plans;	17336
(6) Sale, lease, lease with an option to purchase, conveyance	17337
of other interests in, or other contracts for the acquisition,	17338
construction, maintenance, repair, furnishing, equipping,	17339
operation, or improvement of any special energy improvement	17340
project by the special improvement district, between a	17341
participating political subdivision and the special improvement	17342
district, and between the special improvement district and any	17343
owner of real property in the special improvement district on	17344
which a special energy improvement project has been acquired,	17345
installed, equipped, or improved; and	17346
(7) Aggregating the renewable energy credits generated by one	17347
or more special energy improvement projects within a special	17348
improvement district, upon the consent of the owners of the	17349
credits and for the purpose of negotiating and completing the sale	17350
of such credits.	17351
(B) Once the board of directors of the special improvement	17352
district adopts a plan, it shall submit the plan to the	17353
legislative authority of each participating political subdivision	17354

and the municipal executive of each municipal corporation in which 17355
the district is located, if any. The legislative authorities and 17356
municipal executives shall review the plan and, within sixty days 17357
after receiving it, may submit their comments and recommendations 17358
about it to the district. After reviewing these comments and 17359
recommendations, the board of directors may amend the plan. It may 17360
then submit the plan, amended or otherwise, in the form of a 17361
petition to members of the district whose property may be assessed 17362
for the plan. Once the petition is signed by those members who own 17363
at least sixty per cent of the front footage of property that is 17364
to be assessed and that abuts upon a street, alley, public road, 17365
place, boulevard, parkway, park entrance, easement, or other 17366
public improvement, or those members who own at least seventy-five 17367
per cent of the area to be assessed for the improvement or 17368
service, the petition may be submitted to each legislative 17369
authority for approval. Except as provided in division (H) of 17370
section 1710.02 of the Revised Code, if the special improvement 17371
district was created for the purpose of developing and 17372
implementing plans for special energy improvement projects or 17373
shoreline improvement projects, the petition required under this 17374
division shall be signed by one hundred per cent of the owners of 17375
the area of all real property located within the area to be 17376
assessed for the special energy improvement project or shoreline 17377
improvement project. 17378

Each legislative authority shall, by resolution, approve or 17379
reject the petition within sixty days after receiving it. If the 17380
petition is approved by the legislative authority of each 17381
participating political subdivision, the plan contained in the 17382
petition shall be effective at the earliest date on which a 17383
nonemergency resolution of the legislative authority with the 17384
latest effective date may become effective. A plan may not be 17385
resubmitted to the legislative authorities and municipal 17386
executives more than three times in any twelve-month period. 17387

(C) Each participating political subdivision shall levy, by 17388
special assessment upon specially benefited property located 17389
within the district, the costs of any public improvements or 17390
public services plan contained in a petition approved by the 17391
participating political subdivisions under this section or 17392
division (F) of section 1710.02 of the Revised Code. The levy 17393
shall be made in accordance with the procedures set forth in 17394
Chapter 727. of the Revised Code, except that: 17395

(1) The assessment for each improvements or services plan may 17396
be levied by any one or any combination of the methods of 17397
assessment listed in section 727.01 of the Revised Code, provided 17398
that the assessment is uniformly applied. 17399

(2) For the purpose of levying an assessment, the board of 17400
directors may combine one or more improvements or services plans 17401
or parts of plans and levy a single assessment against specially 17402
benefited property. 17403

(3) For purposes of special assessments levied by a township 17404
pursuant to this chapter, references in Chapter 727. of the 17405
Revised Code to the municipal corporation shall be deemed to refer 17406
to the township, and references to the legislative authority of 17407
the municipal corporation shall be deemed to refer to the board of 17408
township trustees. 17409

Church property or property owned by a political subdivision, 17410
including any participating political subdivision in which a 17411
special improvement district is located, shall be included in and 17412
be subject to special assessments made pursuant to a plan adopted 17413
under this section or division (F) of section 1710.02 of the 17414
Revised Code, if the church or political subdivision has 17415
specifically requested in writing that its property be included 17416
within the special improvement district and the church or 17417
political subdivision is a member of the district or, in the case 17418
of a district created by an existing qualified nonprofit 17419

corporation, if the church is a member of the corporation. 17420

For tax years 2020 to 2024, qualifying real property, as 17421
defined in section 727.031 of the Revised Code, is exempt from 17422
special assessments levied under division (C) of this section, 17423
provided no delinquent special assessments and related interest 17424
and penalties are levied or assessed against any property owned by 17425
the owner and operator of the qualifying real property for that 17426
tax year. 17427

(D) All rights and privileges of property owners who are 17428
assessed under Chapter 727. of the Revised Code shall be granted 17429
to property owners assessed under this chapter, including those 17430
rights and privileges specified in sections 727.15 to 727.17 and 17431
727.18 to 727.22 of the Revised Code and the right to notice of 17432
the resolution of necessity and the filing of the estimated 17433
assessment under section 727.13 of the Revised Code. Property 17434
owners assessed for public services under this chapter shall have 17435
the same rights and privileges as property owners assessed for 17436
public improvements under this chapter. 17437

Sec. 1716.21. (A)(1) Except as provided in division (B) of 17438
this section or as specifically required or authorized by federal 17439
law, no agency or official of this state shall impose any filing 17440
or reporting requirement on a charitable organization, regulated 17441
or specifically exempted from regulation under Chapter 1716. of 17442
the Revised Code, that is more stringent, restrictive, or 17443
expansive than the requirements explicitly authorized by the 17444
Revised Code. 17445

(2) Division (A)(1) of this section shall not be construed as 17446
repealing or otherwise negating any rule or requirement already in 17447
existence as of the effective date of this section. 17448

(3) Division (A)(1) of this section shall not be construed as 17449
negating or limiting any of the following: 17450

(a) Any civil or criminal right, claim, or defense that the attorney general may assert under the Revised Code or common law; 17451
17452

(b) The authority of the attorney general to institute and prosecute an action to enforce any provision of the Revised Code the attorney general is authorized to enforce; 17453
17454
17455

(c) The independent authority of the attorney general to protect charitable assets in this state. 17456
17457

(B) This section does not apply to any of the following: 17458

(1) State grants and contracts; 17459

(2) Fraud investigations; 17460

(3) Any enforcement action taken against a specific charitable organization; 17461
17462

(4) Settlement agreements; 17463

(5) Assurances of discontinuance; 17464

(6) Court judgments; 17465

(7) Entities operating under Chapter 2915. of the Revised Code. 17466
17467

(C) This section shall be known as "The Charitable Organizations Act." 17468
17469

Sec. 1733.321. All fees, charges, and forfeitures collected 17470
under this chapter shall be paid to the superintendent of 17471
financial institutions, who shall deposit them into the state 17472
treasury to the credit of the credit unions fund, which is hereby 17473
established, and may be expended or obligated by the 17474
superintendent for the defrayment of the costs of regulation of 17475
credit unions. All actual and necessary expenses incurred by the 17476
superintendent, including any services rendered by the department 17477
of commerce for the benefit of credit unions, shall be paid from 17478
the fund. The fund shall be assessed a proportionate share of the 17479

administrative costs of the department of commerce and the 17480
division of financial institutions. The proportionate share of the 17481
administrative costs of the division of financial institutions 17482
shall be determined in accordance with procedures prescribed by 17483
the superintendent ~~and approved by the director of budget and~~ 17484
~~management~~. Such assessment shall be paid from the credit unions 17485
fund to the division of administration fund or the financial 17486
institutions fund. 17487

Sec. 1901.31. The clerk and deputy clerks of a municipal 17488
court shall be selected, be compensated, give bond, and have 17489
powers and duties as follows: 17490

(A) There shall be a clerk of the court who is appointed or 17491
elected as follows: 17492

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 17493
county, Miami county, Montgomery county, Portage county, and Wayne 17494
county municipal courts and through December 31, 2008, the 17495
Cuyahoga Falls municipal court, if the population of the territory 17496
equals or exceeds one hundred thousand at the regular municipal 17497
election immediately preceding the expiration of the term of the 17498
present clerk, the clerk shall be nominated and elected by the 17499
qualified electors of the territory in the manner that is provided 17500
for the nomination and election of judges in section 1901.07 of 17501
the Revised Code. 17502

The clerk so elected shall hold office for a term of six 17503
years, which term shall commence on the first day of January 17504
following the clerk's election and continue until the clerk's 17505
successor is elected and qualified. 17506

(b) In the Hamilton county municipal court, the clerk of 17507
courts of Hamilton county shall be the clerk of the municipal 17508
court and may appoint an assistant clerk who shall receive the 17509
compensation, payable out of the treasury of Hamilton county in 17510

semimonthly installments, that the board of county commissioners 17511
prescribes. The clerk of courts of Hamilton county, acting as the 17512
clerk of the Hamilton county municipal court and assuming the 17513
duties of that office, shall receive compensation at one-fourth 17514
the rate that is prescribed for the clerks of courts of common 17515
pleas as determined in accordance with the population of the 17516
county and the rates set forth in sections 325.08 and 325.18 of 17517
the Revised Code. This compensation shall be paid from the county 17518
treasury in semimonthly installments and is in addition to the 17519
annual compensation that is received for the performance of the 17520
duties of the clerk of courts of Hamilton county, as provided in 17521
sections 325.08 and 325.18 of the Revised Code. 17522

(c) In the Portage county and Wayne county municipal courts, 17523
the clerks of courts of Portage county and Wayne county shall be 17524
the clerks, respectively, of the Portage county and Wayne county 17525
municipal courts and may appoint a chief deputy clerk for each 17526
branch that is established pursuant to section 1901.311 of the 17527
Revised Code and assistant clerks as the judges of the municipal 17528
court determine are necessary, all of whom shall receive the 17529
compensation that the legislative authority prescribes. The clerks 17530
of courts of Portage county and Wayne county, acting as the clerks 17531
of the Portage county and Wayne county municipal courts and 17532
assuming the duties of these offices, shall receive compensation 17533
payable from the county treasury in semimonthly installments at 17534
one-fourth the rate that is prescribed for the clerks of courts of 17535
common pleas as determined in accordance with the population of 17536
the county and the rates set forth in sections 325.08 and 325.18 17537
of the Revised Code. 17538

(d) In the Montgomery county and Miami county municipal 17539
courts, the clerks of courts of Montgomery county and Miami county 17540
shall be the clerks, respectively, of the Montgomery county and 17541
Miami county municipal courts. The clerks of courts of Montgomery 17542

county and Miami county, acting as the clerks of the Montgomery 17543
county and Miami county municipal courts and assuming the duties 17544
of these offices, shall receive compensation at one-fourth the 17545
rate that is prescribed for the clerks of courts of common pleas 17546
as determined in accordance with the population of the county and 17547
the rates set forth in sections 325.08 and 325.18 of the Revised 17548
Code. This compensation shall be paid from the county treasury in 17549
semimonthly installments and is in addition to the annual 17550
compensation that is received for the performance of the duties of 17551
the clerks of courts of Montgomery county and Miami county, as 17552
provided in sections 325.08 and 325.18 of the Revised Code. 17553

(e) Except as otherwise provided in division (A)(1)(e) of 17554
this section, in the Akron municipal court, candidates for 17555
election to the office of clerk of the court shall be nominated by 17556
primary election. The primary election shall be held on the day 17557
specified in the charter of the city of Akron for the nomination 17558
of municipal officers. Notwithstanding any contrary provision of 17559
section 3513.05 or 3513.257 of the Revised Code, the declarations 17560
of candidacy and petitions of partisan candidates and the 17561
nominating petitions of independent candidates for the office of 17562
clerk of the Akron municipal court shall be signed by at least 17563
fifty qualified electors of the territory of the court. 17564

The candidates shall file a declaration of candidacy and 17565
petition, or a nominating petition, whichever is applicable, not 17566
later than four p.m. of the ninetieth day before the day of the 17567
primary election, in the form prescribed by section 3513.07 or 17568
3513.261 of the Revised Code. The declaration of candidacy and 17569
petition, or the nominating petition, shall conform to the 17570
applicable requirements of section 3513.05 or 3513.257 of the 17571
Revised Code. 17572

If no valid declaration of candidacy and petition is filed by 17573
any person for nomination as a candidate of a particular political 17574

party for election to the office of clerk of the Akron municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Akron municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(f) Except as otherwise provided in division (A)(1)(f) of this section, in the Barberton municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Barberton for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Barberton municipal court shall be signed by at

least fifty qualified electors of the territory of the court. 17607

The candidates shall file a declaration of candidacy and 17608
petition, or a nominating petition, whichever is applicable, not 17609
later than four p.m. of the ninetieth day before the day of the 17610
primary election, in the form prescribed by section 3513.07 or 17611
3513.261 of the Revised Code. The declaration of candidacy and 17612
petition, or the nominating petition, shall conform to the 17613
applicable requirements of section 3513.05 or 3513.257 of the 17614
Revised Code. 17615

If no valid declaration of candidacy and petition is filed by 17616
any person for nomination as a candidate of a particular political 17617
party for election to the office of clerk of the Barberton 17618
municipal court, a primary election shall not be held for the 17619
purpose of nominating a candidate of that party for election to 17620
that office. If only one person files a valid declaration of 17621
candidacy and petition for nomination as a candidate of a 17622
particular political party for election to that office, a primary 17623
election shall not be held for the purpose of nominating a 17624
candidate of that party for election to that office, and the 17625
candidate shall be issued a certificate of nomination in the 17626
manner set forth in section 3513.02 of the Revised Code. 17627

Declarations of candidacy and petitions, nominating 17628
petitions, and certificates of nomination for the office of clerk 17629
of the Barberton municipal court shall contain a designation of 17630
the term for which the candidate seeks election. At the following 17631
regular municipal election, all candidates for the office shall be 17632
submitted to the qualified electors of the territory of the court 17633
in the manner that is provided in section 1901.07 of the Revised 17634
Code for the election of the judges of the court. The clerk so 17635
elected shall hold office for a term of six years, which term 17636
shall commence on the first day of January following the clerk's 17637
election and continue until the clerk's successor is elected and 17638

qualified. 17639

(g)(i) Through December 31, 2008, except as otherwise 17640
provided in division (A)(1)(g)(i) of this section, in the Cuyahoga 17641
Falls municipal court, candidates for election to the office of 17642
clerk of the court shall be nominated by primary election. The 17643
primary election shall be held on the day specified in the charter 17644
of the city of Cuyahoga Falls for the nomination of municipal 17645
officers. Notwithstanding any contrary provision of section 17646
3513.05 or 3513.257 of the Revised Code, the declarations of 17647
candidacy and petitions of partisan candidates and the nominating 17648
petitions of independent candidates for the office of clerk of the 17649
Cuyahoga Falls municipal court shall be signed by at least fifty 17650
qualified electors of the territory of the court. 17651

The candidates shall file a declaration of candidacy and 17652
petition, or a nominating petition, whichever is applicable, not 17653
later than four p.m. of the ninetieth day before the day of the 17654
primary election, in the form prescribed by section 3513.07 or 17655
3513.261 of the Revised Code. The declaration of candidacy and 17656
petition, or the nominating petition, shall conform to the 17657
applicable requirements of section 3513.05 or 3513.257 of the 17658
Revised Code. 17659

If no valid declaration of candidacy and petition is filed by 17660
any person for nomination as a candidate of a particular political 17661
party for election to the office of clerk of the Cuyahoga Falls 17662
municipal court, a primary election shall not be held for the 17663
purpose of nominating a candidate of that party for election to 17664
that office. If only one person files a valid declaration of 17665
candidacy and petition for nomination as a candidate of a 17666
particular political party for election to that office, a primary 17667
election shall not be held for the purpose of nominating a 17668
candidate of that party for election to that office, and the 17669
candidate shall be issued a certificate of nomination in the 17670

manner set forth in section 3513.02 of the Revised Code. 17671

Declarations of candidacy and petitions, nominating 17672
petitions, and certificates of nomination for the office of clerk 17673
of the Cuyahoga Falls municipal court shall contain a designation 17674
of the term for which the candidate seeks election. At the 17675
following regular municipal election, all candidates for the 17676
office shall be submitted to the qualified electors of the 17677
territory of the court in the manner that is provided in section 17678
1901.07 of the Revised Code for the election of the judges of the 17679
court. The clerk so elected shall hold office for a term of six 17680
years, which term shall commence on the first day of January 17681
following the clerk's election and continue until the clerk's 17682
successor is elected and qualified. 17683

(ii) Division (A)(1)(g)(i) of this section shall have no 17684
effect after December 31, 2008. 17685

(h) Except as otherwise provided in division (A)(1)(h) of 17686
this section, in the Toledo municipal court, candidates for 17687
election to the office of clerk of the court shall be nominated by 17688
primary election. The primary election shall be held on the day 17689
specified in the charter of the city of Toledo for the nomination 17690
of municipal officers. Notwithstanding any contrary provision of 17691
section 3513.05 or 3513.257 of the Revised Code, the declarations 17692
of candidacy and petitions of partisan candidates and the 17693
nominating petitions of independent candidates for the office of 17694
clerk of the Toledo municipal court shall be signed by at least 17695
fifty qualified electors of the territory of the court. 17696

The candidates shall file a declaration of candidacy and 17697
petition, or a nominating petition, whichever is applicable, not 17698
later than four p.m. of the ninetieth day before the day of the 17699
primary election, in the form prescribed by section 3513.07 or 17700
3513.261 of the Revised Code. The declaration of candidacy and 17701
petition, or the nominating petition, shall conform to the 17702

applicable requirements of section 3513.05 or 3513.257 of the Revised Code. 17703
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If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Toledo municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code. 17705
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Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Toledo municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified. 17717
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(2)(a) Except for the Alliance, Auglaize county, Brown county, Columbiana county, Holmes county, Perry county, Putnam county, Sandusky county, Lima, Lorain, Massillon, and Youngstown municipal courts, in a municipal court for which the population of the territory is less than one hundred thousand, the clerk shall be appointed by the court, and the clerk shall hold office until 17729
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the clerk's successor is appointed and qualified. 17735

(b) In the Alliance, Lima, Lorain, Massillon, and Youngstown 17736
municipal courts, the clerk shall be elected for a term of office 17737
as described in division (A)(1)(a) of this section. 17738

(c) In the Auglaize county, Brown county, Holmes county, 17739
Perry county, Putnam county, and Sandusky county municipal courts, 17740
the clerks of courts of Auglaize county, Brown county, Holmes 17741
county, Perry county, Putnam county, and Sandusky county shall be 17742
the clerks, respectively, of the Auglaize county, Brown county, 17743
Holmes county, Perry county, Putnam county, and Sandusky county 17744
municipal courts and may appoint a chief deputy clerk for each 17745
branch office that is established pursuant to section 1901.311 of 17746
the Revised Code, and assistant clerks as the judge of the court 17747
determines are necessary, all of whom shall receive the 17748
compensation that the legislative authority prescribes. The clerks 17749
of courts of Auglaize county, Brown county, Holmes county, Perry 17750
county, Putnam county, and Sandusky county, acting as the clerks 17751
of the Auglaize county, Brown county, Holmes county, Perry county, 17752
Putnam county, and Sandusky county municipal courts and assuming 17753
the duties of these offices, shall receive compensation payable 17754
from the county treasury in semimonthly installments at one-fourth 17755
the rate that is prescribed for the clerks of courts of common 17756
pleas as determined in accordance with the population of the 17757
county and the rates set forth in sections 325.08 and 325.18 of 17758
the Revised Code. 17759

(d) In the Columbiana county municipal court, the clerk of 17760
courts of Columbiana county shall be the clerk of the municipal 17761
court, may appoint a chief deputy clerk for each branch office 17762
that is established pursuant to section 1901.311 of the Revised 17763
Code, and may appoint any assistant clerks that the judges of the 17764
court determine are necessary. All of the chief deputy clerks and 17765
assistant clerks shall receive the compensation that the 17766

legislative authority prescribes. The clerk of courts of 17767
Columbiana county, acting as the clerk of the Columbiana county 17768
municipal court and assuming the duties of that office, shall 17769
receive in either biweekly installments or semimonthly 17770
installments, as determined by the payroll administrator, 17771
compensation payable from the county treasury at one-fourth the 17772
rate that is prescribed for the clerks of courts of common pleas 17773
as determined in accordance with the population of the county and 17774
the rates set forth in sections 325.08 and 325.18 of the Revised 17775
Code. 17776

(3) During the temporary absence of the clerk due to illness, 17777
vacation, or other proper cause, the court may appoint a temporary 17778
clerk, who shall be paid the same compensation, have the same 17779
authority, and perform the same duties as the clerk. 17780

(B) Except in the Hamilton county, Montgomery county, Miami 17781
county, Portage county, and Wayne county municipal courts, if a 17782
vacancy occurs in the office of the clerk of the Alliance, Lima, 17783
Lorain, Massillon, or Youngstown municipal court or occurs in the 17784
office of the clerk of a municipal court for which the population 17785
of the territory equals or exceeds one hundred thousand because 17786
the clerk ceases to hold the office before the end of the clerk's 17787
term or because a clerk-elect fails to take office, the vacancy 17788
shall be filled, until a successor is elected and qualified, by a 17789
person chosen by the residents of the territory of the court who 17790
are members of the county central committee of the political party 17791
by which the last occupant of that office or the clerk-elect was 17792
nominated. Not less than five nor more than fifteen days after a 17793
vacancy occurs, those members of that county central committee 17794
shall meet to make an appointment to fill the vacancy. At least 17795
four days before the date of the meeting, the chairperson or a 17796
secretary of the county central committee shall notify each such 17797
member of that county central committee by first class mail of the 17798

date, time, and place of the meeting and its purpose. A majority 17799
of all such members of that county central committee constitutes a 17800
quorum, and a majority of the quorum is required to make the 17801
appointment. If the office so vacated was occupied or was to be 17802
occupied by a person not nominated at a primary election, or if 17803
the appointment was not made by the committee members in 17804
accordance with this division, the court shall make an appointment 17805
to fill the vacancy. A successor shall be elected to fill the 17806
office for the unexpired term at the first municipal election that 17807
is held more than one hundred thirty-five days after the vacancy 17808
occurred. 17809

(C)(1) In a municipal court, other than the Auglaize county, 17810
the Brown county, the Columbiana county, the Holmes county, the 17811
Perry county, the Putnam county, the Sandusky county, and the 17812
Lorain municipal courts, for which the population of the territory 17813
is less than one hundred thousand, the clerk of the municipal 17814
court shall receive the annual compensation that the presiding 17815
judge of the court prescribes, if the revenue of the court for the 17816
preceding calendar year, as certified by the auditor or chief 17817
fiscal officer of the municipal corporation in which the court is 17818
located or, in the case of a county-operated municipal court, the 17819
county auditor, is equal to or greater than the expenditures, 17820
including any debt charges, for the operation of the court payable 17821
under this chapter from the city treasury or, in the case of a 17822
county-operated municipal court, the county treasury for that 17823
calendar year, as also certified by the auditor or chief fiscal 17824
officer. If the revenue of a municipal court, other than the 17825
Auglaize county, the Brown county, the Columbiana county, the 17826
Perry county, the Putnam county, the Sandusky county, and the 17827
Lorain municipal courts, for which the population of the territory 17828
is less than one hundred thousand for the preceding calendar year 17829
as so certified is not equal to or greater than those expenditures 17830
for the operation of the court for that calendar year as so 17831

certified, the clerk of a municipal court shall receive the annual 17832
compensation that the legislative authority prescribes. As used in 17833
this division, "revenue" means the total of all costs and fees 17834
that are collected and paid to the city treasury or, in a 17835
county-operated municipal court, the county treasury by the clerk 17836
of the municipal court under division (F) of this section and all 17837
interest received and paid to the city treasury or, in a 17838
county-operated municipal court, the county treasury in relation 17839
to the costs and fees under division (G) of this section. 17840

(2) In a municipal court, other than the Hamilton county, 17841
Montgomery county, Miami county, Portage county, and Wayne county 17842
municipal courts, for which the population of the territory is one 17843
hundred thousand or more, and in the Lorain municipal court, the 17844
clerk of the municipal court shall receive annual compensation in 17845
a sum equal to eighty-five per cent of the salary of a judge of 17846
the court. 17847

(3) The compensation of a clerk described in division (C)(1) 17848
or (2) of this section and of the clerk of the Columbiana county 17849
municipal court is payable in either semimonthly installments or 17850
biweekly installments, as determined by the payroll administrator, 17851
from the same sources and in the same manner as provided in 17852
section 1901.11 of the Revised Code, except that the compensation 17853
of the clerk of the Carroll county municipal court is payable in 17854
biweekly installments. 17855

(D) Before entering upon the duties of the clerk's office, 17856
the clerk of a municipal court shall give bond of not less than 17857
six thousand dollars to be determined by the judges of the court, 17858
conditioned upon the faithful performance of the clerk's duties. 17859

(E) The clerk of a municipal court may do all of the 17860
following: administer oaths, take affidavits, and issue executions 17861
upon any judgment rendered in the court, including a judgment for 17862
unpaid costs; issue, sign, and attach the seal of the court to all 17863

writs, process, subpoenas, and papers issuing out of the court; 17864
and approve all bonds, sureties, recognizances, and undertakings 17865
fixed by any judge of the court or by law. The clerk may refuse to 17866
accept for filing any pleading or paper submitted for filing by a 17867
person who has been found to be a vexatious litigator under 17868
section 2323.52 of the Revised Code and who has failed to obtain 17869
leave to proceed under that section. The clerk shall do all of the 17870
following: file and safely keep all journals, records, books, and 17871
papers belonging or appertaining to the court; record the 17872
proceedings of the court; perform all other duties that the judges 17873
of the court may prescribe; and keep a book showing all receipts 17874
and disbursements, which book shall be open for public inspection 17875
at all times. 17876

The clerk shall prepare and maintain a general index, a 17877
docket, and other records that the court, by rule, requires, all 17878
of which shall be the public records of the court. In the docket, 17879
the clerk shall enter, at the time of the commencement of an 17880
action, the names of the parties in full, the names of the 17881
counsel, and the nature of the proceedings. Under proper dates, 17882
the clerk shall note the filing of the complaint, issuing of 17883
summons or other process, returns, and any subsequent pleadings. 17884
The clerk also shall enter all reports, verdicts, orders, 17885
judgments, and proceedings of the court, clearly specifying the 17886
relief granted or orders made in each action. The court may order 17887
an extended record of any of the above to be made and entered, 17888
under the proper action heading, upon the docket at the request of 17889
any party to the case, the expense of which record may be taxed as 17890
costs in the case or may be required to be prepaid by the party 17891
demanding the record, upon order of the court. 17892

(F) The clerk of a municipal court shall receive, collect, 17893
and issue receipts for all costs, fees, fines, bail, and other 17894
moneys payable to the office or to any officer of the court. The 17895

clerk shall on or before the twentieth day of the month following 17896
the month in which they are collected disburse to the proper 17897
persons or officers, and take receipts for, all costs, fees, 17898
fines, bail, and other moneys that the clerk collects. Subject to 17899
sections 307.515 and 4511.193 of the Revised Code and to any other 17900
section of the Revised Code that requires a specific manner of 17901
disbursement of any moneys received by a municipal court and 17902
except for the Hamilton county, Lawrence county, and Ottawa county 17903
municipal courts, the clerk shall pay all fines received for 17904
violation of municipal ordinances into the treasury of the 17905
municipal corporation the ordinance of which was violated and 17906
shall pay all fines received for violation of township resolutions 17907
adopted pursuant to section 503.52 or 503.53 or Chapter 504. of 17908
the Revised Code into the treasury of the township the resolution 17909
of which was violated. Subject to sections 1901.024 and 4511.193 17910
of the Revised Code, in the Hamilton county, Lawrence county, and 17911
Ottawa county municipal courts, the clerk shall pay fifty per cent 17912
of the fines received for violation of municipal ordinances and 17913
fifty per cent of the fines received for violation of township 17914
resolutions adopted pursuant to section 503.52 or 503.53 or 17915
Chapter 504. of the Revised Code into the treasury of the county. 17916
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 17917
Code and to any other section of the Revised Code that requires a 17918
specific manner of disbursement of any moneys received by a 17919
municipal court, the clerk shall pay all fines collected for the 17920
violation of state laws into the county treasury. Except in a 17921
county-operated municipal court, the clerk shall pay all costs and 17922
fees the disbursement of which is not otherwise provided for in 17923
the Revised Code into the city treasury. The clerk of a 17924
county-operated municipal court shall pay the costs and fees the 17925
disbursement of which is not otherwise provided for in the Revised 17926
Code into the county treasury. Moneys deposited as security for 17927
costs shall be retained pending the litigation. The clerk shall 17928

keep a separate account of all receipts and disbursements in civil 17929
and criminal cases, which shall be a permanent public record of 17930
the office. On the expiration of the term of the clerk, the clerk 17931
shall deliver the records to the clerk's successor. The clerk 17932
shall have other powers and duties as are prescribed by rule or 17933
order of the court. 17934

(G) All moneys paid into a municipal court shall be noted on 17935
the record of the case in which they are paid and shall be 17936
deposited in a state or national bank, as defined in section 17937
1101.01 of the Revised Code, that is selected by the clerk. Any 17938
interest received upon the deposits shall be paid into the city 17939
treasury, except that, in a county-operated municipal court, the 17940
interest shall be paid into the treasury of the county in which 17941
the court is located. 17942

On the first Monday in January of each year, the clerk shall 17943
make a list of the titles of all cases in the court that were 17944
finally determined more than one year past in which there remains 17945
unclaimed in the possession of the clerk any funds, or any part of 17946
a deposit for security of costs not consumed by the costs in the 17947
case. The clerk shall give notice of the moneys to the parties who 17948
are entitled to the moneys or to their attorneys of record. All 17949
the moneys remaining unclaimed on the first day of April of each 17950
year shall be paid by the clerk to the city treasurer, except 17951
that, in a county-operated municipal court, the moneys shall be 17952
paid to the treasurer of the county in which the court is located. 17953
The treasurer shall pay any part of the moneys at any time to the 17954
person who has the right to the moneys upon proper certification 17955
of the clerk. 17956

(H) Deputy clerks of a municipal court other than the Carroll 17957
county municipal court may be appointed by the clerk and shall 17958
receive the compensation, payable in either biweekly installments 17959
or semimonthly installments, as determined by the payroll 17960

administrator, out of the city treasury, that the clerk may 17961
prescribe, except that the compensation of any deputy clerk of a 17962
county-operated municipal court shall be paid out of the treasury 17963
of the county in which the court is located. The judge of the 17964
Carroll county municipal court may appoint deputy clerks for the 17965
court, and the deputy clerks shall receive the compensation, 17966
payable in biweekly installments out of the county treasury, that 17967
the judge may prescribe. Each deputy clerk shall take an oath of 17968
office before entering upon the duties of the deputy clerk's 17969
office and, when so qualified, may perform the duties appertaining 17970
to the office of the clerk. The clerk may require any of the 17971
deputy clerks to give bond of not less than three thousand 17972
dollars, conditioned for the faithful performance of the deputy 17973
clerk's duties. 17974

(I) For the purposes of this section, whenever the population 17975
of the territory of a municipal court falls below one hundred 17976
thousand but not below ninety thousand, and the population of the 17977
territory prior to the most recent regular federal census exceeded 17978
one hundred thousand, the legislative authority of the municipal 17979
corporation may declare, by resolution, that the territory shall 17980
be considered to have a population of at least one hundred 17981
thousand. 17982

(J) The clerk or a deputy clerk shall be in attendance at all 17983
sessions of the municipal court, although not necessarily in the 17984
courtroom, and may administer oaths to witnesses and jurors and 17985
receive verdicts. 17986

Sec. 1907.15. (A)(1) In counties having more than one county 17987
court judge, ~~subject to division (A)(2) of this section,~~ the 17988
presiding judge of the county court may divide the county court 17989
district into areas of separate jurisdiction and may designate the 17990
location at which each judge shall hold court. Except in county 17991

court districts exceeding one hundred twenty thousand population, 17992
each area of separate jurisdiction shall be made up of one or more 17993
townships. In assigning areas of separate jurisdiction, the 17994
presiding judge shall make each area of separate jurisdiction as 17995
equal in population and case load to others in the district as is 17996
possible under existing conditions. 17997

Whenever the territory of a county court district is reduced 17998
by the territorial expansion of municipal court jurisdiction, the 17999
presiding judge may redetermine areas of separate jurisdiction 18000
and, if necessary, reassign areas so as to make each area of 18001
separate jurisdiction as equal in population and case load to 18002
others in the district as is possible under the altered 18003
conditions. 18004

In county court districts exceeding one hundred twenty 18005
thousand population, ~~subject to division (A)(2) of this section,~~ 18006
the presiding judge of the county court may assign more than one 18007
county court judge to an area of separate jurisdiction. In any 18008
county court district of that nature, ~~subject to division (A)(2)~~ 18009
~~of this section,~~ the presiding judge from time to time may assign 18010
a judge from one area of separate jurisdiction to another area of 18011
separate jurisdiction and redetermine and reassign areas of 18012
separate jurisdiction. Upon that redetermination and reassignment, 18013
the presiding judge shall consider, in addition to population, the 18014
case load of each area of separate jurisdiction. 18015

(2) ~~The presiding judge of the county court of Jefferson 18016
county shall determine areas of separate jurisdiction for the 18017
judges of the Jefferson county county court in the manner 18018
described in division (A)(1) of this section but subject to the 18019
provisions of this division governing the location in which each 18020
judge shall hold court. The judge of the Jefferson county county 18021
court whose term commences January 1, 1993, and that judge's 18022~~

~~successors, shall hold court in Wintersville or Cross Creek township. The judge of the Jefferson county county court whose term commences January 1, 1995, and that judge's successors, shall hold court in Dillonvale. The judge of the Jefferson county county court whose term commences January 2, 1995, and that judge's successors, shall hold court in Toronto.~~

(3) In counties having only one county court judge, the area of jurisdiction shall consist of the entire county court district, and the county court judge, with the concurrence of the board of county commissioners, shall designate the location at which the judge shall hold court.

(B) The jurisdiction of each county court judge shall be coextensive with the boundaries of the county court district.

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as 18053
defined in section 5103.02 of the Revised Code, that is certified 18054
under section 5103.03 of the Revised Code to accept temporary, 18055
permanent, or legal custody of children and place the children for 18056
either foster care or adoption. 18057

(4) "Private noncustodial agency" means any person, 18058
organization, association, or society certified by the department 18059
of job and family services that does not accept temporary or 18060
permanent legal custody of children, that is privately operated in 18061
this state, and that does one or more of the following: 18062

(a) Receives and cares for children for two or more 18063
consecutive weeks; 18064

(b) Participates in the placement of children in certified 18065
foster homes; 18066

(c) Provides adoption services in conjunction with a public 18067
children services agency or private child placing agency. 18068

(B) As used in this chapter: 18069

(1) "Adequate parental care" means the provision by a child's 18070
parent or parents, guardian, or custodian of adequate food, 18071
clothing, and shelter to ensure the child's health and physical 18072
safety and the provision by a child's parent or parents of 18073
specialized services warranted by the child's physical or mental 18074
needs. 18075

(2) "Adult" means an individual who is eighteen years of age 18076
or older. 18077

(3) "Agreement for temporary custody" means a voluntary 18078
agreement authorized by section 5103.15 of the Revised Code that 18079
transfers the temporary custody of a child to a public children 18080
services agency or a private child placing agency. 18081

(4) "Alternative response" means the public children services 18082

agency's response to a report of child abuse or neglect that 18083
engages the family in a comprehensive evaluation of child safety, 18084
risk of subsequent harm, and family strengths and needs and that 18085
does not include a determination as to whether child abuse or 18086
neglect occurred. 18087

(5) "Certified foster home" means a foster home, as defined 18088
in section 5103.02 of the Revised Code, certified under section 18089
5103.03 of the Revised Code. 18090

(6) "Child" means a person who is under eighteen years of 18091
age, except that the juvenile court has jurisdiction over any 18092
person who is adjudicated an unruly child prior to attaining 18093
eighteen years of age until the person attains twenty-one years of 18094
age, and, for purposes of that jurisdiction related to that 18095
adjudication, a person who is so adjudicated an unruly child shall 18096
be deemed a "child" until the person attains twenty-one years of 18097
age. 18098

(7) "Child day camp," "child care," "child day-care center," 18099
"part-time child day-care center," "type A family day-care home," 18100
"licensed type B family day-care home," "type B family day-care 18101
home," "administrator of a child day-care center," "administrator 18102
of a type A family day-care home," and "in-home aide" have the 18103
same meanings as in section 5104.01 of the Revised Code. 18104

(8) "Child care provider" means an individual who is a 18105
child-care staff member or administrator of a child day-care 18106
center, a type A family day-care home, or a type B family day-care 18107
home, or an in-home aide or an individual who is licensed, is 18108
regulated, is approved, operates under the direction of, or 18109
otherwise is certified by the department of job and family 18110
services, department of developmental disabilities, or the early 18111
childhood programs of the department of education. 18112

(9) "Commit" means to vest custody as ordered by the court. 18113

- (10) "Counseling" includes both of the following: 18114
- (a) General counseling services performed by a public 18115
children services agency or shelter for victims of domestic 18116
violence to assist a child, a child's parents, and a child's 18117
siblings in alleviating identified problems that may cause or have 18118
caused the child to be an abused, neglected, or dependent child. 18119
- (b) Psychiatric or psychological therapeutic counseling 18120
services provided to correct or alleviate any mental or emotional 18121
illness or disorder and performed by a licensed psychiatrist, 18122
licensed psychologist, or a person licensed under Chapter 4757. of 18123
the Revised Code to engage in social work or professional 18124
counseling. 18125
- (11) "Custodian" means a person who has legal custody of a 18126
child or a public children services agency or private child 18127
placing agency that has permanent, temporary, or legal custody of 18128
a child. 18129
- (12) "Delinquent child" has the same meaning as in section 18130
2152.02 of the Revised Code. 18131
- (13) "Detention" means the temporary care of children pending 18132
court adjudication or disposition, or execution of a court order, 18133
in a public or private facility designed to physically restrict 18134
the movement and activities of children. 18135
- (14) "Developmental disability" has the same meaning as in 18136
section 5123.01 of the Revised Code. 18137
- (15) "Differential response approach" means an approach that 18138
a public children services agency may use to respond to accepted 18139
reports of child abuse or neglect with either an alternative 18140
response or a traditional response. 18141
- (16) "Foster caregiver" has the same meaning as in section 18142
5103.02 of the Revised Code. 18143

(17) "Guardian" means a person, association, or corporation 18144
that is granted authority by a probate court pursuant to Chapter 18145
2111. of the Revised Code to exercise parental rights over a child 18146
to the extent provided in the court's order and subject to the 18147
residual parental rights of the child's parents. 18148

(18) "Habitual truant" means any child of compulsory school 18149
age who is absent without legitimate excuse for absence from the 18150
public school the child is supposed to attend for thirty or more 18151
consecutive hours, forty-two or more hours in one school month, or 18152
seventy-two or more hours in a school year. 18153

(19) "Intellectual disability" has the same meaning as in 18154
section 5123.01 of the Revised Code. 18155

(20) "Juvenile traffic offender" has the same meaning as in 18156
section 2152.02 of the Revised Code. 18157

(21) "Legal custody" means a legal status that vests in the 18158
custodian the right to have physical care and control of the child 18159
and to determine where and with whom the child shall live, and the 18160
right and duty to protect, train, and discipline the child and to 18161
provide the child with food, shelter, education, and medical care, 18162
all subject to any residual parental rights, privileges, and 18163
responsibilities. An individual granted legal custody shall 18164
exercise the rights and responsibilities personally unless 18165
otherwise authorized by any section of the Revised Code or by the 18166
court. 18167

(22) A "legitimate excuse for absence from the public school 18168
the child is supposed to attend" includes, but is not limited to, 18169
any of the following: 18170

(a) The fact that the child in question has enrolled in and 18171
is attending another public or nonpublic school in this or another 18172
state; 18173

(b) The fact that the child in question is excused from 18174

attendance at school for any of the reasons specified in section 18175
3321.04 of the Revised Code; 18176

(c) The fact that the child in question has received an age 18177
and schooling certificate in accordance with section 3331.01 of 18178
the Revised Code. 18179

(23) "Mental illness" has the same meaning as in section 18180
5122.01 of the Revised Code. 18181

(24) "Mental injury" means any behavioral, cognitive, 18182
emotional, or mental disorder in a child caused by an act or 18183
omission that is described in section 2919.22 of the Revised Code 18184
and is committed by the parent or other person responsible for the 18185
child's care. 18186

(25) "Nonsecure care, supervision, or training" means care, 18187
supervision, or training of a child in a facility that does not 18188
confine or prevent movement of the child within the facility or 18189
from the facility. 18190

(26) "Of compulsory school age" has the same meaning as in 18191
section 3321.01 of the Revised Code. 18192

(27) "Organization" means any institution, public, 18193
semipublic, or private, and any private association, society, or 18194
agency located or operating in the state, incorporated or 18195
unincorporated, having among its functions the furnishing of 18196
protective services or care for children, or the placement of 18197
children in certified foster homes or elsewhere. 18198

(28) "Out-of-home care" means detention facilities, shelter 18199
facilities, certified children's crisis care facilities, certified 18200
foster homes, placement in a prospective adoptive home prior to 18201
the issuance of a final decree of adoption, organizations, 18202
certified organizations, child day-care centers, type A family 18203
day-care homes, type B family day-care homes, child care provided 18204
by in-home aides, group home providers, group homes, institutions, 18205

state institutions, residential facilities, residential care 18206
facilities, residential camps, day camps, private, nonprofit 18207
therapeutic wilderness camps, public schools, chartered nonpublic 18208
schools, educational service centers, hospitals, and medical 18209
clinics that are responsible for the care, physical custody, or 18210
control of children. 18211

(29) "Out-of-home care child abuse" means any of the 18212
following when committed by a person responsible for the care of a 18213
child in out-of-home care: 18214

(a) Engaging in sexual activity with a child in the person's 18215
care; 18216

(b) Denial to a child, as a means of punishment, of proper or 18217
necessary subsistence, education, medical care, or other care 18218
necessary for a child's health; 18219

(c) Use of restraint procedures on a child that cause injury 18220
or pain; 18221

(d) Administration of prescription drugs or psychotropic 18222
medication to the child without the written approval and ongoing 18223
supervision of a licensed physician; 18224

(e) Commission of any act, other than by accidental means, 18225
that results in any injury to or death of the child in out-of-home 18226
care or commission of any act by accidental means that results in 18227
an injury to or death of a child in out-of-home care and that is 18228
at variance with the history given of the injury or death. 18229

(30) "Out-of-home care child neglect" means any of the 18230
following when committed by a person responsible for the care of a 18231
child in out-of-home care: 18232

(a) Failure to provide reasonable supervision according to 18233
the standards of care appropriate to the age, mental and physical 18234
condition, or other special needs of the child; 18235

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	18236 18237 18238 18239
(c) Failure to develop a process for all of the following:	18240
(i) Administration of prescription drugs or psychotropic drugs for the child;	18241 18242
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	18243 18244
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	18245 18246 18247
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	18248 18249 18250
(e) Confinement of the child to a locked room without monitoring by staff;	18251 18252
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	18253 18254
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	18255 18256 18257
(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	18258 18259 18260 18261 18262 18263
(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a	18264 18265

voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.

(34) "Person responsible for a child's care in out-of-home care" means any of the following:

(a) Any foster caregiver, in-home aide, or provider;

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic

fever or any other similar chronic or acute health problem, or 18296
amputation or another similar cause. 18297

(36) "Placement for adoption" means the arrangement by a 18298
public children services agency or a private child placing agency 18299
with a person for the care and adoption by that person of a child 18300
of whom the agency has permanent custody. 18301

(37) "Placement in foster care" means the arrangement by a 18302
public children services agency or a private child placing agency 18303
for the out-of-home care of a child of whom the agency has 18304
temporary custody or permanent custody. 18305

(38) "Planned permanent living arrangement" means an order of 18306
a juvenile court pursuant to which both of the following apply: 18307

(a) The court gives legal custody of a child to a public 18308
children services agency or a private child placing agency without 18309
the termination of parental rights. 18310

(b) The order permits the agency to make an appropriate 18311
placement of the child and to enter into a written agreement with 18312
a foster care provider or with another person or agency with whom 18313
the child is placed. 18314

(39) "Practice of social work" and "practice of professional 18315
counseling" have the same meanings as in section 4757.01 of the 18316
Revised Code. 18317

(40) "Private, nonprofit therapeutic wilderness camp" has the 18318
same meaning as in section 5103.02 of the Revised Code. 18319

(41) "Sanction, service, or condition" means a sanction, 18320
service, or condition created by court order following an 18321
adjudication that a child is an unruly child that is described in 18322
division (A)(4) of section 2152.19 of the Revised Code. 18323

(42) "Protective supervision" means an order of disposition 18324
pursuant to which the court permits an abused, neglected, 18325

dependent, or unruly child to remain in the custody of the child's 18326
parents, guardian, or custodian and stay in the child's home, 18327
subject to any conditions and limitations upon the child, the 18328
child's parents, guardian, or custodian, or any other person that 18329
the court prescribes, including supervision as directed by the 18330
court for the protection of the child. 18331

(43) "Psychiatrist" has the same meaning as in section 18332
5122.01 of the Revised Code. 18333

(44) "Psychologist" has the same meaning as in section 18334
4732.01 of the Revised Code. 18335

(45) "Resource caregiver" has the same meaning as in section 18336
5103.02 of the Revised Code. 18337

(46) "Resource family" has the same meaning as in section 18338
5103.02 of the Revised Code. 18339

(47) "Residential camp" means a program in which the care, 18340
physical custody, or control of children is accepted overnight for 18341
recreational or recreational and educational purposes. 18342

~~(46)~~(48) "Residential care facility" means an institution, 18343
residence, or facility that is licensed by the department of 18344
mental health and addiction services under section 5119.34 of the 18345
Revised Code and that provides care for a child. 18346

~~(47)~~(49) "Residential facility" means a home or facility that 18347
is licensed by the department of developmental disabilities under 18348
section 5123.19 of the Revised Code and in which a child with a 18349
developmental disability resides. 18350

~~(48)~~(50) "Residual parental rights, privileges, and 18351
responsibilities" means those rights, privileges, and 18352
responsibilities remaining with the natural parent after the 18353
transfer of legal custody of the child, including, but not 18354
necessarily limited to, the privilege of reasonable visitation, 18355

consent to adoption, the privilege to determine the child's 18356
religious affiliation, and the responsibility for support. 18357

~~(49)~~(51) "School day" means the school day established by the 18358
board of education of the applicable school district pursuant to 18359
section 3313.481 of the Revised Code. 18360

~~(50)~~(52) "School year" has the same meaning as in section 18361
3313.62 of the Revised Code. 18362

~~(51)~~(53) "Secure correctional facility" means a facility 18363
under the direction of the department of youth services that is 18364
designed to physically restrict the movement and activities of 18365
children and used for the placement of children after adjudication 18366
and disposition. 18367

~~(52)~~(54) "Sexual activity" has the same meaning as in section 18368
2907.01 of the Revised Code. 18369

~~(53)~~(55) "Shelter" means the temporary care of children in 18370
physically unrestricted facilities pending court adjudication or 18371
disposition. 18372

~~(54)~~(56) "Shelter for victims of domestic violence" has the 18373
same meaning as in section 3113.33 of the Revised Code. 18374

~~(55)~~(57) "Temporary custody" means legal custody of a child 18375
who is removed from the child's home, which custody may be 18376
terminated at any time at the discretion of the court or, if the 18377
legal custody is granted in an agreement for temporary custody, by 18378
the person who executed the agreement. 18379

~~(56)~~(58) "Traditional response" means a public children 18380
services agency's response to a report of child abuse or neglect 18381
that encourages engagement of the family in a comprehensive 18382
evaluation of the child's current and future safety needs and a 18383
fact-finding process to determine whether child abuse or neglect 18384
occurred and the circumstances surrounding the alleged harm or 18385

risk of harm. 18386

(C) For the purposes of this chapter, a child shall be 18387
presumed abandoned when the parents of the child have failed to 18388
visit or maintain contact with the child for more than ninety 18389
days, regardless of whether the parents resume contact with the 18390
child after that period of ninety days. 18391

Sec. 2151.152. The juvenile judge may enter into an agreement 18392
with the department of job and family services pursuant to section 18393
5101.11 of the Revised Code for the purpose of reimbursing the 18394
court for foster care maintenance costs ~~and~~, associated 18395
administrative and training costs, and prevention services costs 18396
under the "Family First Prevention Services Act," Public Law 18397
115-123, incurred on behalf of a child who is ~~either~~any of the 18398
following: 18399

(A) Eligible for payments under Title IV-E of the "Social 18400
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 18401
the temporary or permanent custody of the court or subject to a 18402
disposition issued under division (A)(5) of section 2151.354 or 18403
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 18404
Code; 18405

(B) Determined to be at serious risk of removal from the home 18406
and for whom the court has undertaken a plan of reasonable efforts 18407
to prevent such removal-; 18408

(C) At imminent risk of removal from the home and is a 18409
sibling of a child in the temporary or permanent custody of the 18410
court. 18411

The agreement shall govern the responsibilities and duties 18412
the court shall perform in providing services to the child. 18413

Sec. 2151.23. (A) The juvenile court has exclusive original 18414
jurisdiction under the Revised Code as follows: 18415

(1) Concerning any child who on or about the date specified 18416
in the complaint, indictment, or information is alleged to have 18417
violated section 2151.87 of the Revised Code or an order issued 18418
under that section or to be a juvenile traffic offender or a 18419
delinquent, unruly, abused, neglected, or dependent child and, 18420
based on and in relation to the allegation pertaining to the 18421
child, concerning the parent, guardian, or other person having 18422
care of a child who is alleged to be an unruly child for being an 18423
habitual truant or who is alleged to be a delinquent child for 18424
violating a court order regarding the child's prior adjudication 18425
as an unruly child for being an habitual truant; 18426

(2) Subject to divisions (G), (I), (K), and (V) of section 18427
2301.03 of the Revised Code, to determine the custody of any child 18428
not a ward of another court of this state; 18429

(3) To hear and determine any application for a writ of 18430
habeas corpus involving the custody of a child; 18431

(4) To exercise the powers and jurisdiction given the probate 18432
division of the court of common pleas in Chapter 5122. of the 18433
Revised Code, if the court has probable cause to believe that a 18434
child otherwise within the jurisdiction of the court is a mentally 18435
ill person subject to court order, as defined in section 5122.01 18436
of the Revised Code; 18437

(5) To hear and determine all criminal cases charging adults 18438
with the violation of any section of this chapter; 18439

(6) To hear and determine all criminal cases in which an 18440
adult is charged with a violation of division (C) of section 18441
2919.21, division (B)(1) of section 2919.22, section 2919.222, 18442
division (B) of section 2919.23, or section 2919.24 of the Revised 18443
Code, provided the charge is not included in an indictment that 18444
also charges the alleged adult offender with the commission of a 18445
felony arising out of the same actions that are the basis of the 18446

alleged violation of division (C) of section 2919.21, division 18447
(B)(1) of section 2919.22, section 2919.222, division (B) of 18448
section 2919.23, or section 2919.24 of the Revised Code; 18449

(7) Under the interstate compact on juveniles in section 18450
2151.56 of the Revised Code; 18451

(8) Concerning any child who is to be taken into custody 18452
pursuant to section 2151.31 of the Revised Code, upon being 18453
notified of the intent to take the child into custody and the 18454
reasons for taking the child into custody; 18455

(9) To hear and determine requests for the extension of 18456
temporary custody agreements, and requests for court approval of 18457
permanent custody agreements, that are filed pursuant to section 18458
5103.15 of the Revised Code; 18459

(10) To hear and determine applications for consent to marry 18460
pursuant to section 3101.04 of the Revised Code; 18461

(11) Subject to divisions (G), (I), (K), and (V) of section 18462
2301.03 of the Revised Code, to hear and determine a request for 18463
an order for the support of any child if the request is not 18464
ancillary to an action for divorce, dissolution of marriage, 18465
annulment, or legal separation, a criminal or civil action 18466
involving an allegation of domestic violence, or an action for 18467
support brought under Chapter 3115. of the Revised Code; 18468

(12) Concerning an action commenced under section 121.38 of 18469
the Revised Code; 18470

(13) To hear and determine violations of section 3321.38 of 18471
the Revised Code; 18472

(14) To exercise jurisdiction and authority over the parent, 18473
guardian, or other person having care of a child alleged to be a 18474
delinquent child, unruly child, or juvenile traffic offender, 18475
based on and in relation to the allegation pertaining to the 18476

child;	18477
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	18478 18479 18480 18481 18482 18483 18484 18485
(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;	18486 18487 18488 18489 18490 18491
(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code;	18492 18493
<u>(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.</u>	18494 18495 18496
(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	18497 18498 18499
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	18500 18501 18502 18503
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	18504 18505 18506

(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	18507 18508
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	18509 18510 18511
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	18512 18513
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	18514 18515
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	18516 18517 18518
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	18519 18520 18521
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	18522 18523 18524 18525
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court,	18526 18527 18528 18529 18530 18531 18532 18533 18534 18535 18536 18537

except as to awards for spousal support or support due and unpaid 18538
at the time of certification, over which the juvenile court has no 18539
jurisdiction. 18540

(D) The juvenile court, except as provided in division (I) of 18541
section 2301.03 of the Revised Code, has jurisdiction to hear and 18542
determine all matters as to custody and support of children duly 18543
certified by the court of common pleas to the juvenile court after 18544
a divorce decree has been granted, including jurisdiction to 18545
modify the judgment and decree of the court of common pleas as the 18546
same relate to the custody and support of children. 18547

(E) The juvenile court, except as provided in division (I) of 18548
section 2301.03 of the Revised Code, has jurisdiction to hear and 18549
determine the case of any child certified to the court by any 18550
court of competent jurisdiction if the child comes within the 18551
jurisdiction of the juvenile court as defined by this section. 18552

(F)(1) The juvenile court shall exercise its jurisdiction in 18553
child custody matters in accordance with sections 3109.04 and 18554
3127.01 to 3127.53 of the Revised Code and, as applicable, 18555
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 18556
Code. 18557

(2) The juvenile court shall exercise its jurisdiction in 18558
child support matters in accordance with section 3109.05 of the 18559
Revised Code. 18560

(G) Any juvenile court that makes or modifies an order for 18561
child support shall comply with Chapters 3119., 3121., 3123., and 18562
3125. of the Revised Code. If any person required to pay child 18563
support under an order made by a juvenile court on or after April 18564
15, 1985, or modified on or after December 1, 1986, is found in 18565
contempt of court for failure to make support payments under the 18566
order, the court that makes the finding, in addition to any other 18567
penalty or remedy imposed, shall assess all court costs arising 18568

out of the contempt proceeding against the person and require the 18569
person to pay any reasonable attorney's fees of any adverse party, 18570
as determined by the court, that arose in relation to the act of 18571
contempt. 18572

(H) If a child who is charged with an act that would be an 18573
offense if committed by an adult was fourteen years of age or 18574
older and under eighteen years of age at the time of the alleged 18575
act and if the case is transferred for criminal prosecution 18576
pursuant to section 2152.12 of the Revised Code, except as 18577
provided in section 2152.121 of the Revised Code, the juvenile 18578
court does not have jurisdiction to hear or determine the case 18579
subsequent to the transfer. The court to which the case is 18580
transferred for criminal prosecution pursuant to that section has 18581
jurisdiction subsequent to the transfer to hear and determine the 18582
case in the same manner as if the case originally had been 18583
commenced in that court, subject to section 2152.121 of the 18584
Revised Code, including, but not limited to, jurisdiction to 18585
accept a plea of guilty or another plea authorized by Criminal 18586
Rule 11 or another section of the Revised Code and jurisdiction to 18587
accept a verdict and to enter a judgment of conviction pursuant to 18588
the Rules of Criminal Procedure against the child for the 18589
commission of the offense that was the basis of the transfer of 18590
the case for criminal prosecution, whether the conviction is for 18591
the same degree or a lesser degree of the offense charged, for the 18592
commission of a lesser-included offense, or for the commission of 18593
another offense that is different from the offense charged. 18594

(I) If a person under eighteen years of age allegedly commits 18595
an act that would be a felony if committed by an adult and if the 18596
person is not taken into custody or apprehended for that act until 18597
after the person attains twenty-one years of age, the juvenile 18598
court does not have jurisdiction to hear or determine any portion 18599
of the case charging the person with committing that act. In those 18600

circumstances, divisions (A) and (B) of section 2152.12 of the Revised Code do not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or older when the person committed the act. All proceedings pertaining to the act shall be within the jurisdiction of the court having jurisdiction of the offense, and that court has all the authority and duties in the case that it has in other criminal cases in that court.

(J) In exercising its exclusive original jurisdiction under division (A)(16) of this section with respect to any proceedings brought under section 2151.34 or 3113.31 of the Revised Code in which the respondent is a child, the juvenile court retains all dispositional powers consistent with existing rules of juvenile procedure and may also exercise its discretion to adjudicate proceedings as provided in sections 2151.34 and 3113.31 of the Revised Code, including the issuance of protection orders or the approval of consent agreements under those sections.

Sec. 2151.25. (A) If a public children services agency receives a report of child abuse or neglect under section 2151.421 of the Revised Code, or a report that a child may be a dependent child, and is denied reasonable access to the child by a parent, guardian, custodian, or caregiver of the child, or to any other information necessary to determine if the child is, or at risk of becoming, an abused, neglected, or dependent child, the agency may request a juvenile court to issue an order granting the agency access to examine and interview the child, or to conduct other activities necessary to determine the risk to the child. The agency shall make the request by submitting a sworn affidavit explaining the need for the order in the juvenile court of the county in which the child has a residence or legal settlement or

in which the reported abuse or neglect of the child occurred or 18633
the reported conditions exist regarding the child's dependency. 18634

(B) The affidavit shall include the following: 18635

(1) The particular facts of the allegation or allegations in 18636
the report that may indicate the child is an abused, neglected, or 18637
dependent child; 18638

(2) The agency's efforts to gather additional information to 18639
determine whether or not the child may be, or at risk of becoming, 18640
an abused, neglected, or dependent child; 18641

(3) The agency efforts to obtain consent from a parent, 18642
guardian, custodian, or caregiver to examine and interview the 18643
child, or to conduct other activities necessary to determine the 18644
risk to the child; 18645

(4) The activities the agency deems necessary to determine 18646
the current risk to the child. 18647

(C) The affidavit shall not identify the source of the 18648
allegation or allegations in the report that may indicate the 18649
child is an abused, neglected, or dependent child. 18650

(D)(1) Upon receipt of request and a sworn affidavit 18651
submitted according to division (A) of this section, if the court 18652
determines that probable cause exists, the court may, without a 18653
hearing, issue an order requiring the parent, guardian, custodian, 18654
or caregiver of the child comply with the agency's investigation, 18655
including, an interview and examination of the child, and other 18656
activity the court deems necessary to determine the current risk 18657
posed to the child. 18658

(2) The court may include within the order specific 18659
instructions on the manner and location of the interview and 18660
examination of the child, as well as detail any other necessary 18661
activities. 18662

(E) An order issued pursuant to this section is not a final, appealable order for purposes of appeal under division (B) of section 2505.02 of the Revised Code. 18663
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Sec. 2151.316. (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a foster youth bill of rights for individuals who are in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement or in the Title IV-E eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services and who are subject to out-of-home care or placed with a kinship caregiver as defined in section 5101.85 of the Revised Code. 18666
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(B) If the rights of an individual, as established under division (A) of this section, conflict with the rights of a resource family or resource caregiver, as established in section 5103.163 of the Revised Code, the rights of the individual shall preempt the rights of the resource family or resource caregiver. 18676
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(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency. 18681
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Sec. 2151.362. (A)(1) In the manner prescribed by division (C)(1) or (2) of section 3313.64 of the Revised Code, as applicable, the court, at the time of making any order that removes a child from the child's own home or that vests legal or permanent custody of the child in a person other than the child's parent or a government agency, shall determine the school district that is to bear the cost of educating the child. The court shall make the determination a part of the order that provides for the child's placement or commitment. That school district shall bear 18684
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the cost of educating the child unless and until the department of 18693
education determines that a different district shall be 18694
responsible for bearing that cost pursuant to division (A)(2) of 18695
this section. The court's order shall state that the determination 18696
of which school district is responsible to bear the cost of 18697
educating the child is subject to re-determination by the 18698
department pursuant to that division. 18699

(2) If, while the child is in the custody of a person other 18700
than the child's parent or a government agency, the department of 18701
education determines that the place of residence of the child's 18702
parent has changed since the court issued its initial order, the 18703
department may name a different school district to bear the cost 18704
of educating the child. The department shall make this new 18705
determination, and any future determinations, based on evidence 18706
received from the school district currently responsible to bear 18707
the cost of educating the child. If the department finds that the 18708
evidence demonstrates to its satisfaction that the residence of 18709
the child's parent has changed since the court issued its initial 18710
order under division (A)(1) of this section, or since the 18711
department last made a determination under division (A)(2) of this 18712
section, the department shall name the district in which the 18713
child's parent currently resides or, if the parent's residence is 18714
not known, the district in which the parent's last known residence 18715
is located. If the department cannot determine any Ohio district 18716
in which the parent currently resides or has resided, the school 18717
district designated in the initial court order under division 18718
(A)(1) of this section, or in the most recent determination made 18719
by the department under division (A)(2) of this section, shall 18720
continue to bear the cost of educating the child. 18721

(B) Whenever a child is placed in a detention facility 18722
established under section 2152.41 of the Revised Code or a 18723
juvenile facility established under section 2151.65 of the Revised 18724

Code, the facility shall be responsible for coordinating the 18725
education of the child. The facility may take any of the following 18726
measures in coordinating the education of the child: 18727

(1) If applicable, use the chartered nonpublic school that 18728
the facility operates; 18729

(2) Arrange with the school district responsible for bearing 18730
the cost of educating the child determined under division (A) of 18731
this section, for the facility to educate the child on its own; 18732

(3) Contract with an educational service center for the 18733
service center to educate the child; 18734

(4) Contract with the school district in which the facility 18735
is located for that school district to educate the child; 18736

(5) If the child is enrolled in an internet- or 18737
computer-based community school established under Chapter 3314. of 18738
the Revised Code, and provided that the facility possesses the 18739
necessary hardware, software, and internet connectivity, permit 18740
continued instruction of the child by the internet- or 18741
computer-based community school. 18742

If the facility coordinates the education of the child 18743
pursuant to division (B)(1), (2), (3), or (4) of this section, 18744
child's school district as determined by the court or the 18745
department, in the same manner as prescribed in division (A) of 18746
this section, shall pay the cost of educating the child based on 18747
the per capita cost of the educational facility within the 18748
detention home or juvenile facility. 18749

If the facility coordinates the education of the child 18750
pursuant to division (B)(5) of this section, payment for the cost 18751
of educating the child shall be made only as provided in ~~division~~ 18752
~~(C) of section 3314.08~~ 3317.022 of the Revised Code. 18753

(C) Whenever a child is placed by the court in a private 18754

institution, school, or residential treatment center or any other 18755
private facility, the state shall pay to the court a subsidy to 18756
help defray the expense of educating the child in an amount equal 18757
to the product of the daily per capita educational cost of the 18758
private facility, as determined pursuant to this section, and the 18759
number of days the child resides at the private facility, provided 18760
that the subsidy shall not exceed twenty-five hundred dollars per 18761
year per child. The daily per capita educational cost of a private 18762
facility shall be determined by dividing the actual program cost 18763
of the private facility or twenty-five hundred dollars, whichever 18764
is less, by three hundred sixty-five days or by three hundred 18765
sixty-six days for years that include February twenty-ninth. The 18766
state shall pay seventy-five per cent of the total subsidy for 18767
each year quarterly to the court. The state may adjust the 18768
remaining twenty-five per cent of the total subsidy to be paid to 18769
the court for each year to an amount that is less than twenty-five 18770
per cent of the total subsidy for that year based upon the 18771
availability of funds appropriated to the department of education 18772
for the purpose of subsidizing courts that place a child in a 18773
private institution, school, or residential treatment center or 18774
any other private facility and shall pay that adjusted amount to 18775
the court at the end of the year. 18776

Sec. 2151.412. (A) Each public children services agency and 18777
private child placing agency shall prepare and maintain a case 18778
plan for any child to whom the agency is providing services and to 18779
whom any of the following applies: 18780

(1) The agency filed a complaint pursuant to section 2151.27 18781
of the Revised Code alleging that the child is an abused, 18782
neglected, or dependent child; 18783

(2) The agency has temporary or permanent custody of the 18784
child; 18785

(3) The child is living at home subject to an order for protective supervision; 18786
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(4) The child is in a planned permanent living arrangement. 18788

Except as provided by division (A)(2) of section 5103.153 of the Revised Code, a private child placing agency providing services to a child who is the subject of a voluntary permanent custody surrender agreement entered into under division (B)(2) of section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child. 18789
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(B) Each public children services agency shall prepare and maintain a case plan ~~or a family service plan~~ for any child for whom the agency is providing in-home services pursuant to an alternative response. 18795
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(C)(1) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the content and format of case plans required by division (A) of this section and establishing procedures for developing, implementing, and changing the case plans. The rules shall at a minimum comply with the requirements of Title IV-E of the "Social Security Act," ~~94 Stat. 501,~~ 42 U.S.C. ~~671~~ 670, et seq. (1980), ~~as amended.~~ 18799
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(2) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code requiring public children services agencies and private child placing agencies to maintain case plans for children and their families who are receiving services in their homes from the agencies and for whom case plans are not required by division (A) of this section. The rules for public children services agencies shall include the requirements for case plans ~~or family service plans~~ maintained for children and their families who are receiving services in their homes from public children services agencies pursuant to an 18807
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alternative response. The agencies shall maintain case plans ~~and~~ 18817
~~family service plans~~ as required by those rules; however, the case 18818
plans ~~and family service plans~~ shall not be subject to any other 18819
provision of this section except as specifically required by the 18820
rules. 18821

(D) Each public children services agency and private child 18822
placing agency that is required by division (A) of this section to 18823
maintain a case plan shall file the case plan with the court prior 18824
to the child's adjudicatory hearing but no later than thirty days 18825
after the earlier of the date on which the complaint in the case 18826
was filed or the child was first placed into shelter care. If the 18827
agency does not have sufficient information prior to the 18828
adjudicatory hearing to complete any part of the case plan, the 18829
agency shall specify in the case plan the additional information 18830
necessary to complete each part of the case plan and the steps 18831
that will be taken to obtain that information. All parts of the 18832
case plan shall be completed by the earlier of thirty days after 18833
the adjudicatory hearing or the date of the dispositional hearing 18834
for the child. 18835

(E) Any agency that is required by division (A) of this 18836
section to prepare a case plan shall attempt to obtain an 18837
agreement among all parties, including, but not limited to, the 18838
parents, guardian, or custodian of the child and the guardian ad 18839
litem of the child regarding the content of the case plan. If all 18840
parties agree to the content of the case plan and the court 18841
approves it, the court shall journalize it as part of its 18842
dispositional order. If the agency cannot obtain an agreement upon 18843
the contents of the case plan or the court does not approve it, 18844
the parties shall present evidence on the contents of the case 18845
plan at the dispositional hearing. The court, based upon the 18846
evidence presented at the dispositional hearing and the best 18847
interest of the child, shall determine the contents of the case 18848

plan and journalize it as part of the dispositional order for the child. 18849
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(F)(1) All parties, including the parents, guardian, or 18851
custodian of the child, are bound by the terms of the journalized 18852
case plan. A party that fails to comply with the terms of the 18853
journalized case plan may be held in contempt of court. 18854

(2) Any party may propose a change to a substantive part of 18855
the case plan, including, but not limited to, the child's 18856
placement and the visitation rights of any party. A party 18857
proposing a change to the case plan shall file the proposed change 18858
with the court and give notice of the proposed change in writing 18859
before the end of the day after the day of filing it to all 18860
parties and the child's guardian ad litem. All parties and the 18861
guardian ad litem shall have seven days from the date the notice 18862
is sent to object to and request a hearing on the proposed change. 18863

(a) If it receives a timely request for a hearing, the court 18864
shall schedule a hearing pursuant to section 2151.417 of the 18865
Revised Code to be held no later than thirty days after the 18866
request is received by the court. The court shall give notice of 18867
the date, time, and location of the hearing to all parties and the 18868
guardian ad litem. The agency may implement the proposed change 18869
after the hearing, if the court approves it. The agency shall not 18870
implement the proposed change unless it is approved by the court. 18871

(b) If it does not receive a timely request for a hearing, 18872
the court may approve the proposed change without a hearing. If 18873
the court approves the proposed change without a hearing, it shall 18874
journalize the case plan with the change not later than fourteen 18875
days after the change is filed with the court. If the court does 18876
not approve the proposed change to the case plan, it shall 18877
schedule a hearing to be held pursuant to section 2151.417 of the 18878
Revised Code no later than thirty days after the expiration of the 18879
fourteen-day time period and give notice of the date, time, and 18880

location of the hearing to all parties and the guardian ad litem 18881
of the child. If, despite the requirements of division (F)(2) of 18882
this section, the court neither approves and journalizes the 18883
proposed change nor conducts a hearing, the agency may implement 18884
the proposed change not earlier than fifteen days after it is 18885
submitted to the court. 18886

(3) If an agency has reasonable cause to believe that a child 18887
is suffering from illness or injury and is not receiving proper 18888
care and that an appropriate change in the child's case plan is 18889
necessary to prevent immediate or threatened physical or emotional 18890
harm, to believe that a child is in immediate danger from the 18891
child's surroundings and that an immediate change in the child's 18892
case plan is necessary to prevent immediate or threatened physical 18893
or emotional harm to the child, or to believe that a parent, 18894
guardian, custodian, or other member of the child's household has 18895
abused or neglected the child and that the child is in danger of 18896
immediate or threatened physical or emotional harm from that 18897
person unless the agency makes an appropriate change in the 18898
child's case plan, it may implement the change without prior 18899
agreement or a court hearing and, before the end of the next day 18900
after the change is made, give all parties, the guardian ad litem 18901
of the child, and the court notice of the change. Before the end 18902
of the third day after implementing the change in the case plan, 18903
the agency shall file a statement of the change with the court and 18904
give notice of the filing accompanied by a copy of the statement 18905
to all parties and the guardian ad litem. All parties and the 18906
guardian ad litem shall have ten days from the date the notice is 18907
sent to object to and request a hearing on the change. 18908

(a) If it receives a timely request for a hearing, the court 18909
shall schedule a hearing pursuant to section 2151.417 of the 18910
Revised Code to be held no later than thirty days after the 18911
request is received by the court. The court shall give notice of 18912

the date, time, and location of the hearing to all parties and the guardian ad litem. The agency shall continue to administer the case plan with the change after the hearing, if the court approves the change. If the court does not approve the change, the court shall make appropriate changes to the case plan and shall journalize the case plan.

(b) If it does not receive a timely request for a hearing, the court may approve the change without a hearing. If the court approves the change without a hearing, it shall journalize the case plan with the change within fourteen days after receipt of the change. If the court does not approve the change to the case plan, it shall schedule a hearing under section 2151.417 of the Revised Code to be held no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child.

(G)(1) All case plans for children in temporary custody shall have the following general goals:

(a) Consistent with the best interest and special needs of the child, to achieve a safe out-of-home placement in the least restrictive, most family-like setting available and in close proximity to the home from which the child was removed or the home in which the child will be permanently placed;

(b) To eliminate with all due speed the need for the out-of-home placement so that the child can safely return home.

(2) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the general goals of case plans for children subject to dispositional orders for protective supervision, a planned permanent living arrangement, or permanent custody.

(H) In the agency's development of a case plan and the

court's review of the case plan, the child's health and safety 18944
shall be the paramount concern. The agency and the court shall be 18945
guided by the following general priorities: 18946

(1) A child who is residing with or can be placed with the 18947
child's parents within a reasonable time should remain in their 18948
legal custody even if an order of protective supervision is 18949
required for a reasonable period of time; 18950

(2) If both parents of the child have abandoned the child, 18951
have relinquished custody of the child, have become incapable of 18952
supporting or caring for the child even with reasonable 18953
assistance, or have a detrimental effect on the health, safety, 18954
and best interest of the child, the child should be placed in the 18955
legal custody of a suitable member of the child's extended family; 18956

(3) If a child described in division (H)(2) of this section 18957
has no suitable member of the child's extended family to accept 18958
legal custody, the child should be placed in the legal custody of 18959
a suitable nonrelative who shall be made a party to the 18960
proceedings after being given legal custody of the child; 18961

(4) If the child has no suitable member of the child's 18962
extended family to accept legal custody of the child and no 18963
suitable nonrelative is available to accept legal custody of the 18964
child and, if the child temporarily cannot or should not be placed 18965
with the child's parents, guardian, or custodian, the child should 18966
be placed in the temporary custody of a public children services 18967
agency or a private child placing agency; 18968

(5) If the child cannot be placed with either of the child's 18969
parents within a reasonable period of time or should not be placed 18970
with either, if no suitable member of the child's extended family 18971
or suitable nonrelative is available to accept legal custody of 18972
the child, and if the agency has a reasonable expectation of 18973
placing the child for adoption, the child should be committed to 18974

the permanent custody of the public children services agency or 18975
private child placing agency; 18976

(6) If the child is to be placed for adoption or foster care, 18977
the placement shall not be delayed or denied on the basis of the 18978
child's or adoptive or foster family's race, color, or national 18979
origin. 18980

(I) The case plan for a child in temporary custody shall 18981
include at a minimum the following requirements if the child is or 18982
has been the victim of abuse or neglect or if the child witnessed 18983
the commission in the child's household of abuse or neglect 18984
against a sibling of the child, a parent of the child, or any 18985
other person in the child's household: 18986

(1) A requirement that the child's parents, guardian, or 18987
custodian participate in mandatory counseling; 18988

(2) A requirement that the child's parents, guardian, or 18989
custodian participate in any supportive services that are required 18990
by or provided pursuant to the child's case plan. 18991

(J) A (1) Prior to January 1, 2023, a case plan for a child 18992
in temporary custody may include, as a supplement, a plan for 18993
locating a permanent family placement. The supplement shall not be 18994
considered part of the case plan for purposes of division (E) of 18995
this section. 18996

(2) On and after January 1, 2023, a case plan for a child in 18997
temporary custody shall include a permanency plan for the child 18998
unless it is documented that such a plan would not be in the best 18999
interest of the child. The permanency plan shall describe the 19000
services the agency shall provide to achieve permanency for the 19001
child if reasonable efforts to return the child to the child's 19002
home, or eliminate the continued removal from that home, are 19003
unsuccessful. Those services shall be provided concurrently with 19004
reasonable efforts to return the child home or eliminate the 19005

child's continued removal from home. 19006

(3) The director of job and family services, pursuant to 19007
Chapter 119. of the Revised Code, shall adopt rules necessary to 19008
carry out the purposes of division (J) of this section. 19009

(K)(1) A public children services agency may request that the 19010
superintendent of the bureau of criminal identification and 19011
investigation conduct a criminal records check with respect to a 19012
parent, guardian, custodian, prospective custodian, or prospective 19013
placement whose actions result in a finding after the filing of a 19014
complaint as described in division (A)(1) of this section that a 19015
child is an abused, neglected, or dependent child. The public 19016
children services agency shall request that the superintendent 19017
obtain information from the federal bureau of investigation as 19018
part of the criminal records check. 19019

(2) At any time on or after the date that is ninety days 19020
~~after the effective date of this amendment~~ September 10, 2012, a 19021
prosecuting attorney, or an assistant prosecuting attorney 19022
appointed under section 309.06 of the Revised Code, may request 19023
that the superintendent of the bureau of criminal identification 19024
and investigation conduct a criminal records check with respect to 19025
each parent, guardian, custodian, prospective custodian, or 19026
prospective placement whose actions resulted in a finding after 19027
the filing of a complaint described in division (A)(1) of this 19028
section that a child is an abused, neglected, or dependent child. 19029
Each prosecuting attorney or assistant prosecuting attorney who 19030
makes such a request shall request that the superintendent obtain 19031
information from the federal bureau of investigation as part of 19032
the criminal records check for each parent, guardian, custodian, 19033
prospective custodian, or prospective placement who is a subject 19034
of the request. 19035

(3) A public children services agency, prosecuting attorney, 19036
or assistant prosecuting attorney that requests a criminal records 19037

check under division (K)(1) or (2) of this section shall do both 19038
of the following: 19039

(a) Provide to each parent, guardian, custodian, prospective 19040
custodian, or prospective placement for whom a criminal records 19041
check is requested a copy of the form prescribed pursuant to 19042
division (C)(1) of section 109.572 of the Revised Code and a 19043
standard fingerprint impression sheet prescribed pursuant to 19044
division (C)(2) of that section and obtain the completed form and 19045
impression sheet from the parent, guardian, custodian, prospective 19046
custodian, or prospective placement; 19047

(b) Forward the completed form and impression sheet to the 19048
superintendent of the bureau of criminal identification and 19049
investigation. 19050

(4) A parent, guardian, custodian, prospective custodian, or 19051
prospective placement who is given a form and fingerprint 19052
impression sheet under division (K)(3)(a) of this section and who 19053
fails to complete the form or provide fingerprint impressions may 19054
be held in contempt of court. 19055

Sec. 2151.416. (A) Each agency that is required by section 19056
2151.412 of the Revised Code to prepare a case plan for a child 19057
shall complete a semiannual administrative review of the case plan 19058
no later than six months after the earlier of the date on which 19059
the complaint in the case was filed or the child was first placed 19060
in shelter care. After the first administrative review, the agency 19061
shall complete semiannual administrative reviews no later than 19062
every six months. If the court issues an order pursuant to section 19063
2151.414 or 2151.415 of the Revised Code, the agency shall 19064
complete an administrative review no later than six months after 19065
the court's order and continue to complete administrative reviews 19066
no later than every six months after the first review, except that 19067
the court hearing held pursuant to section 2151.417 of the Revised 19068

Code may take the place of any administrative review that would 19069
otherwise be held at the time of the court hearing. When 19070
conducting a review, the child's health and safety shall be the 19071
paramount concern. 19072

(B) Each administrative review required by division (A) of 19073
this section shall be conducted by a review panel of at least 19074
three persons, including, but not limited to, both of the 19075
following: 19076

(1) A caseworker with day-to-day responsibility for, or 19077
familiarity with, the management of the child's case plan; 19078

(2) A person who is not responsible for the management of the 19079
child's case plan or for the delivery of services to the child or 19080
the parents, guardian, or custodian of the child. 19081

(C) Each semiannual administrative review shall include, but 19082
not be limited to, a joint meeting by the review panel with the 19083
parents, guardian, or custodian of the child, the guardian ad 19084
litem of the child, and the child's foster care provider and shall 19085
include an opportunity for those persons to submit any written 19086
materials to be included in the case record of the child. If a 19087
parent, guardian, custodian, guardian ad litem, or foster care 19088
provider of the child cannot be located after reasonable efforts 19089
to do so or declines to participate in the administrative review 19090
after being contacted, the agency does not have to include them in 19091
the joint meeting. 19092

(D) The agency shall prepare a written summary of the 19093
semiannual administrative review that shall include, but not be 19094
limited to, all of the following: 19095

(1) A conclusion regarding the safety and appropriateness of 19096
the child's foster care placement; 19097

(2) The extent of the compliance with the case plan of all 19098
parties; 19099

(3) The extent of progress that has been made toward 19100
alleviating the circumstances that required the agency to assume 19101
temporary custody of the child; 19102

(4) An estimated date by which the child may be returned to 19103
and safely maintained in the child's home or placed for adoption 19104
or legal custody; 19105

(5) An updated case plan that includes any changes that the 19106
agency is proposing in the case plan; 19107

(6) The recommendation of the agency as to which agency or 19108
person should be given custodial rights over the child for the 19109
six-month period after the administrative review; 19110

(7) The names of all persons who participated in the 19111
administrative review; 19112

(8) A summary of the agency's intensive efforts to secure a 19113
placement with an appropriate and willing kinship caregiver as 19114
defined in section 5101.85 of the Revised Code, including any use 19115
of search technology to find biological family members of the 19116
child and all other efforts undertaken since the last review, 19117
unless a court has determined that intensive efforts are 19118
unnecessary pursuant to section 2151.4118 of the Revised Code. 19119

(E) The agency shall file the summary with the court no later 19120
than seven days after the completion of the administrative review. 19121
If the agency proposes a change to the case plan as a result of 19122
the administrative review, the agency shall file the proposed 19123
change with the court at the time it files the summary. The agency 19124
shall give notice of the summary and proposed change in writing 19125
before the end of the next day after filing them to all parties 19126
and the child's guardian ad litem. All parties and the guardian ad 19127
litem shall have seven days after the date the notice is sent to 19128
object to and request a hearing on the proposed change. 19129

(1) If the court receives a timely request for a hearing, the 19130

court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after the court receives the request. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(2) If the court does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a review hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of this division and division (D) of section 2151.417 of the Revised Code, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(F) The director of job and family services may adopt rules pursuant to Chapter 119. of the Revised Code for procedures and standard forms for conducting administrative reviews pursuant to this section.

(G) The juvenile court that receives the written summary of the administrative review, upon determining, either from the written summary, case plan, or otherwise, that the custody or care arrangement is not in the best interest of the child, may terminate the custody of an agency and place the child in the

custody of another institution or association certified by the 19163
department of job and family services under section 5103.03 of the 19164
Revised Code. 19165

Sec. 2151.4115. (A) As used in sections 2151.4116 to 19166
2151.4122 of the Revised Code: 19167

(1) "Kinship caregiver" has the same meaning as used in 19168
section 5101.85 of the Revised Code. 19169

(2) "Search technology" means any locate-and-research tool, 19170
search engine, electronic database, or social media search tool 19171
available to a public children services agency or a private child 19172
placing agency. 19173

Sec. 2151.4116. A public children services agency or private 19174
child placing agency shall make intensive efforts to identify and 19175
engage an appropriate and willing kinship caregiver for the care 19176
of a child who is in one of following: 19177

(A) Temporary custody of the agency; 19178

(B) A planned permanent living arrangement with the agency. 19179

Sec. 2151.4117. (A) At every court hearing regarding a child 19180
described in section 2151.4116 of the Revised Code, the court 19181
shall determine whether the public children services agency or 19182
private child placing agency has continued intensive efforts to 19183
identify and engage appropriate and willing kinship caregivers for 19184
the child. 19185

(B) At each hearing the court shall: 19186

(1) Review the placement of the child to determine if the 19187
child is receiving care in the home of a kinship caregiver; 19188

(2) Review the efforts of the agency since the previous 19189
hearing to place the child with a kinship caregiver in accordance 19190

with section 2151.33 of the Revised Code, including efforts to 19191
utilize search technology to find biological family members for 19192
the child; 19193

(3) Review any previous court order issued under section 19194
2151.4118 of the Revised Code to determine if the order should 19195
continue based on the child's current placement situation. 19196

Sec. 2151.4118. A court may issue an order that determines, 19197
with respect to a child described in section 2151.4116 of the 19198
Revised Code who is not receiving care in the home of a kinship 19199
caregiver, that the continuation of the child's current placement 19200
is in the child's best interest and that intensive efforts to 19201
identify and engage an appropriate and willing kinship caregiver 19202
for the child are unnecessary if the court makes the findings in 19203
section 2151.4119 of the Revised Code. 19204

Sec. 2151.4119. A court may issue an order under section 19205
2151.4118 of the Revised Code if it finds all of the following: 19206

(A) The child has been living in a stable home environment 19207
with the child's current caregivers for the past twelve 19208
consecutive months. 19209

(B) The current caregivers have expressed interest in 19210
providing permanency for the child. 19211

(C) The removal of the child from the current caregivers 19212
would be detrimental to the child's emotional well-being. 19213

Sec. 2151.4120. If a court makes the findings under section 19214
2151.4119 of the Revised Code, the court and public children 19215
services agency or private child placing agency may consider the 19216
child's current caregiver as having a kin relationship with the 19217
child and at an equal standing to other kin in regards to 19218
permanency. 19219

Sec. 2151.4121. If a relative who received the required 19220
notice pursuant to section 2151.33 of the Revised Code fails 19221
within six months from the date of receipt to demonstrate interest 19222
in and willingness to provide a permanent home for a child, a 19223
court may excuse the public children services agency or private 19224
child placing agency from considering such relative for placement 19225
if the court has issued an order under section 2151.4119 of the 19226
Revised Code. 19227

Sec. 2151.4122. Nothing in sections 2151.4115 to 2151.4121 of 19228
the Revised Code shall be construed to prevent a public children 19229
services agency or private child placement agency from continuing 19230
to search or consider kinship caregivers. 19231

Sec. 2151.451. (A) The juvenile court of the county ~~in,~~ to 19232
which either of the following applies regarding an emancipated 19233
young adult described under division (A)(1) of section 5101.1411 19234
of the Revised Code ~~resides shall have,~~ may exercise jurisdiction 19235
over the emancipated young adult for purposes of sections 2151.45 19236
to 2151.455 of the Revised Code: 19237

(1) The county in which the emancipated young adult resides; 19238

(2) The county in which the emancipated young adult resided 19239
when the custody, arrangement, or care and placement described in 19240
division (A)(3)(a) of section 5101.141 of the Revised Code 19241
terminated. 19242

(B) A juvenile court, on its own motion or the motion of any 19243
party, may transfer a proceeding under ~~these~~ sections 2151.45 to 19244
2151.455 of the Revised Code to a juvenile court with jurisdiction 19245
as provided in this section. 19246

Sec. 2151.452. A juvenile court shall do both of the 19247
following regarding an emancipated young adult described under 19248

division (A)(1) of section 5101.1411 of the Revised Code: 19249

(A) Not later than one hundred eighty days after the 19250
voluntary participation agreement becomes effective, make a 19251
determination as to whether the emancipated young adult's best 19252
interest is served by continuing the care and placement with the 19253
department of job and family services or its representative. ~~An~~ 19254
~~emancipated young adult shall not be eligible for continued care~~ 19255
~~and placement if the court finds it is not in the emancipated~~ 19256
~~young adult's best interest.~~ 19257

(B) Not later than twelve months after the effective date 19258
~~that~~ of the voluntary participation agreement ~~is signed~~, and 19259
~~annually~~ at least once every twelve months thereafter, make a 19260
determination ~~as to whether~~ that the department or its 19261
representative has made reasonable efforts ~~have been made to~~ 19262
finalize a permanency plan to prepare the emancipated young adult 19263
for independence. 19264

Sec. 2151.453. If any determination required under ~~division~~ 19265
~~(B)~~ of section 2151.452 of the Revised Code is not timely made, 19266
the federal payments for foster care under division (A)(1) of 19267
section 5101.1411 of the Revised Code for the emancipated young 19268
adult shall be suspended. The payments shall resume upon a 19269
subsequent determination that reasonable efforts have been made to 19270
prepare the emancipated young adult for independence, but only if 19271
both of the following apply: 19272

(A) The emancipated young adult complies with division (A)(1) 19273
of section 5101.1411 of the Revised Code. 19274

(B) There has been a timely determination of best interest 19275
under division (A) of section 2151.452 of the Revised Code. 19276

Sec. 2301.27. (A)(1)(a) The court of common pleas may 19277
establish a county department of probation. The establishment of 19278

the department shall be entered upon the journal of the court, and 19279
the clerk of the court of common pleas shall certify a copy of the 19280
journal entry establishing the department to each elective officer 19281
and board of the county. The department shall consist of a chief 19282
probation officer and the number of other probation officers and 19283
employees, clerks, and stenographers that is fixed from time to 19284
time by the court. The court shall appoint those individuals, fix 19285
their salaries, and supervise their work. 19286

(b) When appointing a chief probation officer, the court 19287
shall do all of the following: 19288

(i) Publicly advertise the position on the court's web site, 19289
including, but not limited to, the job description, qualifications 19290
for the position, and the application requirements; 19291

(ii) Conduct a competitive hiring process that adheres to 19292
state and federal equal employment opportunity laws; 19293

(iii) Review applicants who meet the posted qualifications 19294
and comply with the application requirements. 19295

(c) The court shall not appoint as a probation officer any 19296
person who does not possess the training, experience, and other 19297
qualifications prescribed by the adult parole authority created by 19298
section 5149.02 of the Revised Code or the department of youth 19299
services, as applicable. Probation officers have all the powers of 19300
regular police officers and shall perform any duties that are 19301
designated by the judge or judges of the court. All positions 19302
within the department of probation, except positions held by 19303
probation officers in the juvenile division of a court of common 19304
pleas and the position of chief probation officer, shall be in the 19305
classified service of the civil service of the county. 19306

(2) If two or more counties desire to jointly establish a 19307
probation department for those counties, the judges of the courts 19308
of common pleas of those counties may establish a probation 19309

department for those counties. If a probation department is 19310
established pursuant to division (A)(2) of this section to serve 19311
more than one county, the judges of the courts of common pleas 19312
that established the department shall designate the county 19313
treasurer of one of the counties served by the department as the 19314
treasurer to whom probation fees paid under section 2951.021 of 19315
the Revised Code are to be appropriated and transferred under 19316
division (A)(2) of section 321.44 of the Revised Code for deposit 19317
into the multicounty probation services fund established under 19318
division (B) of section 321.44 of the Revised Code. 19319

The cost of the administration and operation of a probation 19320
department established for two or more counties shall be prorated 19321
to the respective counties on the basis of population. 19322

(3) Probation officers shall receive, in addition to their 19323
respective salaries, their necessary and reasonable travel and 19324
other expenses incurred in the performance of their duties. Their 19325
salaries and expenses shall be paid monthly from the county 19326
treasury in the manner provided for the payment of the 19327
compensation of other appointees of the court. 19328

(4) Adult probation officers shall be trained in accordance 19329
with a set of minimum standards that are established by the adult 19330
parole authority of the department of rehabilitation and 19331
correction. Probation officers in the juvenile division of a court 19332
of common pleas shall be trained in accordance with a set of 19333
minimum standards that are established by the department of youth 19334
services. 19335

(B)(1)(a) In lieu of establishing a county department of 19336
probation under division (A) of this section and in lieu of 19337
entering into an agreement with the adult parole authority as 19338
described in division (B) of section 2301.32 of the Revised Code, 19339
the court of common pleas may request the board of county 19340
commissioners to contract with, and upon that request the board 19341

may contract with, any nonprofit, public or private agency, 19342
association, or organization for the provision of probation 19343
services and supervisory services for persons placed under 19344
community control sanctions. The contract shall specify that each 19345
individual providing the probation services and supervisory 19346
services shall possess the training, experience, and other 19347
qualifications prescribed by the adult parole authority or the 19348
department of youth services, as applicable. The individuals who 19349
provide the probation services and supervisory services shall not 19350
be included in the classified or unclassified civil service of the 19351
county. 19352

(b) A court of common pleas that has established a county 19353
probation department or has entered into an agreement with the 19354
adult parole authority as described in division (A) or (B) of 19355
section 2301.32 of the Revised Code may request the board of 19356
county commissioners to contract with, and upon that request the 19357
board may contract with, any nonprofit, public or private agency, 19358
association, or organization for the provision of probation 19359
services and supervisory services, including the preparation of 19360
presentence investigation reports to supplement the probation 19361
services and supervisory services provided by the county probation 19362
department or adult parole authority, as applicable. The contract 19363
shall specify that each individual providing the probation 19364
services and supervisory services shall possess the training, 19365
experience, and other qualifications prescribed by the adult 19366
parole authority. The individuals who provide the probation 19367
services and supervisory services shall not be included in the 19368
classified or unclassified civil service of the county. A 19369
nonprofit, public or private agency, association, or organization 19370
providing probation services or supervisory services under this 19371
division is hereby designated a criminal justice agency in the 19372
provision of those services, and as such is authorized by this 19373
state to apply for access to the computerized databases 19374

administered by the national crime information center or the law 19375
enforcement automated data system in Ohio and to other 19376
computerized databases administered for the purpose of making 19377
criminal justice information accessible to state criminal justice 19378
agencies. 19379

(2)(a) In lieu of establishing a county department of 19380
probation under division (A) of this section and in lieu of 19381
entering into an agreement with the adult parole authority as 19382
described in division (B) of section 2301.32 of the Revised Code, 19383
the courts of common pleas of two or more adjoining counties 19384
jointly may request the boards of county commissioners of those 19385
counties to contract with, and upon that request the boards of 19386
county commissioners of two or more adjoining counties jointly may 19387
contract with, any nonprofit, public or private agency, 19388
association, or organization for the provision of probation 19389
services and supervisory services for persons placed under 19390
community control sanctions for those counties. The contract shall 19391
specify that each individual providing the probation services and 19392
supervisory services shall possess the training, experience, and 19393
other qualifications prescribed by the adult parole authority or 19394
the department of youth services, as applicable. The individuals 19395
who provide the probation services and supervisory services shall 19396
not be included in the classified or unclassified civil service of 19397
any of those counties. 19398

(b) The courts of common pleas of two or more adjoining 19399
counties that have jointly established a probation department for 19400
those counties or have entered into an agreement with the adult 19401
parole authority as described in division (A) or (B) of section 19402
2301.32 of the Revised Code may jointly request the board of 19403
county commissioners of each county to contract with, and upon 19404
that request the board may contract with, any nonprofit, public or 19405
private agency, association, or organization for the provision of 19406

probation services and supervisory services, including the 19407
preparation of presentence investigation reports to supplement the 19408
probation services and supervisory services provided by the 19409
probation department or adult parole authority, as applicable. The 19410
contract shall specify that each individual providing the 19411
probation services and supervisory services shall possess the 19412
training, experience, and other qualifications prescribed by the 19413
adult parole authority. The individuals who provide the probation 19414
services and supervisory services shall not be included in the 19415
classified or unclassified civil service of the county. A 19416
nonprofit, public or private agency, association, or organization 19417
providing probation services or supervisory services under this 19418
division is hereby designated a criminal justice agency in the 19419
provision of those services, and as such is authorized by this 19420
state to apply for access to the computerized databases 19421
administered by the national crime information center or the law 19422
enforcement automated data system in Ohio and to other 19423
computerized databases administered for the purpose of making 19424
criminal justice information accessible to state criminal justice 19425
agencies. 19426

(C) The chief probation officer may grant permission to a 19427
probation officer to carry firearms when required in the discharge 19428
of official duties if the probation officer has successfully 19429
completed a basic firearm training program that is approved by the 19430
executive director of the Ohio peace officer training commission. 19431
A probation officer who has been granted permission to carry a 19432
firearm in the discharge of official duties, annually shall 19433
successfully complete a firearms requalification program in 19434
accordance with section 109.801 of the Revised Code. 19435

(D) As used in this section and sections 2301.28 to 2301.32 19436
of the Revised Code, "community control sanction" has the same 19437
meaning as in section 2929.01 of the Revised Code. 19438

Sec. 2303.05. The clerk of the court of common pleas may 19439
appoint one or more deputies. Such appointment or appointments 19440
shall be ~~in writing signed~~ endorsed by the clerk and entered on 19441
the journal of the court. 19442

Sec. 2323.52. (A) As used in this section: 19443

(1) "Conduct" has the same meaning as in section 2323.51 of 19444
the Revised Code. 19445

(2) "Vexatious conduct" means conduct of a party in a civil 19446
action that satisfies any of the following: 19447

(a) The conduct obviously serves merely to harass or 19448
maliciously injure another party to the civil action. 19449

(b) The conduct is not warranted under existing law and 19450
cannot be supported by a good faith argument for an extension, 19451
modification, or reversal of existing law. 19452

(c) The conduct is imposed solely for delay. 19453

(3) "Vexatious litigator" means any person who has 19454
habitually, persistently, and without reasonable grounds engaged 19455
in vexatious conduct in a civil action or actions, whether in the 19456
court of claims or in a court of appeals, court of common pleas, 19457
municipal court, or county court, whether the person or another 19458
person instituted the civil action or actions, and whether the 19459
vexatious conduct was against the same party or against different 19460
parties in the civil action or actions. "Vexatious litigator" does 19461
not include a person who is authorized to practice law in the 19462
courts of this state under the Ohio Supreme Court Rules for the 19463
Government of the Bar of Ohio unless that person is representing 19464
or has represented self pro se in the civil action or actions. For 19465
the purposes of division (A)(3) of this section, "civil action" 19466
includes a proceeding under section 2743.75 or 2743.76 of the 19467
Revised Code. 19468

(B) A person, the office of the attorney general, or a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation who has defended against habitual and persistent vexatious conduct in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court may commence a civil action in a court of common pleas with jurisdiction over the person who allegedly engaged in the habitual and persistent vexatious conduct to have that person declared a vexatious litigator. The person, office of the attorney general, prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation may commence this civil action while the civil action or actions in which the habitual and persistent vexatious conduct occurred are still pending or within one year after the termination of the civil action or actions in which the habitual and persistent vexatious conduct occurred.

(C) A civil action to have a person declared a vexatious litigator shall proceed as any other civil action, and the Ohio Rules of Civil Procedure apply to the action.

(D)(1) If the person alleged to be a vexatious litigator is found to be a vexatious litigator, subject to division (D)(2) of this section, the court of common pleas may enter an order prohibiting the vexatious litigator from doing one or more of the following without first obtaining the leave of that court to proceed:

(a) Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court;

(b) Continuing any legal proceedings that the vexatious litigator had instituted in any of the courts specified in division (D)(1)(a) of this section prior to the entry of the order;

(c) Making any application, other than an application for 19500
leave to proceed under division (F)(1) of this section, in any 19501
legal proceedings instituted by the vexatious litigator or another 19502
person in any of the courts specified in division (D)(1)(a) of 19503
this section. 19504

(2) If the court of common pleas finds a person who is 19505
authorized to practice law in the courts of this state under the 19506
Ohio Supreme Court Rules for the Government of the Bar of Ohio to 19507
be a vexatious litigator and enters an order described in division 19508
(D)(1) of this section in connection with that finding, the order 19509
shall apply to the person only insofar as the person would seek to 19510
institute proceedings described in division (D)(1)(a) of this 19511
section on a pro se basis, continue proceedings described in 19512
division (D)(1)(b) of this section on a pro se basis, or make an 19513
application described in division (D)(1)(c) of this section on a 19514
pro se basis. The order shall not apply to the person insofar as 19515
the person represents one or more other persons in the person's 19516
capacity as a licensed and registered attorney in a civil or 19517
criminal action or proceeding or other matter in a court of common 19518
pleas, municipal court, or county court or in the court of claims. 19519
Division (D)(2) of this section does not affect any remedy that is 19520
available to a court or an adversely affected party under section 19521
2323.51 or another section of the Revised Code, under Civil Rule 19522
11 or another provision of the Ohio Rules of Civil Procedure, or 19523
under the common law of this state as a result of frivolous 19524
conduct or other inappropriate conduct by an attorney who 19525
represents one or more clients in connection with a civil or 19526
criminal action or proceeding or other matter in a court of common 19527
pleas, municipal court, or county court or in the court of claims. 19528

(3) A person who is subject to an order entered pursuant to 19529
division (D)(1) of this section may not institute legal 19530
proceedings in a court of appeals, continue any legal proceedings 19531

that the vexatious litigator had instituted in a court of appeals 19532
prior to entry of the order, or make any application, other than 19533
the application for leave to proceed allowed by division (F)(2) of 19534
this section, in any legal proceedings instituted by the vexatious 19535
litigator or another person in a court of appeals without first 19536
obtaining leave of the court of appeals to proceed pursuant to 19537
division (F)(2) of this section. 19538

(E) An order that is entered under division (D)(1) of this 19539
section shall remain in force indefinitely unless the order 19540
provides for its expiration after a specified period of time. 19541

(F)(1) A court of common pleas that entered an order under 19542
division (D)(1) of this section shall not grant a person found to 19543
be a vexatious litigator leave for the institution or continuance 19544
of, or the making of an application in, legal proceedings in the 19545
court of claims or in a court of common pleas, municipal court, or 19546
county court unless the court of common pleas that entered that 19547
order is satisfied that the proceedings or application are not an 19548
abuse of process of the court in question and that there are 19549
reasonable grounds for the proceedings or application. If a person 19550
who has been found to be a vexatious litigator under this section 19551
requests the court of common pleas that entered an order under 19552
division (D)(1) of this section to grant the person leave to 19553
proceed as described in division (F)(1) of this section, the 19554
period of time commencing with the filing with that court of an 19555
application for the issuance of an order granting leave to proceed 19556
and ending with the issuance of an order of that nature shall not 19557
be computed as a part of an applicable period of limitations 19558
within which the legal proceedings or application involved 19559
generally must be instituted or made. 19560

(2) A person who is subject to an order entered pursuant to 19561
division (D)(1) of this section and who seeks to institute or 19562
continue any legal proceedings in a court of appeals or to make an 19563

application, other than an application for leave to proceed under 19564
division (F)(2) of this section, in any legal proceedings in a 19565
court of appeals shall file an application for leave to proceed in 19566
the court of appeals in which the legal proceedings would be 19567
instituted or are pending. The court of appeals shall not grant a 19568
person found to be a vexatious litigator leave for the institution 19569
or continuance of, or the making of an application in, legal 19570
proceedings in the court of appeals unless the court of appeals is 19571
satisfied that the proceedings or application are not an abuse of 19572
process of the court and that there are reasonable grounds for the 19573
proceedings or application. If a person who has been found to be a 19574
vexatious litigator under this section requests the court of 19575
appeals to grant the person leave to proceed as described in 19576
division (F)(2) of this section, the period of time commencing 19577
with the filing with the court of an application for the issuance 19578
of an order granting leave to proceed and ending with the issuance 19579
of an order of that nature shall not be computed as a part of an 19580
applicable period of limitations within which the legal 19581
proceedings or application involved generally must be instituted 19582
or made. 19583

(G) During the period of time that the order entered under 19584
division (D)(1) of this section is in force, no appeal by the 19585
person who is the subject of that order shall lie from a decision 19586
of the court of common pleas or court of appeals under division 19587
(F) of this section that denies that person leave for the 19588
institution or continuance of, or the making of an application in, 19589
legal proceedings in the court of claims or in a court of appeals, 19590
court of common pleas, municipal court, or county court. 19591

(H) The clerk of the court of common pleas that enters an 19592
order under division (D)(1) of this section shall send a certified 19593
copy of the order to the supreme court for publication in a manner 19594
that the supreme court determines is appropriate and that will 19595

facilitate the clerk of the court of claims and a clerk of a court 19596
of appeals, court of common pleas, municipal court, or county 19597
court in refusing to accept pleadings or other papers submitted 19598
for filing by persons who have been found to be a vexatious 19599
litigator under this section and who have failed to obtain leave 19600
to proceed under this section. 19601

(I) Whenever it appears by suggestion of the parties or 19602
otherwise that a person found to be a vexatious litigator under 19603
this section has instituted, continued, or made an application in 19604
legal proceedings without obtaining leave to proceed from the 19605
appropriate court of common pleas or court of appeals to do so 19606
under division (F) of this section, the court in which the legal 19607
proceedings are pending shall dismiss the proceedings or 19608
application of the vexatious litigator. 19609

Sec. 2329.312. (A) All levying officers appointed or 19610
authorized by a court under this chapter to conduct the judicial 19611
or execution sale of residential property consisting of one to 19612
four single-family units shall submit quarterly reports to the 19613
attorney general ~~for the purpose of assessing the extent to which~~ 19614
~~deadlines required by this chapter are met.~~ The reports shall 19615
include data on each such sale conducted by the officer, including 19616
data showing whether or not the deadlines required under division 19617
(E) of section 2308.02, division (B) of section 2329.17, and 19618
sections 2329.30 and 2329.31 of the Revised Code are met. 19619

(B) ~~Starting one year after the effective date of this~~ 19620
~~section September 28, 2016, the~~ The attorney general shall ~~do all~~ 19621
~~of the following:~~ 19622

~~(1) Establish and maintain a database comprised of the~~ 19623
~~information submitted by levying officers pursuant to division (A)~~ 19624
~~of this section;~~ 19625

~~(2) Make~~ make the information included in the database 19626

<u>reports described in division (A) of this section publicly</u>	19627
available+	19628
(3) Adopt rules for the creation and administration of the	19629
database.	19630
Sec. 2743.01. As used in this chapter:	19631
(A) "State" means the state of Ohio, including, but not	19632
limited to, the general assembly, the supreme court, the offices	19633
of all elected state officers, and all departments, boards,	19634
offices, commissions, agencies, institutions, and other	19635
instrumentalities of the state. "State" does not include political	19636
subdivisions.	19637
(B) "Political subdivisions" means municipal corporations,	19638
townships, counties, school districts, and all other bodies	19639
corporate and politic responsible for governmental activities only	19640
in geographic areas smaller than that of the state to which the	19641
sovereign immunity of the state attaches.	19642
(C) "Claim for an award of reparations" or "claim" means a	19643
claim for an award of reparations made under sections 2743.51 to	19644
2743.72 of the Revised Code.	19645
(D) "Award of reparations" or "award" means an award made	19646
under sections 2743.51 to 2743.72 of the Revised Code.	19647
(E)(1) "Public duty" includes, but is not limited to, any	19648
statutory, regulatory, or assumed duty concerning any action or	19649
omission of the state involving any of the following:	19650
(a) Permitting, certifying, licensing, inspecting,	19651
investigating, supervising, regulating, auditing, monitoring, law	19652
enforcement, or emergency response activity, <u>or compromising</u>	19653
<u>claims;</u>	19654
(b) Supervising, rehabilitating, or liquidating corporations	19655
or other business entities.	19656

(2) "Public duty" does not include any action of the state 19657
under circumstances in which a special relationship can be 19658
established between the state and an injured party as provided in 19659
division (A)(3) of section 2743.02 of the Revised Code. 19660

Sec. 2743.02. (A)(1) The state hereby waives its immunity 19661
from liability, except as provided for the office of the state 19662
fire marshal in division (G)(1) of section 9.60 and division (B) 19663
of section 3737.221 of the Revised Code and subject to division 19664
(H) of this section, and consents to be sued, and have its 19665
liability determined, in the court of claims created in this 19666
chapter in accordance with the same rules of law applicable to 19667
suits between private parties, except that the determination of 19668
liability is subject to the limitations set forth in this chapter 19669
and, in the case of state universities or colleges, in section 19670
3345.40 of the Revised Code, and except as provided in division 19671
(A)(2) or (3) of this section. To the extent that the state has 19672
previously consented to be sued, this chapter has no 19673
applicability. 19674

Except in the case of a civil action filed by the state, 19675
filing a civil action in the court of claims results in a complete 19676
waiver of any cause of action, based on the same act or omission, 19677
that the filing party has against any officer or employee, as 19678
defined in section 109.36 of the Revised Code. The waiver shall be 19679
void if the court determines that the act or omission was 19680
manifestly outside the scope of the officer's or employee's office 19681
or employment or that the officer or employee acted with malicious 19682
purpose, in bad faith, or in a wanton or reckless manner. 19683

(2) If a claimant proves in the court of claims that an 19684
officer or employee, as defined in section 109.36 of the Revised 19685
Code, would have personal liability for the officer's or 19686
employee's acts or omissions but for the fact that the officer or 19687

employee has personal immunity under section 9.86 of the Revised Code, the state shall be held liable in the court of claims in any action that is timely filed pursuant to section 2743.16 of the Revised Code and that is based upon the acts or omissions.

(3)(a) Except as provided in division (A)(3)(b) of this section, the state is immune from liability in any civil action or proceeding involving the performance or nonperformance of a public duty, including the performance or nonperformance of a public duty that is owed by the state in relation to any action of an individual who is committed to the custody of the state.

(b) The state immunity provided in division (A)(3)(a) of this section does not apply to any action of the state under circumstances in which a special relationship can be established between the state and an injured party. A special relationship under this division is demonstrated if all of the following elements exist:

(i) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who was allegedly injured;

(ii) Knowledge on the part of the state's agents that inaction of the state could lead to harm;

(iii) Some form of direct contact between the state's agents and the injured party;

(iv) The injured party's justifiable reliance on the state's affirmative undertaking.

(B) The state hereby waives the immunity from liability of all hospitals owned or operated by one or more political subdivisions and consents for them to be sued, and to have their liability determined, in the court of common pleas, in accordance with the same rules of law applicable to suits between private parties, subject to the limitations set forth in this chapter.

This division is also applicable to hospitals owned or operated by 19719
political subdivisions that have been determined by the supreme 19720
court to be subject to suit prior to July 28, 1975. 19721

(C) Any hospital, as defined in section 2305.113 of the 19722
Revised Code, may purchase liability insurance covering its 19723
operations and activities and its agents, employees, nurses, 19724
interns, residents, staff, and members of the governing board and 19725
committees, and, whether or not such insurance is purchased, may, 19726
to the extent that its governing board considers appropriate, 19727
indemnify or agree to indemnify and hold harmless any such person 19728
against expense, including attorney's fees, damage, loss, or other 19729
liability arising out of, or claimed to have arisen out of, the 19730
death, disease, or injury of any person as a result of the 19731
negligence, malpractice, or other action or inaction of the 19732
indemnified person while acting within the scope of the 19733
indemnified person's duties or engaged in activities at the 19734
request or direction, or for the benefit, of the hospital. Any 19735
hospital electing to indemnify those persons, or to agree to so 19736
indemnify, shall reserve any funds that are necessary, in the 19737
exercise of sound and prudent actuarial judgment, to cover the 19738
potential expense, fees, damage, loss, or other liability. The 19739
superintendent of insurance may recommend, or, if the hospital 19740
requests the superintendent to do so, the superintendent shall 19741
recommend, a specific amount for any period that, in the 19742
superintendent's opinion, represents such a judgment. This 19743
authority is in addition to any authorization otherwise provided 19744
or permitted by law. 19745

(D) Recoveries against the state shall be reduced by the 19746
aggregate of insurance proceeds, disability award, or other 19747
collateral recovery ~~received by that~~ the claimant receives or is 19748
entitled to. This division does not apply to civil actions in the 19749
court of claims against a state university or college under the 19750

circumstances described in section 3345.40 of the Revised Code. 19751
The collateral benefits provisions of division (B)(2) of that 19752
section apply under those circumstances. 19753

(E) The only defendant in original actions in the court of 19754
claims is the state. The state may file a third-party complaint or 19755
counterclaim in any civil action, except a civil action for ten 19756
thousand dollars or less, that is filed in the court of claims. 19757

(F) A civil action against an officer or employee, as defined 19758
in section 109.36 of the Revised Code, that alleges that the 19759
officer's or employee's conduct was manifestly outside the scope 19760
of the officer's or employee's employment or official 19761
responsibilities, or that the officer or employee acted with 19762
malicious purpose, in bad faith, or in a wanton or reckless manner 19763
shall first be filed against the state in the court of claims that 19764
has exclusive, original jurisdiction to determine, initially, 19765
whether the officer or employee is entitled to personal immunity 19766
under section 9.86 of the Revised Code and whether the courts of 19767
common pleas have jurisdiction over the civil action. The officer 19768
or employee may participate in the immunity determination 19769
proceeding before the court of claims to determine whether the 19770
officer or employee is entitled to personal immunity under section 19771
9.86 of the Revised Code. 19772

The filing of a claim against an officer or employee under 19773
this division tolls the running of the applicable statute of 19774
limitations until the court of claims determines whether the 19775
officer or employee is entitled to personal immunity under section 19776
9.86 of the Revised Code. 19777

(G) If a claim lies against an officer or employee who is a 19778
member of the Ohio national guard, and the officer or employee 19779
was, at the time of the act or omission complained of, subject to 19780
the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 19781
2671, et seq., the Federal Tort Claims Act is the exclusive remedy 19782

of the claimant and the state has no liability under this section. 19783

(H) If an inmate of a state correctional institution has a 19784
claim against the state for the loss of or damage to property and 19785
the amount claimed does not exceed three hundred dollars, before 19786
commencing an action against the state in the court of claims, the 19787
inmate shall file a claim for the loss or damage under the rules 19788
adopted by the director of rehabilitation and correction pursuant 19789
to this division. The inmate shall file the claim within the time 19790
allowed for commencement of a civil action under section 2743.16 19791
of the Revised Code. If the state admits or compromises the claim, 19792
the director shall make payment from a fund designated by the 19793
director for that purpose. If the state denies the claim or does 19794
not compromise the claim at least sixty days prior to expiration 19795
of the time allowed for commencement of a civil action based upon 19796
the loss or damage under section 2743.16 of the Revised Code, the 19797
inmate may commence an action in the court of claims under this 19798
chapter to recover damages for the loss or damage. 19799

The director of rehabilitation and correction shall adopt 19800
rules pursuant to Chapter 119. of the Revised Code to implement 19801
this division. 19802

Sec. 2743.03. (A)(1) There is hereby created a court of 19803
claims. Except as provided under section 107.43 of the Revised 19804
Code, the court of claims is a court of record and has exclusive, 19805
original jurisdiction of all civil actions against the state 19806
permitted by the waiver of immunity contained in section 2743.02 19807
of the Revised Code and exclusive jurisdiction of the causes of 19808
action of all parties in civil actions that are removed to the 19809
court of claims. The court shall have full equity powers in all 19810
actions within its jurisdiction and may entertain and determine 19811
all counterclaims, cross-claims, and third-party claims. 19812

(2) If the claimant in a civil action as described in 19813

division (A)(1) of this section also files a claim for a 19814
declaratory judgment, injunctive relief, or other equitable relief 19815
against the state that arises out of the same circumstances that 19816
gave rise to the civil action described in division (A)(1) of this 19817
section, the court of claims has exclusive, original jurisdiction 19818
to hear and determine that claim in that civil action. This 19819
division does not affect, and shall not be construed as affecting, 19820
the original jurisdiction of another court of this state to hear 19821
and determine a civil action in which the sole relief that the 19822
claimant seeks against the state is a declaratory judgment, 19823
injunctive relief, or other equitable relief. 19824

(3) In addition to its exclusive, original jurisdiction as 19825
conferred by divisions (A)(1) and (2) of this section, the court 19826
of claims has exclusive, original jurisdiction as follows: 19827

(a) As described in division (F) of section 2743.02, division 19828
(B) of section 3335.03, and division (C) of section 5903.02 of the 19829
Revised Code; 19830

(b) Under section 2743.75 of the Revised Code to hear 19831
complaints alleging a denial of access to public records in 19832
violation of division (B) of section 149.43 of the Revised Code, 19833
regardless of whether the public office or person responsible for 19834
public records is an office or employee of the state or of a 19835
political subdivision; 19836

(c) Under section 2743.76 of the Revised Code to hear 19837
complaints alleging a violation of section 121.22 of the Revised 19838
Code by a public body, as defined in section 121.22 of the Revised 19839
Code. 19840

(B) The court of claims shall sit in Franklin county, its 19841
hearings shall be public, and it shall consist of incumbent 19842
justices or judges of the supreme court, courts of appeals, or 19843
courts of common pleas, or retired justices or judges eligible for 19844

active duty pursuant to division (C) of Section 6 of Article IV, 19845
Ohio Constitution, sitting by temporary assignment of the chief 19846
justice of the supreme court. The chief justice may direct the 19847
court to sit in any county for cases on removal upon a showing of 19848
substantial hardship and whenever justice dictates. 19849

(C)(1) A civil action against the state shall be heard and 19850
determined by a single judge. Upon application by the claimant or 19851
the state, the chief justice of the supreme court may assign a 19852
panel of three judges to hear and determine a civil action 19853
presenting novel or complex issues of law or fact. Concurrence of 19854
two members of the panel is necessary for any judgment or order. 19855

(2) Whenever the chief justice of the supreme court believes 19856
an equitable resolution of a case will be expedited, the chief 19857
justice may appoint magistrates in accordance with Civil Rule 53 19858
to hear the case. 19859

(3) When any dispute under division (B) of section 153.12 of 19860
the Revised Code is brought to the court of claims, upon request 19861
of either party to the dispute, the chief justice of the supreme 19862
court shall appoint a single referee or a panel of three referees. 19863
The referees need not be attorneys, but shall be persons 19864
knowledgeable about construction contract law, a member of the 19865
construction industry panel of the American arbitration 19866
association, or an individual or individuals deemed qualified by 19867
the chief justice to serve. No person shall serve as a referee if 19868
that person has been employed by an affected state agency or a 19869
contractor or subcontractor involved in the dispute at any time in 19870
the preceding five years. Proceedings governing referees shall be 19871
in accordance with Civil Rule 53, except as modified by this 19872
division. The referee or panel of referees shall submit its 19873
report, which shall include a recommendation and finding of fact, 19874
to the judge assigned to the case by the chief justice, within 19875
thirty days of the conclusion of the hearings. Referees appointed 19876

pursuant to this division shall be compensated on a per diem basis 19877
at the same rate as is paid to judges of the court and also shall 19878
be paid their expenses. If a single referee is appointed or a 19879
panel of three referees is appointed, then, with respect to one 19880
referee of the panel, the compensation and expenses of the referee 19881
shall not be taxed as part of the costs in the case but shall be 19882
included in the budget of the court. If a panel of three referees 19883
is appointed, the compensation and expenses of the two remaining 19884
referees shall be taxed as costs of the case. 19885

All costs of a case shall be apportioned among the parties. 19886
The court may not require that any party deposit with the court 19887
cash, bonds, or other security in excess of two hundred dollars to 19888
guarantee payment of costs without the prior approval in each case 19889
of the chief justice. 19890

(4) An appeal from a decision of the attorney general 19891
pursuant to sections 2743.51 to 2743.72 of the Revised Code shall 19892
be heard and determined by the court of claims. 19893

(D) The Rules of Civil Procedure shall govern practice and 19894
procedure in all actions in the court of claims, except insofar as 19895
inconsistent with this chapter. The supreme court may promulgate 19896
rules governing practice and procedure in actions in the court as 19897
provided in Section 5 of Article IV, Ohio Constitution. 19898

(E)(1) A party who files a counterclaim against the state or 19899
makes the state a third-party defendant in an action commenced in 19900
any court, other than the court of claims, shall file a petition 19901
for removal in the court of claims. The petition shall state the 19902
basis for removal, be accompanied by a copy of all process, 19903
pleadings, and other papers served upon the petitioner, and shall 19904
be signed in accordance with Civil Rule 11. A petition for removal 19905
based on a counterclaim shall be filed within twenty-eight days 19906
after service of the counterclaim of the petitioner. A petition 19907
for removal based on third-party practice shall be filed within 19908

twenty-eight days after the filing of the third-party complaint of 19909
the petitioner. 19910

(2) Within seven days after filing a petition for removal, 19911
the petitioner shall give written notice to the parties, and shall 19912
file a copy of the petition with the clerk of the court in which 19913
the action was brought originally. The filing effects the removal 19914
of the action to the court of claims, and the clerk of the court 19915
where the action was brought shall forward all papers in the case 19916
to the court of claims. The court of claims shall adjudicate all 19917
civil actions removed. The court may remand a civil action to the 19918
court in which it originated upon a finding that the removal 19919
petition does not justify removal, or upon a finding that the 19920
state is no longer a party. 19921

(3) Bonds, undertakings, or security and injunctions, 19922
attachments, sequestrations, or other orders issued prior to 19923
removal remain in effect until dissolved or modified by the court 19924
of claims. 19925

Sec. 2743.15. (A) The director or other administrative chief, 19926
or the governing body, of any department, board, office, 19927
commission, agency, institution, or other instrumentality of the 19928
state, ~~with:~~ 19929

(1) With the approval of the attorney general and the court 19930
of claims, may settle or compromise any civil action against the 19931
state insofar as the department, board, office, commission, 19932
agency, institution, or other instrumentality is named as a 19933
defendant; 19934

(2) Shall notify the office of risk management in the 19935
department of administrative services of any settlement or 19936
compromise to allow for the proper reservation of funds. 19937

(B) The acceptance by the claimant of any such compromise or 19938

settlement shall be final and conclusive on the claimant and is a 19939
complete release of the civil action against the state insofar as 19940
the particular department, board, office, commission, agency, 19941
institution, or other instrumentality is named, or could be named, 19942
as a defendant. A compromise or settlement that requires the 19943
payment of money by the state may be implemented and enforced, 19944
insofar as the payment of money is concerned, only through the 19945
procedure specified in section 2743.19 of the Revised Code, which 19946
shall be commenced by the attorney general forwarding a clerk's 19947
certified copy of the settlement instrument to the director of 19948
budget and management. A copy of the settlement instrument of 19949
actions involving the office of risk management in the department 19950
of administrative services shall be forwarded to the office of 19951
risk management for payment via the risk management reserve fund 19952
created in section 9.823 of the Revised Code. 19953

No interest of any kind, including any kind set forth in 19954
sections 2743.18 and 2743.19 of the Revised Code, is allowed on 19955
any compromise or settlement of any civil action against the state 19956
under this section. 19957

The authority of the department of administrative services to 19958
compromise claims does not extend to other statutory and agency 19959
programs with direct settlement authority, including activities by 19960
the department of transportation, inmate property actions 19961
described in division (H) of section 2743.02 of the Revised Code, 19962
and wrongful imprisonment actions provided for in section 2743.48 19963
of the Revised Code. 19964

Sec. 2743.16. (A) Subject to division (B) of this section, 19965
civil actions against the state permitted by sections 2743.01 to 19966
2743.20 of the Revised Code shall be commenced no later than two 19967
years after the date of accrual of the cause of action or within 19968
any shorter period that is applicable to similar suits between 19969

private parties. 19970

(B) If a person suffers injury, death, or loss to person or 19971
property ~~from the operation of an automobile, truck, motor vehicle~~ 19972
~~with auxiliary equipment, self-propelling equipment or trailer,~~ 19973
~~aircraft, or watercraft by an officer or employee of the state~~ 19974
~~while engaged in the course of his employment or official~~ 19975
~~responsibilities for the state, as contemplated in sections 9.821~~ 19976
~~to 9.83 of the Revised Code,~~ the person or the representative of 19977
that person or of the estate of that person shall attempt, prior 19978
to the commencement of an action based upon that injury, death, or 19979
loss, to have the claim based upon that injury, death, or loss 19980
compromised by the ~~state~~ office of risk management in the 19981
department of administrative services or satisfied by the state's 19982
liability insurance. No action for any such claim shall be filed 19983
in the court of claims until the person, the representative of 19984
that person, or the estate of the person asserting the claim has 19985
complied with this division. Any compromise by the office of risk 19986
management shall be paid from the risk management reserve fund 19987
created in section 9.823 of the Revised Code. The acceptance by 19988
the claimant of any such compromise or settlement shall be final 19989
and conclusive on the person or representative of the person or 19990
the person's estate and is a complete release against the state 19991
insofar as the particular department, board, office, commission, 19992
agency, institution, or other instrumentality is named, or could 19993
be named, as a defendant and results in a complete waiver of any 19994
cause of action, based on the same act or omission, that the 19995
person or representative of the person or the person's estate has 19996
against any officer or employee, as defined in section 109.36 of 19997
the Revised Code. 19998

If the state, upon a request of the person or of ~~his or his~~ 19999
~~estate's~~ the representative of the person or the person's estate 20000
to compromise such a claim, does not compromise the claim within a 20001

reasonable time after the request is made and at least sixty days 20002
prior to the expiration of the applicable period of limitations 20003
for commencement of an action based upon the injury, death, or 20004
loss, or if the amount of the claim is in excess of the state's 20005
liability insurance coverage, the person or ~~his or his estate's~~ 20006
the representative of the person or the person's estate may 20007
commence an action in the court of claims under this chapter to 20008
recover the claim or the unpaid amount of the claim from the 20009
state. Neither the person nor ~~his or his estate's~~ the 20010
representative of the person or the person's estate shall commence 20011
an action against the officer or employee to recover damages for 20012
the injury, death, or loss until after ~~he~~ the person or 20013
representative commences the action in the court of claims against 20014
the state and the action in that court is terminated. If the court 20015
of claims determines that the state is not liable for the injury, 20016
death, or loss ~~caused by the officer's or employee's operation of~~ 20017
~~the automobile, truck, motor vehicle with auxiliary equipment,~~ 20018
~~self-propelling equipment or trailer, aircraft, or watercraft,~~ the 20019
person or ~~his or his estate's~~ the representative of the person or 20020
the person's estate is not prohibited by this division from 20021
commencing an action against the officer or employee to recover 20022
the claim or the unpaid amount of the claim based upon the injury, 20023
death, or loss. Nothing in this division shall affect the immunity 20024
of any state officer or employee pursuant to section 9.86 of the 20025
Revised Code. 20026

If a person or his or his estate's representative attempts, 20027
pursuant to this division, to have a claim compromised by the 20028
state or satisfied by the state's liability insurance, and if the 20029
state determines not to compromise the claim, the state's 20030
liability insurance will not cover the claim, or the claim is in 20031
excess of the state's liability insurance coverage, then the state 20032
shall so notify the person or his or his estate's representative 20033
in writing. The notice shall be provided as soon as possible after 20034

the state determines not to compromise the claim or it is 20035
determined that the state's liability insurance will not cover 20036
either the claim or the entire claim. 20037

(C) All summaries, reports, and records received and 20038
maintained by the office of risk management in the department of 20039
administrative services in connection with claims against the 20040
state are not public records, shall be held in confidence, shall 20041
not be released, and shall not be subject to discovery or 20042
introduction in evidence in any federal or state civil action. 20043

(D)(1) The period of limitations prescribed by division (A) 20044
of this section shall be tolled pursuant to section 2305.16 of the 20045
Revised Code. 20046

(2) If a person suffers injury, death, or loss to person or 20047
property ~~from the operation of an automobile, truck, motor vehicle~~ 20048
~~with auxiliary equipment, self-propelling equipment or trailer,~~ 20049
~~aircraft, or watercraft by an officer or employee of the state~~ 20050
~~while engaged in the course of his employment or official~~ 20051
~~responsibilities for the state contemplated by sections 9.82 to~~ 20052
~~9.83 of the Revised Code, if the person or his or his estate's the~~ 20053
representative of the person or the person's estate is required by 20054
division (B) of this section to attempt to have the claim based 20055
upon the injury, death, or loss compromised by the state or 20056
satisfied by the state's liability insurance prior to commencing 20057
an action based upon the injury, death, or loss, and if the person 20058
or ~~his or his estate's~~ the representative of the person or the 20059
person's estate complies with that division prior to the 20060
expiration of the applicable period of limitations prescribed by 20061
division (A) of this section for the commencement of an action in 20062
the court of claims based upon that injury, death, or loss, the 20063
period of time commencing with the submission of the claim to the 20064
state for the purposes of compromise or liability insurance 20065
satisfaction and ending with the state's compromise of the claim, 20066

the satisfaction of the claim by the state's liability insurance, 20067
or the provision of the written notice described in division (B) 20068
of this section shall not be computed as any part of the period 20069
within which an action based upon that injury, death, or loss must 20070
be brought. 20071

(3) If a person or ~~his or his estate's~~ the representative of 20072
a person or a person's estate commences an action to recover a 20073
claim, or the unpaid amount of a claim, against the state in the 20074
court of claims and that claim arises out of ~~the operation of an~~ 20075
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 20076
~~self-propelling equipment or trailer, aircraft, or watercraft by~~ 20077
~~an officer or employee of the state while engaged in the course of~~ 20078
~~his employment or official responsibilities for the state~~ an 20079
injury, death, or loss contemplated by sections 9.82 to 9.83 of 20080
the Revised Code, the statute of limitations on the claim against 20081
the officer or employee shall not run during any time when the 20082
action against the state is pending in the court of claims. 20083

Sec. 2743.19. (A) In rendering a judgment against the state, 20084
the court of claims shall determine and specify in the judgment 20085
the department, office, commission, board, agency, institution, or 20086
other instrumentality of the state against which a determination 20087
of liability has been made. The court of claims shall award 20088
compensation for fees to a prevailing party in an action under 20089
this chapter in accordance with section 2335.39 of the Revised 20090
Code. 20091

(B) No execution shall issue against the state or any 20092
department, board, office, commission, agency, institution, or 20093
other instrumentality of the state upon any judgment for the 20094
payment of money. 20095

(C) Judgments shall be accomplished only through the 20096
following procedure, which may be enforced by writ of mandamus 20097

directed to the appropriate official: 20098

(1) The clerk of the court of claims shall forward a 20099
certified copy of the judgment to the director of budget and 20100
management and the attorney general or the officer who signed the 20101
investigative report for the department, office, commission, 20102
board, agency, institution, or other instrumentality of the state 20103
against which a determination of liability has been made. If the 20104
judgment requires payment from the risk management reserve fund 20105
created in section 9.823 of the Revised Code, a final signed copy 20106
of the judgment shall be forwarded to the office of risk 20107
management in the department of administrative services for 20108
payment. 20109

(2) The expense of a judgment paid, plus interest at the same 20110
rate that is applicable to judgments rendered against private 20111
parties to a suit as specified in section 1343.03 of the Revised 20112
Code and for the number of days determined pursuant to division 20113
(B)(1) or (2) of section 2743.18 of the Revised Code, shall be 20114
charged by the director of budget and management against available 20115
unencumbered moneys in the appropriations to whichever state 20116
departments, boards, offices, commissions, agencies, institutions, 20117
or other instrumentalities are named in the judgment. The director 20118
of budget and management shall have sole discretion to determine 20119
whether or not unencumbered moneys in a particular appropriation 20120
are available for satisfaction of a judgment. 20121

(3) The director of budget and management, upon receipt of 20122
the certified copy of the judgment from the clerk of the court of 20123
claims pursuant to division (C)(1) of this section, shall provide 20124
for payment of the judgment creditor in the amount of the judgment 20125
certified by the clerk of the court of claims, plus interest. 20126

(4) If the director of budget and management determines that 20127
sufficient unencumbered moneys do not exist in the particular 20128
appropriations to pay the judgment and interest, the director may 20129

make application for payment of the judgment and interest out of 20130
the emergency purposes account or another appropriation for 20131
emergencies or contingencies. 20132

(5) If moneys in the emergency purposes account or another 20133
appropriation for emergencies or contingencies are not used to pay 20134
the judgment and interest, the director of budget and management 20135
shall request the general assembly to make an appropriation 20136
sufficient to pay the judgment and interest, and no payment shall 20137
be made until the appropriation has been made. The appropriate 20138
state department, board, office, commission, agency, institution, 20139
or other instrumentality shall make this appropriation request 20140
during the current biennium and during each succeeding biennium 20141
until a sufficient appropriation is made. 20142

(6) If the judgment is against any department, board, office, 20143
commission, agency, institution, or other instrumentality of the 20144
state whose funds are not handled by the director of budget and 20145
management, the instrumentality against which the judgment is 20146
made, within sixty days after the date of the judgment, shall pay 20147
the judgment creditor in the amount of the judgment plus interest 20148
at the same rate that is applicable to judgments rendered against 20149
private parties to a suit as specified in section 1343.03 of the 20150
Revised Code and for the number of days determined pursuant to 20151
division (B)(1) or (2) of section 2743.18 of the Revised Code. 20152

(D) No judgment shall be forwarded by the clerk of the court 20153
of claims to the director of budget and management until all 20154
appeals have been determined and all rights to appeal have been 20155
exhausted, except as otherwise provided in this section. If a 20156
party to a civil action against the state appeals from only a 20157
portion of a judgment and if a remaining portion provides for the 20158
payment of money by the state, a certified copy of the judgment 20159
and a copy of the notice of appeal shall be forwarded to the 20160
director, and that part of the judgment calling for the payment of 20161

money by the state and not a subject of the appeal shall be 20162
processed for payment as described in this section. 20163

Sec. 2743.76. (A) In order to provide for an expeditious and 20164
economical procedure that attempts to resolve disputes alleging a 20165
violation of section 121.22 of the Revised Code, except for a 20166
court that hears an action pursuant to that section, the court of 20167
claims shall be the sole and exclusive authority in this state 20168
that adjudicates or resolves complaints based on alleged 20169
violations of that section. The clerk of the court of claims shall 20170
designate one or more current employees or hire one or more 20171
individuals to serve as special masters to hear complaints brought 20172
under this section. All special masters shall have been engaged in 20173
the practice of law in this state for at least four years and be 20174
in good standing with the supreme court at the time of designation 20175
or hiring. The clerk may assign administrative and clerical work 20176
associated with complaints brought under this section to current 20177
employees or may hire such additional employees as may be 20178
necessary to perform such work. 20179

(B) The clerk of the court of common pleas in each county 20180
shall act as the clerk of the court of claims for purposes of 20181
accepting those complaints filed with the clerk under division 20182
(D)(1) of this section, accepting filing fees for those 20183
complaints, and serving those complaints. 20184

(C)(1) Subject to division (C)(2) of this section, a person 20185
allegedly aggrieved by a violation of section 121.22 of the 20186
Revised Code may seek relief under that section or under this 20187
section, provided, however, that if the allegedly aggrieved person 20188
files a complaint under either section, that person may not seek 20189
relief that pertains to the same allegation in a complaint filed 20190
under the other section. 20191

(2) If the allegedly aggrieved person files a complaint under 20192

this section and the court of claims determines that the complaint 20193
constitutes a case of first impression that involves an issue of 20194
substantial public interest or a unique or complex case that 20195
manifestly requires discovery, hearings, or oral testimony, the 20196
court shall dismiss the complaint without prejudice and direct the 20197
allegedly aggrieved person to commence an action in the court of 20198
common pleas with appropriate jurisdiction as provided in division 20199
(I)(1)(a)(ii) of section 121.22 of the Revised Code. 20200

(D)(1) An allegedly aggrieved person who proceeds under this 20201
section shall file a complaint, on a form prescribed by the clerk 20202
of the court of claims, with the clerk of the court of claims or 20203
with the clerk of the court of common pleas of the county in which 20204
the public body that allegedly violated section 121.22 of the 20205
Revised Code is located. The person shall attach to the complaint 20206
copies of any documents, written responses, or other 20207
communications relating to the alleged violation from the public 20208
body or its authorized representative and shall pay a filing fee 20209
of twenty-five dollars made payable to the clerk of the court with 20210
whom the complaint is filed. The clerk shall serve a copy of the 20211
complaint on the public body and its authorized representative in 20212
accordance with Civil Rule 4.1 and, if the complaint is filed with 20213
the clerk of the court of common pleas, shall forward the 20214
complaint to the clerk of the court of claims, and to no other 20215
court, within five business days after service on the public body 20216
and its authorized representative is complete. 20217

(2) Upon receipt of a complaint filed under division (D)(1) 20218
of this section, the clerk of the court of claims shall assign a 20219
case number for the action and a special master to examine the 20220
complaint. Notwithstanding any provision to the contrary in this 20221
section, upon the recommendation of the special master, the court 20222
of claims on its own motion may dismiss the complaint at any time. 20223
The allegedly aggrieved person may voluntarily dismiss the 20224

complaint filed by that person under division (D)(1) of this 20225
section. 20226

(E)(1) Upon service of a complaint under division (D)(1) of 20227
this section, except as otherwise provided in this division, the 20228
special master assigned by the clerk under division (D)(2) of this 20229
section immediately shall refer the case to mediation services 20230
that the court of claims makes available to persons. If, in the 20231
interest of justice considering the circumstances of the case or 20232
the parties, the special master determines that the case should 20233
not be referred to mediation, the special master shall notify the 20234
court that the case was not referred to mediation, and the case 20235
shall proceed in accordance with division (F) of this section. If 20236
the case is referred to mediation, any further proceedings under 20237
division (F) of this section shall be stayed until the conclusion 20238
of the mediation. Any mediation proceedings under this division 20239
may be conducted by teleconference, telephone, or other electronic 20240
means. If an agreement is reached during mediation, the court 20241
shall dismiss the complaint. If an agreement is not reached, the 20242
special master shall notify the court that the case was not 20243
resolved and that the mediation has been terminated. 20244

(2) Within ten business days after the termination of the 20245
mediation or the notification to the court that the case was not 20246
referred to mediation under division (E)(1) of this section, the 20247
public body or its authorized representative shall file a 20248
response, and if applicable, a motion to dismiss the complaint, 20249
with the clerk of the court of claims and transmit copies of the 20250
pleadings to the allegedly aggrieved party. No further motions or 20251
pleadings shall be accepted by the clerk of the court of claims or 20252
by the special master assigned by the clerk under division (D)(2) 20253
of this section unless the special master directs in writing that 20254
a further motion or pleading be filed. 20255

(3) All of the following apply prior to the submission of the 20256

special master's report and recommendation to the court of claims 20257
under division (F)(1) of this section: 20258

(a) The special master shall not permit any discovery. 20259

(b) The parties may attach supporting affidavits to their 20260
respective pleadings. 20261

(c) The special master may require either or both of the 20262
parties to submit additional information or documentation 20263
supported by affidavits. 20264

(F)(1) Not later than thirty business days after receiving 20265
the response, or motion to dismiss the complaint, if applicable, 20266
of the public body or its authorized representative, the special 20267
master shall submit to the court of claims a report and 20268
recommendation based on the ordinary application of statutory law 20269
and case law as they existed at the time of the filing of the 20270
complaint. For good cause shown, the special master may extend the 20271
thirty-day period for the submission of the report and 20272
recommendation to the court of claims under this division. 20273

(2) Upon submission of the special master's report and 20274
recommendation to the court of claims under division (F)(1) of 20275
this section, the clerk shall send copies of the report and 20276
recommendation to each party by certified mail, return receipt 20277
requested, not later than three business days after the report and 20278
recommendation is filed. Either party may object to the report and 20279
recommendation within seven business days after receiving the 20280
report and recommendation by filing a written objection with the 20281
clerk and sending a copy to the other party by certified mail, 20282
return receipt requested. Any objection to the report and 20283
recommendation shall be specific and state with particularity all 20284
grounds for the objection. If neither party timely objects, the 20285
court of claims shall promptly issue a final order adopting the 20286
report and recommendation, unless it determines that there is an 20287

error of law or other defect evident on the face of the report and 20288
recommendation. If either party timely objects, the other party 20289
may file with the clerk a response within seven business days 20290
after receiving the objection and send a copy of the response to 20291
the objecting party by certified mail, return receipt requested. 20292
The court, within seven business days after the response to the 20293
objection is filed, shall issue a final order that adopts, 20294
modifies, or rejects the report and recommendation. 20295

(3) If the court of claims determines that the public body 20296
violated section 121.22 of the Revised Code as alleged by the 20297
aggrieved person and if no appeal from the court's final order is 20298
taken under division (G) of this section, all of the following 20299
apply: 20300

(a) The public body shall comply with the remedy that the 20301
court requires in its order. 20302

(b) The aggrieved person shall be entitled to recover from 20303
the public body the amount of the filing fee of twenty-five 20304
dollars and any other costs associated with the action that are 20305
incurred by the aggrieved person, but shall not be entitled to 20306
recover attorney's fees, except that division (G)(2) of this 20307
section applies if an appeal is taken under division (G)(1) of 20308
this section. 20309

(c) The court of claims shall issue an injunction to compel 20310
the members of the public body to comply with section 121.22 of 20311
the Revised Code. 20312

(4) A determination under this section that the public body 20313
violated section 121.22 of the Revised Code does not void or 20314
invalidate any actions taken by the public body. 20315

(G)(1) Any appeal from a final order of the court of claims 20316
under this section or from an order of the court of claims 20317
dismissing the complaint as provided in division (D)(2) of this 20318

section shall be taken to the court of appeals of the appellate district where the principal place of business of the public body that is alleged to have violated section 121.22 of the Revised Code is located. However, no appeal may be taken from a final order of the court of claims that adopts the special master's report and recommendation unless a timely objection to that report and recommendation was filed under division (F)(2) of this section. If the court of claims materially modifies the special master's report and recommendation, either party may take an appeal to the court of appeals of the appellate district of the principal place of business where that public body is located but the appeal shall be limited to the issue in the report and recommendation that is materially modified by the court of claims. In order to facilitate the expeditious resolution of disputes over alleged violations of section 121.22 of the Revised Code, the appeal shall be given such precedence over other pending matters as will ensure that the court will reach a decision promptly.

(2) If a court of appeals in any appeal taken under division (G)(1) of this section by the public body or its authorized representative determines that the public body violated section 121.22 of the Revised Code as alleged by the aggrieved person and obviously filed the appeal with the intent to either delay compliance with the court of claims' order from which the appeal is taken for no reasonable cause or unduly harass the aggrieved person, the court of appeals may award reasonable attorney's fees to the aggrieved person in accordance with division (I)(2)(a) of section 121.22 of the Revised Code. No discovery may be conducted on the issue of the public body or its authorized representative filing the appeal with the alleged intent to either delay compliance with the court of claims' order for no reasonable cause or unduly harass the aggrieved person. This division shall not be construed as creating a presumption that the public body or its authorized representative filed the appeal with the intent to

either delay compliance with the court of claims' order for no 20352
reasonable cause or unduly harass the aggrieved person. 20353

(H) The powers of the court of claims prescribed in section 20354
2743.05 of the Revised Code apply to the proceedings in that court 20355
under this section. 20356

(I)(1) All filing fees collected by a clerk of the court of 20357
common pleas under division (D)(1) of this section shall be paid 20358
to the county treasurer for deposit into the county general 20359
revenue fund. All such money collected during a month shall be 20360
transmitted on or before the twentieth day of the following month 20361
by the clerk of the court of common pleas to the county treasurer. 20362

(2) All filing fees collected by the clerk of the court of 20363
claims under division (D)(1) of this section shall be kept by the 20364
court of claims to assist in paying for its costs to implement 20365
this section. Not later than the first day of February of each 20366
year, the clerk of the court of claims shall prepare a report 20367
accessible to the public that details the fees collected during 20368
the preceding calendar year by the clerk of the court of claims 20369
and the clerks of the courts of common pleas under this section. 20370

(J) Nothing in this section shall be construed to limit the 20371
authority of the auditor of state under division (G) of section 20372
109.43 of the Revised Code. 20373

Sec. 2746.04. In addition to any applicable fees or costs set 20374
forth in sections 2746.01 and 2746.02 of the Revised Code or any 20375
other applicable provision of law, a court of common pleas shall 20376
tax as costs or otherwise require the payment of fees for the 20377
following services rendered or as compensation for the following 20378
persons or any other of the following fees that are applicable in 20379
a particular case: 20380

(A) The fees provided for in section 2303.20 of the Revised 20381

Code;	20382
(B) Additional fees to computerize the court, make available computerized legal research services, computerize the office of the clerk of the court, provide financial assistance to legal aid societies, support the office of the state public defender, fund shelters for victims of domestic violence, and special projects of the court, as provided in section 2303.201 and, for a court that has a domestic relations division, section 2301.031 of the Revised Code;	20383 20384 20385 20386 20387 20388 20389 20390
(C) Filing for a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, as provided in section 3109.14 of the Revised Code;	20391 20392 20393
(D) Filing of a foreign judgment pursuant to section 2329.022 of the Revised Code, as provided in section 2329.025 of the Revised Code;	20394 20395 20396
(E) Interpreters, as provided in section 2301.14 of the Revised Code;	20397 20398
(F) Jurors in civil actions, as provided in section 2335.28 of the Revised Code;	20399 20400
(G) Reporters, as provided in sections 2301.21 and 2301.24 of the Revised Code;	20401 20402
(H) In a case involving the operation by a nonresident of a vessel upon the waters in this state, or the operation on the waters in this state of a vessel owned by a nonresident if operated with the nonresident's consent, actual traveling expenses of the defendant, as provided in section 1547.36 of the Revised Code;	20403 20404 20405 20406 20407 20408
(I) In a civil case, the expenses of taking a deposition of a person who is imprisoned in a workhouse, juvenile detention facility, jail, or state correctional institution within this	20409 20410 20411

state, or who is in the custody of the department of youth services, as provided in section 2317.06 of the Revised Code; 20412
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(J) In proceedings relating to the examination of a judgment debtor under sections 2333.09 to 2333.27 of the Revised Code, compensation for clerks, sheriffs, referees, receivers, and witnesses, as provided in section 2333.27 of the Revised Code; 20414
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(K) In an appeal from an order of an agency issued pursuant to an adjudication under section 119.12 of the Revised Code, the expense of preparing and transcribing the record; 20418
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(L) In a case in which the court issues a protection order upon a petition alleging that the respondent engaged in domestic violence against a family or household member, the cost of supervision of the respondent's exercise of parenting time, visitation, or companionship rights, as provided in section 3113.31 of the Revised Code; 20421
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(M) Upon a petition to have a person involuntarily institutionalized, the costs of appointed counsel for the respondent at a full hearing, as provided in section 5123.76 of the Revised Code; 20427
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(N) In a case before the domestic relations division of the Hamilton county court of common pleas, the expense of serving a summons, warrant, citation, subpoena, or other writ issued to an officer other than a bailiff, constable, or staff investigator of the division, as provided in section 2301.03 of the Revised Code; 20431
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(O) The filing fee specified in section 2743.75 of the Revised Code in a case filed with the court of claims that alleges a denial of access to public records in violation of division (B) of section 149.43 of the Revised Code; 20436
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(P) The filing fee specified in section 2743.76 of the Revised Code in a case filed with the court of claims alleging a violation of section 121.22 of the Revised Code. 20440
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Sec. 2921.36. (A) No person shall knowingly convey, or 20443
attempt to convey, onto the grounds of a detention facility or of 20444
an institution, office building, or other place that is under the 20445
control of the department of mental health and addiction services, 20446
the department of developmental disabilities, the department of 20447
youth services, or the department of rehabilitation and correction 20448
any of the following items: 20449

(1) Any deadly weapon or dangerous ordnance, as defined in 20450
section 2923.11 of the Revised Code, or any part of or ammunition 20451
for use in such a deadly weapon or dangerous ordnance; 20452

(2) Any drug of abuse, as defined in section 3719.011 of the 20453
Revised Code; 20454

(3) Any intoxicating liquor, as defined in section 4301.01 of 20455
the Revised Code, except for small amounts of wine for sacramental 20456
purposes when the person engaging in the specified conduct is a 20457
cleric, as defined in section 2317.02 of the Revised Code. 20458

(B) Division (A) of this section does not apply to any person 20459
who conveys or attempts to convey an item onto the grounds of a 20460
detention facility or of an institution, office building, or other 20461
place under the control of the department of mental health and 20462
addiction services, the department of developmental disabilities, 20463
the department of youth services, or the department of 20464
rehabilitation and correction pursuant to the written 20465
authorization of the person in charge of the detention facility or 20466
the institution, office building, or other place and in accordance 20467
with the written rules of the detention facility or the 20468
institution, office building, or other place. 20469

(C) No person shall knowingly deliver, or attempt to deliver, 20470
to any person who is confined in a detention facility, to a child 20471
confined in a youth services facility, to a prisoner who is 20472
temporarily released from confinement for a work assignment, or to 20473

any patient in an institution under the control of the department 20474
of mental health and addiction services or the department of 20475
developmental disabilities any item listed in division (A)(1), 20476
(2), or (3) of this section. 20477

(D) No person shall knowingly deliver, or attempt to deliver, 20478
cash to any person who is confined in a detention facility, to a 20479
child confined in a youth services facility, or to a prisoner who 20480
is temporarily released from confinement for a work assignment. 20481

(E) No person shall knowingly deliver, or attempt to deliver, 20482
to any person who is confined in a detention facility, to a child 20483
confined in a youth services facility, or to a prisoner who is 20484
temporarily released from confinement for a work assignment a 20485
cellular telephone, two-way radio, or other electronic 20486
communications device. 20487

(F)(1) It is an affirmative defense to a charge under 20488
division (A)(1) of this section that the weapon or dangerous 20489
ordnance in question was being transported in a motor vehicle for 20490
any lawful purpose, that it was not on the actor's person, and, if 20491
the weapon or dangerous ordnance in question was a firearm, that 20492
it was unloaded and was being carried in a closed package, box, or 20493
case or in a compartment that can be reached only by leaving the 20494
vehicle. 20495

(2) It is an affirmative defense to a charge under division 20496
(C) of this section that the actor was not otherwise prohibited by 20497
law from delivering the item to the confined person, the child, 20498
the prisoner, or the patient and that either of the following 20499
applies: 20500

(a) The actor was permitted by the written rules of the 20501
detention facility or the institution, office building, or other 20502
place to deliver the item to the confined person or the patient. 20503

(b) The actor was given written authorization by the person 20504

in charge of the detention facility or the institution, office 20505
building, or other place to deliver the item to the confined 20506
person or the patient. 20507

(G)(1) Whoever violates division (A)(1) of this section or 20508
commits a violation of division (C) of this section involving an 20509
item listed in division (A)(1) of this section is guilty of 20510
illegal conveyance of weapons onto the grounds of a specified 20511
governmental facility, a felony of the third degree. If the 20512
offender is an officer or employee of the department of 20513
rehabilitation and correction, the court shall impose a mandatory 20514
prison term from the range of definite prison terms prescribed in 20515
division (A)(3)(b) of section 2929.14 of the Revised Code for a 20516
felony of the third degree. 20517

(2) Whoever violates division (A)(2) of this section or 20518
commits a violation of division (C) of this section involving any 20519
drug of abuse is guilty of illegal conveyance of drugs of abuse 20520
onto the grounds of a specified governmental facility, a felony of 20521
the third degree. If the offender is an officer or employee of the 20522
department of rehabilitation and correction or of the department 20523
of youth services, the court shall impose a mandatory prison term 20524
from the range of definite prison terms prescribed in division 20525
(A)(3)(b) of section 2929.14 of the Revised Code for a felony of 20526
the third degree. 20527

(3) Whoever violates division (A)(3) of this section or 20528
commits a violation of division (C) of this section involving any 20529
intoxicating liquor is guilty of illegal conveyance of 20530
intoxicating liquor onto the grounds of a specified governmental 20531
facility, a misdemeanor of the second degree. 20532

(4) Whoever violates division (D) of this section is guilty 20533
of illegal conveyance of cash onto the grounds of a detention 20534
facility, a misdemeanor of the first degree. If the offender 20535
previously has been convicted of or pleaded guilty to a violation 20536

of division (D) of this section, illegal conveyance of cash onto 20537
the grounds of a detention facility is a felony of the fifth 20538
degree. 20539

(5) Whoever violates division (E) of this section is guilty 20540
of illegal conveyance of a communications device onto the grounds 20541
of a specified governmental facility, a misdemeanor of the first 20542
degree, or if the offender previously has been convicted of or 20543
pleaded guilty to a violation of division (E) of this section, a 20544
felony of the fifth degree. 20545

Sec. 2929.15. (A)(1) If in sentencing an offender for a 20546
felony the court is not required to impose a prison term, a 20547
mandatory prison term, or a term of life imprisonment upon the 20548
offender, the court may directly impose a sentence that consists 20549
of one or more community control sanctions authorized pursuant to 20550
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 20551
court is sentencing an offender for a fourth degree felony OVI 20552
offense under division (G)(1) of section 2929.13 of the Revised 20553
Code, in addition to the mandatory term of local incarceration 20554
imposed under that division and the mandatory fine required by 20555
division (B)(3) of section 2929.18 of the Revised Code, the court 20556
may impose upon the offender a community control sanction or 20557
combination of community control sanctions in accordance with 20558
sections 2929.16 and 2929.17 of the Revised Code. If the court is 20559
sentencing an offender for a third or fourth degree felony OVI 20560
offense under division (G)(2) of section 2929.13 of the Revised 20561
Code, in addition to the mandatory prison term or mandatory prison 20562
term and additional prison term imposed under that division, the 20563
court also may impose upon the offender a community control 20564
sanction or combination of community control sanctions under 20565
section 2929.16 or 2929.17 of the Revised Code, but the offender 20566
shall serve all of the prison terms so imposed prior to serving 20567
the community control sanction. 20568

The duration of all community control sanctions imposed on an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in division (D) of this section to determine whether the offender ingested or was injected with a drug of abuse and requiring that the results of the drug test indicate that the offender did not ingest or was not injected with a drug of abuse.

(2)(a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, the court shall place the offender under the general control and supervision of a department of probation in the county that serves the court for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state

without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation department established under section 2301.27 of the Revised Code, the court may request the court of common pleas of that county to receive the offender into the general control and supervision of that county or multicounty department of probation for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation.

If there is no department of probation in the county that serves the court, the court shall place the offender, regardless of the offender's county of residence, under the general control and supervision of the adult parole authority or an entity authorized under division (B) of section 2301.27 of the Revised Code to provide probation and supervisory services to counties for purposes of reporting to the court a violation of any of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer.

(b) If the court imposing sentence on an offender sentences the offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and if the offender violates any condition of the sanctions, violates any

condition of release under a community control sanction imposed by 20634
the court, violates any law, or departs the state without the 20635
permission of the court or the offender's probation officer, the 20636
public or private person or entity that operates or administers 20637
the sanction or the program or activity that comprises the 20638
sanction shall report the violation or departure directly to the 20639
sentencing court, or shall report the violation or departure to 20640
the county or multicounty department of probation with general 20641
control and supervision over the offender under division (A)(2)(a) 20642
of this section or the officer of that department who supervises 20643
the offender, or, if there is no such department with general 20644
control and supervision over the offender under that division, to 20645
the adult parole authority or an entity authorized under division 20646
(B) of section 2301.27 of the Revised Code to provide probation 20647
and supervisory services to the county. If the public or private 20648
person or entity that operates or administers the sanction or the 20649
program or activity that comprises the sanction reports the 20650
violation or departure to the county or multicounty department of 20651
probation, the adult parole authority, or any other entity 20652
providing probation and supervisory services to the county, the 20653
department's, authority's, or other entity's officers may treat 20654
the offender as if the offender were on probation and in violation 20655
of the probation, and shall report the violation of the condition 20656
of the sanction, any condition of release under a community 20657
control sanction imposed by the court, the violation of law, or 20658
the departure from the state without the required permission to 20659
the sentencing court. 20660

(3) If an offender who is eligible for community control 20661
sanctions under this section admits to being drug addicted or the 20662
court has reason to believe that the offender is drug addicted, 20663
and if the offense for which the offender is being sentenced was 20664
related to the addiction, the court may require that the offender 20665
be assessed by a properly credentialed professional within a 20666

specified period of time and shall require the professional to 20667
file a written assessment of the offender with the court. If a 20668
court imposes treatment and recovery support services as a 20669
community control sanction, the court shall direct the level and 20670
type of treatment and recovery support services after 20671
consideration of the written assessment, if available at the time 20672
of sentencing, and recommendations of the professional and other 20673
treatment and recovery support services providers. 20674

(4) If an assessment completed pursuant to division (A)(3) of 20675
this section indicates that the offender is addicted to drugs or 20676
alcohol, the court may include in any community control sanction 20677
imposed for a violation of section 2925.02, 2925.03, 2925.04, 20678
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 20679
2925.37 of the Revised Code a requirement that the offender 20680
participate in alcohol and drug addiction services and recovery 20681
supports certified under section 5119.36 of the Revised Code or 20682
offered by a properly credentialed community addiction services 20683
provider. 20684

(B)(1) If the conditions of a community control sanction 20685
imposed for a felony are violated or if the offender violates a 20686
law or leaves the state without the permission of the court or the 20687
offender's probation officer, the sentencing court may impose on 20688
the violator one or more of the following penalties: 20689

(a) A longer time under the same sanction if the total time 20690
under the sanctions does not exceed the five-year limit specified 20691
in division (A) of this section; 20692

(b) A more restrictive sanction under section 2929.16, 20693
2929.17, or 2929.18 of the Revised Code, including but not limited 20694
to, a new term in a community-based correctional facility, halfway 20695
house, or jail pursuant to division (A)(6) of section 2929.16 of 20696
the Revised Code; 20697

(c) A prison term on the offender pursuant to section 2929.14 20698
of the Revised Code and division (B)(3) of this section, provided 20699
that a prison term imposed under this division is subject to the 20700
following limitations and rules, as applicable: 20701

(i) If the prison term is imposed for any technical violation 20702
of the conditions of a community control sanction imposed for a 20703
felony of the fifth degree, the prison term shall not exceed 20704
ninety days, provided that if the remaining period of community 20705
control at the time of the violation or the remaining period of 20706
the ~~suspended~~ reserved prison sentence at that time is less than 20707
ninety days, the prison term shall not exceed the length of the 20708
remaining period of community control or the remaining period of 20709
the ~~suspended~~ reserved prison sentence. If the court imposes a 20710
prison term as described in this division, division (B)(2)(b) of 20711
this section applies. 20712

(ii) If the prison term is imposed for any technical 20713
violation of the conditions of a community control sanction 20714
imposed for a felony of the fourth degree that is not an offense 20715
of violence and is not a sexually oriented offense , the prison 20716
term shall not exceed one hundred eighty days, provided that if 20717
the remaining period of the community control at the time of the 20718
violation or the remaining period of the ~~suspended~~ reserved prison 20719
sentence at that time is less than one hundred eighty days, the 20720
prison term shall not exceed the length of the remaining period of 20721
community control or the remaining period of the ~~suspended~~ 20722
reserved prison sentence. If the court imposes a prison term as 20723
described in this division, division (B)(2)(b) of this section 20724
applies. 20725

(iii) A court is not limited in the number of times it may 20726
sentence an offender to a prison term under division (B)(1)(c) of 20727
this section for a violation of the conditions of a community 20728
control sanction or for a violation of a law or leaving the state 20729

without the permission of the court or the offender's probation officer. If an offender who is under a community control sanction violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, is sentenced to a prison term for the violation or conduct, is released from the term after serving it, and subsequently violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, the court may impose a new prison term sanction on the offender under division (B)(1)(c) of this section for the subsequent violation or conduct.

(2)(a) If an offender was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a community control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, the sentencing court may consider the offender's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the offender being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in division (B)(1) of this section.

(b) If a court imposes a prison term on an offender under division (B)(1)(c)(i) or (ii) of this section for a technical violation of the conditions of a community control sanction, one of the following is applicable with respect to the time that the offender spends in prison under the term:

(i) Subject to division (B)(2)(b)(ii) of this section, it shall be credited against the offender's community control sanction that was being served at the time of the violation, and the remaining time under that community control sanction shall be reduced by the time that the offender spends in prison under the

prison term. ~~The~~ By determination of the court, the offender upon 20762
release from the prison term either shall continue serving the 20763
remaining time under the community control sanction, as reduced 20764
under this division, or shall have the community control sanction 20765
terminated. 20766

(ii) If the offender at the time of the violation was serving 20767
a community control sanction as part of a ~~suspended~~ reserved 20768
prison sentence, it shall be credited against the offender's 20769
community control sanction that was being served at the time of 20770
the violation and against the ~~suspended~~ reserved prison sentence, 20771
and the remaining time under that community control sanction and 20772
under the ~~suspended~~ reserved prison sentence shall be reduced by 20773
the time that the offender spends in prison under the prison term. 20774
~~The~~ By determination of the court, the offender upon release from 20775
the prison term either shall continue serving the remaining time 20776
under the community control sanction, as reduced under this 20777
division, or shall have the community control sanction terminated. 20778

~~(c) A court is not limited in the number of times it may~~ 20779
~~sentence an offender to a prison term under division (B)(1)(c) of~~ 20780
~~this section for a violation of the conditions of a community~~ 20781
~~control sanction or for a violation of a law or leaving the state~~ 20782
~~without the permission of the court or the offender's probation~~ 20783
~~officer. If an offender who is under a community control sanction~~ 20784
~~violates the conditions of the sanction or violates a law or~~ 20785
~~leaves the state without the permission of the court or the~~ 20786
~~offender's probation officer, is sentenced to a prison term for~~ 20787
~~the violation or conduct, is released from the term after serving~~ 20788
~~it, and subsequently violates the conditions of the sanction or~~ 20789
~~violates a law or leaves the state without the permission of the~~ 20790
~~court or the offender's probation officer, the court may impose a~~ 20791
~~new prison term sanction on the offender under division (B)(1)(c)~~ 20792
~~of this section for the subsequent violation or conduct.~~ 20793

(3) The prison term, if any, imposed on a violator pursuant to this division and division (B)(1) of this section shall be within the range of prison terms described in this division and shall not exceed ~~the~~ a prison term from the range of terms specified in the notice provided to the offender at the sentencing hearing pursuant to division ~~(B)(2)~~(B)(4) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to division (B)(1) of this section by the time the offender successfully spent under the sanction that was initially imposed. Except as otherwise specified in this division, the prison term imposed under this division and division (B)(1) of this section shall be within the range of prison terms available as a definite term for the offense for which the sanction that was violated was imposed. If the offense for which the sanction that was violated was imposed is a felony of the first or second degree committed on or after March 22, 2019, the prison term so imposed under this division shall be within the range of prison terms available as a minimum term for the offense under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction or impose a less restrictive sanction, but the court shall not permit the offender to violate any law or permit the offender to leave the state without the permission of the court or the offender's probation officer.

(D)(1) If a court under division (A)(1) of this section imposes a condition of release under a community control sanction that requires the offender to submit to random drug testing, the

department of probation, the adult parole authority, or any other 20826
entity that has general control and supervision of the offender 20827
under division (A)(2)(a) of this section may cause the offender to 20828
submit to random drug testing performed by a laboratory or entity 20829
that has entered into a contract with any of the governmental 20830
entities or officers authorized to enter into a contract with that 20831
laboratory or entity under section 341.26, 753.33, or 5120.63 of 20832
the Revised Code. 20833

(2) If no laboratory or entity described in division (D)(1) 20834
of this section has entered into a contract as specified in that 20835
division, the department of probation, the adult parole authority, 20836
or any other entity that has general control and supervision of 20837
the offender under division (A)(2)(a) of this section shall cause 20838
the offender to submit to random drug testing performed by a 20839
reputable public laboratory to determine whether the individual 20840
who is the subject of the drug test ingested or was injected with 20841
a drug of abuse. 20842

(3) A laboratory or entity that has entered into a contract 20843
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 20844
shall perform the random drug tests under division (D)(1) of this 20845
section in accordance with the applicable standards that are 20846
included in the terms of that contract. A public laboratory shall 20847
perform the random drug tests under division (D)(2) of this 20848
section in accordance with the standards set forth in the policies 20849
and procedures established by the department of rehabilitation and 20850
correction pursuant to section 5120.63 of the Revised Code. An 20851
offender who is required under division (A)(1) of this section to 20852
submit to random drug testing as a condition of release under a 20853
community control sanction and whose test results indicate that 20854
the offender ingested or was injected with a drug of abuse shall 20855
pay the fee for the drug test if the department of probation, the 20856
adult parole authority, or any other entity that has general 20857

control and supervision of the offender requires payment of a fee. 20858
A laboratory or entity that performs the random drug testing on an 20859
offender under division (D)(1) or (2) of this section shall 20860
transmit the results of the drug test to the appropriate 20861
department of probation, the adult parole authority, or any other 20862
entity that has general control and supervision of the offender 20863
under division (A)(2)(a) of this section. 20864

(E) As used in this section, "technical violation" means a 20865
violation of the conditions of a community control sanction 20866
imposed for a felony of the fifth degree, or for a felony of the 20867
fourth degree that is not an offense of violence and is not a 20868
sexually oriented offense, and to which neither of the following 20869
applies: 20870

(1) The violation consists of a new criminal offense that is 20871
a felony or that is a misdemeanor other than a minor misdemeanor, 20872
and the violation is committed while under the community control 20873
sanction. 20874

(2) The violation consists of or includes the offender's 20875
articulated or demonstrated refusal to participate in the 20876
community control sanction imposed on the offender or any of its 20877
conditions, and the refusal demonstrates to the court that the 20878
offender has abandoned the objects of the community control 20879
sanction or condition. 20880

Sec. 2929.19. (A) The court shall hold a sentencing hearing 20881
before imposing a sentence under this chapter upon an offender who 20882
was convicted of or pleaded guilty to a felony and before 20883
resentencing an offender who was convicted of or pleaded guilty to 20884
a felony and whose case was remanded pursuant to section 2953.07 20885
or 2953.08 of the Revised Code. At the hearing, the offender, the 20886
prosecuting attorney, the victim or the victim's representative in 20887
accordance with section 2930.14 of the Revised Code, and, with the 20888

approval of the court, any other person may present information 20889
relevant to the imposition of sentence in the case. The court 20890
shall inform the offender of the verdict of the jury or finding of 20891
the court and ask the offender whether the offender has anything 20892
to say as to why sentence should not be imposed upon the offender. 20893

(B)(1) At the sentencing hearing, the court, before imposing 20894
sentence, shall do all of the following: 20895

(a) Consider the record, any information presented at the 20896
hearing by any person pursuant to division (A) of this section, 20897
and, if one was prepared, the presentence investigation report 20898
made pursuant to section 2951.03 of the Revised Code or Criminal 20899
Rule 32.2, and any victim impact statement made pursuant to 20900
section 2947.051 of the Revised Code; 20901

(b) If the offense was committed when the offender was under 20902
eighteen years of age, in addition to other factors considered, 20903
consider youth and its characteristics as mitigating factors, 20904
including: 20905

(i) The chronological age of the offender at the time of the 20906
offense and that age's hallmark features, including intellectual 20907
capacity, immaturity, impetuosity, and a failure to appreciate 20908
risks and consequences; 20909

(ii) The family and home environment of the offender at the 20910
time of the offense, the offender's inability to control the 20911
offender's surroundings, a history of trauma regarding the 20912
offender, and the offender's school and special education history; 20913

(iii) The circumstances of the offense, including the extent 20914
of the offender's participation in the conduct and the way 20915
familial and peer pressures may have impacted the offender's 20916
conduct; 20917

(iv) Whether the offender might have been charged and 20918

convicted of a lesser offense if not for the incompetencies 20919
associated with youth, such as the offender's inability to deal 20920
with police officers and prosecutors during the offender's 20921
interrogation or possible plea agreement or the offender's 20922
inability to assist the offender's own attorney; 20923

(v) Examples of the offender's rehabilitation, including any 20924
subsequent growth or increase in maturity during confinement. 20925

(2) Subject to division (B)(3) of this section, if the 20926
sentencing court determines at the sentencing hearing that a 20927
prison term is necessary or required, the court shall do all of 20928
the following: 20929

(a) Impose a stated prison term and, if the court imposes a 20930
mandatory prison term, notify the offender that the prison term is 20931
a mandatory prison term; 20932

(b) In addition to any other information, include in the 20933
sentencing entry the name and section reference to the offense or 20934
offenses, the sentence or sentences imposed and whether the 20935
sentence or sentences contain mandatory prison terms, if sentences 20936
are imposed for multiple counts whether the sentences are to be 20937
served concurrently or consecutively, and the name and section 20938
reference of any specification or specifications for which 20939
sentence is imposed and the sentence or sentences imposed for the 20940
specification or specifications; 20941

(c) If the prison term is a non-life felony indefinite prison 20942
term, notify the offender of all of the following: 20943

(i) That it is rebuttably presumed that the offender will be 20944
released from service of the sentence on the expiration of the 20945
minimum prison term imposed as part of the sentence or on the 20946
offender's presumptive earned early release date, as defined in 20947
section 2967.271 of the Revised Code, whichever is earlier; 20948

(ii) That the department of rehabilitation and correction may 20949

rebut the presumption described in division (B)(2)(c)(i) of this 20950
section if, at a hearing held under section 2967.271 of the 20951
Revised Code, the department makes specified determinations 20952
regarding the offender's conduct while confined, the offender's 20953
rehabilitation, the offender's threat to society, the offender's 20954
restrictive housing, if any, while confined, and the offender's 20955
security classification; 20956

(iii) That if, as described in division (B)(2)(c)(ii) of this 20957
section, the department at the hearing makes the specified 20958
determinations and rebuts the presumption, the department may 20959
maintain the offender's incarceration after the expiration of that 20960
minimum term or after that presumptive earned early release date 20961
for the length of time the department determines to be reasonable, 20962
subject to the limitation specified in section 2967.271 of the 20963
Revised Code; 20964

(iv) That the department may make the specified 20965
determinations and maintain the offender's incarceration under the 20966
provisions described in divisions (B)(2)(c)(i) and (ii) of this 20967
section more than one time, subject to the limitation specified in 20968
section 2967.271 of the Revised Code; 20969

(v) That if the offender has not been released prior to the 20970
expiration of the offender's maximum prison term imposed as part 20971
of the sentence, the offender must be released upon the expiration 20972
of that term. 20973

(d) Notify the offender that the offender will be supervised 20974
under section 2967.28 of the Revised Code after the offender 20975
leaves prison if the offender is being sentenced, other than to a 20976
sentence of life imprisonment, for a felony of the first degree or 20977
second degree, for a felony sex offense, or for a felony of the 20978
third degree that is an offense of violence and is not a felony 20979
sex offense. This division applies with respect to all prison 20980
terms imposed for an offense of a type described in this division, 20981

including a non-life felony indefinite prison term and including a 20982
term imposed for any offense of a type described in this division 20983
that is a risk reduction sentence, as defined in section 2967.28 20984
of the Revised Code. If a court imposes a sentence including a 20985
prison term of a type described in division (B)(2)(d) of this 20986
section on or after July 11, 2006, the failure of a court to 20987
notify the offender pursuant to division (B)(2)(d) of this section 20988
that the offender will be supervised under section 2967.28 of the 20989
Revised Code after the offender leaves prison or to include in the 20990
judgment of conviction entered on the journal a statement to that 20991
effect does not negate, limit, or otherwise affect the mandatory 20992
period of supervision that is required for the offender under 20993
division (B) of section 2967.28 of the Revised Code. Section 20994
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 20995
court imposed a sentence including a prison term of a type 20996
described in division (B)(2)(d) of this section and failed to 20997
notify the offender pursuant to division (B)(2)(d) of this section 20998
regarding post-release control or to include in the judgment of 20999
conviction entered on the journal or in the sentence a statement 21000
regarding post-release control. 21001

(e) Notify the offender that the offender may be supervised 21002
under section 2967.28 of the Revised Code after the offender 21003
leaves prison if the offender is being sentenced for a felony of 21004
the third, fourth, or fifth degree that is not subject to division 21005
(B)(2)(d) of this section. This division applies with respect to 21006
all prison terms imposed for an offense of a type described in 21007
this division, including a term imposed for any such offense that 21008
is a risk reduction sentence, as defined in section 2967.28 of the 21009
Revised Code. Section 2929.191 of the Revised Code applies if, 21010
prior to July 11, 2006, a court imposed a sentence including a 21011
prison term of a type described in division (B)(2)(e) of this 21012
section and failed to notify the offender pursuant to division 21013
(B)(2)(e) of this section regarding post-release control or to 21014

include in the judgment of conviction entered on the journal or in 21015
the sentence a statement regarding post-release control. 21016

(f) Notify the offender that, if a period of supervision is 21017
imposed following the offender's release from prison, as described 21018
in division (B)(2)(d) or (e) of this section, and if the offender 21019
violates that supervision or a condition of post-release control 21020
imposed under division (B) of section 2967.131 of the Revised 21021
Code, the parole board may impose a prison term, as part of the 21022
sentence, of up to one-half of the definite prison term originally 21023
imposed upon the offender as the offender's stated prison term or 21024
up to one-half of the minimum prison term originally imposed upon 21025
the offender as part of the offender's stated non-life felony 21026
indefinite prison term. If a court imposes a sentence including a 21027
prison term on or after July 11, 2006, the failure of a court to 21028
notify the offender pursuant to division (B)(2)(f) of this section 21029
that the parole board may impose a prison term as described in 21030
division (B)(2)(f) of this section for a violation of that 21031
supervision or a condition of post-release control imposed under 21032
division (B) of section 2967.131 of the Revised Code or to include 21033
in the judgment of conviction entered on the journal a statement 21034
to that effect does not negate, limit, or otherwise affect the 21035
authority of the parole board to so impose a prison term for a 21036
violation of that nature if, pursuant to division (D)(1) of 21037
section 2967.28 of the Revised Code, the parole board notifies the 21038
offender prior to the offender's release of the board's authority 21039
to so impose a prison term. Section 2929.191 of the Revised Code 21040
applies if, prior to July 11, 2006, a court imposed a sentence 21041
including a prison term and failed to notify the offender pursuant 21042
to division (B)(2)(f) of this section regarding the possibility of 21043
the parole board imposing a prison term for a violation of 21044
supervision or a condition of post-release control. 21045

(g)(i) Determine, notify the offender of, and include in the 21046

sentencing entry the total number of days, including the 21047
sentencing date but excluding conveyance time, that the offender 21048
has been confined for any reason arising out of the offense for 21049
which the offender is being sentenced and by which the department 21050
of rehabilitation and correction must reduce the definite prison 21051
term imposed on the offender as the offender's stated prison term 21052
or, if the offense is an offense for which a non-life felony 21053
indefinite prison term is imposed under division (A)(1)(a) or 21054
(2)(a) of section 2929.14 of the Revised Code, the minimum and 21055
maximum prison terms imposed on the offender as part of that 21056
non-life felony indefinite prison term, under section 2967.191 of 21057
the Revised Code. The court's calculation shall not include the 21058
number of days, if any, that the offender served in the custody of 21059
the department of rehabilitation and correction arising out of any 21060
prior offense for which the prisoner was convicted and sentenced. 21061

(ii) In making a determination under division (B)(2)(g)(i) of 21062
this section, the court shall consider the arguments of the 21063
parties and conduct a hearing if one is requested. 21064

(iii) The sentencing court retains continuing jurisdiction to 21065
correct any error not previously raised at sentencing in making a 21066
determination under division (B)(2)(g)(i) of this section. The 21067
offender may, at any time after sentencing, file a motion in the 21068
sentencing court to correct any error made in making a 21069
determination under division (B)(2)(g)(i) of this section, and the 21070
court may in its discretion grant or deny that motion. If the 21071
court changes the number of days in its determination or 21072
redetermination, the court shall cause the entry granting that 21073
change to be delivered to the department of rehabilitation and 21074
correction without delay. Sections 2931.15 and 2953.21 of the 21075
Revised Code do not apply to a motion made under this section. 21076

(iv) An inaccurate determination under division (B)(2)(g)(i) 21077
of this section is not grounds for setting aside the offender's 21078

conviction or sentence and does not otherwise render the sentence 21079
void or voidable. 21080

(v) The department of rehabilitation and correction shall 21081
rely upon the latest journal entry of the court in determining the 21082
total days of local confinement for purposes of division 21083
~~(B)(2)(f)(i)~~ (B)(2)(g)(i) to (iii) of this section and section 21084
2967.191 of the Revised Code. 21085

(3)(a) The court shall include in the offender's sentence a 21086
statement that the offender is a tier III sex 21087
offender/child-victim offender, and the court shall comply with 21088
the requirements of section 2950.03 of the Revised Code if any of 21089
the following apply: 21090

(i) The offender is being sentenced for a violent sex offense 21091
or designated homicide, assault, or kidnapping offense that the 21092
offender committed on or after January 1, 1997, and the offender 21093
is adjudicated a sexually violent predator in relation to that 21094
offense. 21095

(ii) The offender is being sentenced for a sexually oriented 21096
offense that the offender committed on or after January 1, 1997, 21097
and the offender is a tier III sex offender/child-victim offender 21098
relative to that offense. 21099

(iii) The offender is being sentenced on or after July 31, 21100
2003, for a child-victim oriented offense, and the offender is a 21101
tier III sex offender/child-victim offender relative to that 21102
offense. 21103

(iv) The offender is being sentenced under section 2971.03 of 21104
the Revised Code for a violation of division (A)(1)(b) of section 21105
2907.02 of the Revised Code committed on or after January 2, 2007. 21106

(v) The offender is sentenced to a term of life without 21107
parole under division (B) of section 2907.02 of the Revised Code. 21108

(vi) The offender is being sentenced for attempted rape 21109
committed on or after January 2, 2007, and a specification of the 21110
type described in section 2941.1418, 2941.1419, or 2941.1420 of 21111
the Revised Code. 21112

(vii) The offender is being sentenced under division 21113
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 21114
for an offense described in those divisions committed on or after 21115
January 1, 2008. 21116

(b) Additionally, if any criterion set forth in divisions 21117
(B)(3)(a)(i) to (vii) of this section is satisfied, in the 21118
circumstances described in division (E) of section 2929.14 of the 21119
Revised Code, the court shall impose sentence on the offender as 21120
described in that division. 21121

(4) If the sentencing court determines at the sentencing 21122
hearing that a community control sanction should be imposed and 21123
the court is not prohibited from imposing a community control 21124
sanction, the court shall impose a community control sanction. The 21125
court shall notify the offender that, if the conditions of the 21126
sanction are violated, if the offender commits a violation of any 21127
law, or if the offender leaves this state without the permission 21128
of the court or the offender's probation officer, the court may 21129
impose a longer time under the same sanction, may impose a more 21130
restrictive sanction, or may impose a prison term on the offender 21131
and shall indicate the ~~specific~~ range from which the prison term 21132
~~that~~ may be imposed as a sanction for the violation, ~~as selected~~ 21133
~~by the court from which shall be~~ the range of prison terms for the 21134
offense that is specified pursuant to section 2929.14 of the 21135
Revised Code and as described in section 2929.15 of the Revised 21136
Code." 21137

(5) Before imposing a financial sanction under section 21138
2929.18 of the Revised Code or a fine under section 2929.32 of the 21139
Revised Code, the court shall consider the offender's present and 21140

future ability to pay the amount of the sanction or fine. 21141

(6) If the sentencing court sentences the offender to a 21142
sanction of confinement pursuant to section 2929.14 or 2929.16 of 21143
the Revised Code that is to be served in a local detention 21144
facility, as defined in section 2929.36 of the Revised Code, and 21145
if the local detention facility is covered by a policy adopted 21146
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 21147
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 21148
and section 2929.37 of the Revised Code, both of the following 21149
apply: 21150

(a) The court shall specify both of the following as part of 21151
the sentence: 21152

(i) If the offender is presented with an itemized bill 21153
pursuant to section 2929.37 of the Revised Code for payment of the 21154
costs of confinement, the offender is required to pay the bill in 21155
accordance with that section. 21156

(ii) If the offender does not dispute the bill described in 21157
division (B)(6)(a)(i) of this section and does not pay the bill by 21158
the times specified in section 2929.37 of the Revised Code, the 21159
clerk of the court may issue a certificate of judgment against the 21160
offender as described in that section. 21161

(b) The sentence automatically includes any certificate of 21162
judgment issued as described in division (B)(6)(a)(ii) of this 21163
section. 21164

(7) The failure of the court to notify the offender that a 21165
prison term is a mandatory prison term pursuant to division 21166
(B)(2)(a) of this section or to include in the sentencing entry 21167
any information required by division (B)(2)(b) of this section 21168
does not affect the validity of the imposed sentence or sentences. 21169
If the sentencing court notifies the offender at the sentencing 21170
hearing that a prison term is mandatory but the sentencing entry 21171

does not specify that the prison term is mandatory, the court may 21172
complete a corrected journal entry and send copies of the 21173
corrected entry to the offender and the department of 21174
rehabilitation and correction, or, at the request of the state, 21175
the court shall complete a corrected journal entry and send copies 21176
of the corrected entry to the offender and department of 21177
rehabilitation and correction. 21178

(C)(1) If the offender is being sentenced for a fourth degree 21179
felony OVI offense under division (G)(1) of section 2929.13 of the 21180
Revised Code, the court shall impose the mandatory term of local 21181
incarceration in accordance with that division, shall impose a 21182
mandatory fine in accordance with division (B)(3) of section 21183
2929.18 of the Revised Code, and, in addition, may impose 21184
additional sanctions as specified in sections 2929.15, 2929.16, 21185
2929.17, and 2929.18 of the Revised Code. The court shall not 21186
impose a prison term on the offender except that the court may 21187
impose a prison term upon the offender as provided in division 21188
(A)(1) of section 2929.13 of the Revised Code. 21189

(2) If the offender is being sentenced for a third or fourth 21190
degree felony OVI offense under division (G)(2) of section 2929.13 21191
of the Revised Code, the court shall impose the mandatory prison 21192
term in accordance with that division, shall impose a mandatory 21193
fine in accordance with division (B)(3) of section 2929.18 of the 21194
Revised Code, and, in addition, may impose an additional prison 21195
term as specified in section 2929.14 of the Revised Code. In 21196
addition to the mandatory prison term or mandatory prison term and 21197
additional prison term the court imposes, the court also may 21198
impose a community control sanction on the offender, but the 21199
offender shall serve all of the prison terms so imposed prior to 21200
serving the community control sanction. 21201

(D) The sentencing court, pursuant to division (I)(1) of 21202
section 2929.14 of the Revised Code, may recommend placement of 21203

the offender in a program of shock incarceration under section 21204
5120.031 of the Revised Code or an intensive program prison under 21205
section 5120.032 of the Revised Code, disapprove placement of the 21206
offender in a program or prison of that nature, or make no 21207
recommendation. If the court recommends or disapproves placement, 21208
it shall make a finding that gives its reasons for its 21209
recommendation or disapproval. 21210

Sec. 2929.34. (A) A person who is convicted of or pleads 21211
guilty to aggravated murder, murder, or an offense punishable by 21212
life imprisonment and who is sentenced to a term of life 21213
imprisonment or a prison term pursuant to that conviction shall 21214
serve that term in an institution under the control of the 21215
department of rehabilitation and correction. 21216

(B)(1) A person who is convicted of or pleads guilty to a 21217
felony other than aggravated murder, murder, or an offense 21218
punishable by life imprisonment and who is sentenced to a term of 21219
imprisonment or a prison term pursuant to that conviction shall 21220
serve that term as follows: 21221

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 21222
this section, in an institution under the control of the 21223
department of rehabilitation and correction if the term is a 21224
prison term or as otherwise determined by the sentencing court 21225
pursuant to section 2929.16 of the Revised Code if the term is not 21226
a prison term; 21227

(b) In a facility of a type described in division (G)(1) of 21228
section 2929.13 of the Revised Code, if the offender is sentenced 21229
pursuant to that division. 21230

(2) If the term is a prison term, the person may be 21231
imprisoned in a jail that is not a minimum security jail pursuant 21232
to agreement under section 5120.161 of the Revised Code between 21233
the department of rehabilitation and correction and the local 21234

authority that operates the jail. 21235

(3)(a) As used in divisions (B)(3)(a) to (d) of this section, 21236
"voluntary county" means any county in which the board of county 21237
commissioners of the county and the administrative judge of the 21238
general division of the court of common pleas of the county enter 21239
into an agreement of the type described in division (B)(3)(b) of 21240
this section and in which the agreement has not been terminated as 21241
described in that division. 21242

(b) In any voluntary county, the board of county 21243
commissioners of the county and the administrative judge of the 21244
general division of the court of common pleas of the county may 21245
agree to having the county participate in the procedures regarding 21246
local and state confinement established under division (B)(3)(c) 21247
of this section. A board of county commissioners and an 21248
administrative judge of a court of common pleas that enter into an 21249
agreement of the type described in this division may terminate the 21250
agreement, but a termination under this division shall take effect 21251
only at the end of the state fiscal biennium in which the 21252
termination decision is made. 21253

(c) Except as provided in division (B)(3)(d) of this section, 21254
~~on~~ in any voluntary county, either division (B)(3)(c)(i) or 21255
divisions (B)(3)(c)(i) and (ii) of this section shall apply: 21256

(i) On and after July 1, 2018, no person sentenced by the 21257
court of common pleas of a voluntary county to a prison term for a 21258
felony of the fifth degree shall serve the term in an institution 21259
under the control of the department of rehabilitation and 21260
correction. The person shall instead serve the sentence as a term 21261
of confinement in a facility of a type described in division (C) 21262
or (D) of this section. 21263

(ii) On and after September 1, 2022, no person sentenced by 21264
the court of common pleas of a voluntary county to a prison term 21265

for a felony of the fourth degree shall serve the term in an 21266
institution under the control of the department of rehabilitation 21267
and correction. The person shall instead serve the sentence as a 21268
term of confinement in a facility of a type described in division 21269
(C) or (D) of this section. ~~Nothing~~ 21270

Nothing in this division relieves the state of its obligation 21271
to pay for the cost of confinement of the person in a 21272
community-based correctional facility under division (D) of this 21273
section. 21274

(d) Division (B)(3)(c) of this section does not apply to any 21275
person to whom any of the following apply: 21276

(i) The felony of the fourth or fifth degree was an offense 21277
of violence, as defined in section 2901.01 of the Revised Code, a 21278
sex offense under Chapter 2907. of the Revised Code, a violation 21279
of section 2925.03 of the Revised Code, or any offense for which a 21280
mandatory prison term is required. 21281

(ii) The person previously has been convicted of or pleaded 21282
guilty to any felony offense of violence, as defined in section 21283
2901.01 of the Revised Code, unless the felony of the fifth degree 21284
for which the person is being sentenced is a violation of division 21285
(I)(1) of section 2903.43 of the Revised Code. 21286

(iii) The person previously has been convicted of or pleaded 21287
guilty to any felony sex offense under Chapter 2907. of the 21288
Revised Code. 21289

(iv) The person's sentence is required to be served 21290
concurrently to any other sentence imposed upon the person for a 21291
felony that is required to be served in an institution under the 21292
control of the department of rehabilitation and correction. 21293

(C) A person who is convicted of or pleads guilty to one or 21294
more misdemeanors and who is sentenced to a jail term or term of 21295
imprisonment pursuant to the conviction or convictions shall serve 21296

that term in a county, multicounty, municipal, municipal-county, 21297
or multicounty-municipal jail or workhouse; in a community 21298
alternative sentencing center or district community alternative 21299
sentencing center when authorized by section 307.932 of the 21300
Revised Code; or, if the misdemeanor or misdemeanors are not 21301
offenses of violence, in a minimum security jail. 21302

(D) Nothing in this section prohibits the commitment, 21303
referral, or sentencing of a person who is convicted of or pleads 21304
guilty to a felony to a community-based correctional facility. 21305

Sec. 2967.04. (A) A pardon or commutation may be granted upon 21306
such conditions precedent or subsequent as the governor may 21307
impose, which conditions shall be stated in the warrant. Such 21308
pardon or commutation shall not take effect until the conditions 21309
so imposed are accepted by the convict or prisoner so pardoned or 21310
having ~~his~~ a sentence commuted, and ~~his~~ the convict's or 21311
prisoner's acceptance is indorsed upon the warrant, signed by ~~him~~ 21312
the prisoner or convict, and attested by one witness. Such witness 21313
shall go before the clerk of the court of common pleas in whose 21314
office the sentence is recorded and prove the signature of the 21315
convict. The clerk shall thereupon record the warrant, 21316
indorsement, and proof in the journal of the court, which record, 21317
or a duly certified transcript thereof, shall be evidence of such 21318
pardon or commutation, the conditions thereof, and the acceptance 21319
of the conditions. 21320

(B) An unconditional pardon relieves the person to whom it is 21321
granted of all disabilities arising out of the conviction or 21322
convictions from which it is granted. For purposes of this 21323
section, "unconditional pardon" includes a conditional pardon with 21324
respect to which all conditions have been performed or have 21325
transpired. 21326

(C) In the case of an unconditional pardon, the governor may 21327

include as a condition of the pardon that records related to the conviction be sealed as if the records are related to an offense that is eligible to be sealed. The governor may issue a writ for the records related to the pardoned conviction or convictions to be sealed. However, such a writ shall not seal the records required to be kept under division (E) of section 107.10 of the Revised Code and shall not have any impact on the governor's office or on reports required to be made under law. Other than the records required to be kept under division (E) of section 107.10 of the Revised Code, no records of the governor's office related to a pardon that have been sealed under this division are subject to public inspection unless directed by the governor. Inspection of the records or disclosure of information contained in the records may be made pursuant to division (D) of section 2953.32 of the Revised Code or as the governor may direct. A disclosure of records sealed under a writ issued by the governor is not a criminal offense.

Sec. 2967.17. (A) The adult parole authority, in its discretion, may grant an administrative release to any of the following:

(1) A parole violator ~~or~~, release violator, or releasee serving another felony sentence in a correctional institution within or without this state for the purpose of consolidation of the records or if justice would best be served;

(2) A parole violator at large or release violator at large whose case has been inactive for at least ten years following the date of declaration of the parole violation or the violation of a post-release control sanction;

(3) A parolee or releasee taken into custody by the immigration and naturalization service of the United States department of justice and deported from the United States.

(B)(1)(a) As used in divisions (B)(2) and (3) of this section, "position of honor, trust, or profit" has the same meaning as in section 2929.192 of the Revised Code.

(b) For purposes of divisions (B)(2) and (3) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after ~~the effective date of this amendment~~ May 13, 2008," if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after ~~the effective date of this amendment~~ May 13, 2008.

(2) The adult parole authority shall not grant an administrative release except upon the concurrence of a majority of the parole board and approval of the chief of the adult parole authority. An administrative release does not restore for the person to whom it is granted the rights and privileges forfeited by conviction as provided in section 2961.01 of the Revised Code. Any person granted an administrative release under this section may subsequently apply for a commutation of sentence for the purpose of regaining the rights and privileges forfeited by conviction, except that the privilege of circulating or serving as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition forfeited under section 2961.01 of the Revised Code may not be restored under this section and except that the privilege of holding a position of honor, trust, or profit may not be restored under this section to a person in the circumstances described in division (B)(3) of this section.

(3) The privilege of holding a position of honor, trust, or profit may not be restored under this section to a person who was

convicted of or pleaded guilty to committing on or after ~~the~~ 21391
~~effective date of this amendment~~ May 13, 2008, any violation or 21392
offense listed in divisions (C)(2)(c)(i) to (vi) of section 21393
2967.16 of the Revised Code that is a felony. 21394

Sec. 2967.28. (A) As used in this section: 21395

(1) "Monitored time" means the monitored time sanction 21396
specified in section 2929.17 and defined in section 2929.01 of the 21397
Revised Code. 21398

(2) "Deadly weapon" and "dangerous ordnance" have the same 21399
meanings as in section 2923.11 of the Revised Code. 21400

(3) "Felony sex offense" means a violation of a section 21401
contained in Chapter 2907. of the Revised Code that is a felony. 21402

(4) "Risk reduction sentence" means a prison term imposed by 21403
a court, when the court recommends pursuant to section 2929.143 of 21404
the Revised Code that the offender serve the sentence under 21405
section 5120.036 of the Revised Code, and the offender may 21406
potentially be released from imprisonment prior to the expiration 21407
of the prison term if the offender successfully completes all 21408
assessment and treatment or programming required by the department 21409
of rehabilitation and correction under section 5120.036 of the 21410
Revised Code. 21411

(5) "Victim's immediate family" has the same meaning as in 21412
section 2967.12 of the Revised Code. 21413

(6) "Minor drug possession offense" has the same meaning as 21414
in section 2925.11 of the Revised Code. 21415

(7) "Single validated risk assessment tool" means the single 21416
validated risk assessment tool selected by the department of 21417
rehabilitation and correction under section 5120.114 of the 21418
Revised Code. 21419

(B) Each sentence to a prison term, other than a term of life 21420

imprisonment, for a felony of the first degree, for a felony of 21421
the second degree, for a felony sex offense, or for a felony of 21422
the third degree that is an offense of violence and is not a 21423
felony sex offense shall include a requirement that the offender 21424
be subject to a period of post-release control imposed by the 21425
parole board after the offender's release from imprisonment. This 21426
division applies with respect to all prison terms of a type 21427
described in this division, including a term of any such type that 21428
is a risk reduction sentence. If a court imposes a sentence 21429
including a prison term of a type described in this division on or 21430
after July 11, 2006, the failure of a sentencing court to notify 21431
the offender pursuant to division (B)(2)(d) of section 2929.19 of 21432
the Revised Code of this requirement or to include in the judgment 21433
of conviction entered on the journal a statement that the 21434
offender's sentence includes this requirement does not negate, 21435
limit, or otherwise affect the mandatory period of supervision 21436
that is required for the offender under this division. This 21437
division applies with respect to all prison terms of a type 21438
described in this division, including a non-life felony indefinite 21439
prison term. Section 2929.191 of the Revised Code applies if, 21440
prior to July 11, 2006, a court imposed a sentence including a 21441
prison term of a type described in this division and failed to 21442
notify the offender pursuant to division (B)(2)(d) of section 21443
2929.19 of the Revised Code regarding post-release control or to 21444
include in the judgment of conviction entered on the journal or in 21445
the sentence pursuant to division (D)(1) of section 2929.14 of the 21446
Revised Code a statement regarding post-release control. Unless 21447
reduced by the parole board pursuant to division (D) of this 21448
section when authorized under that division, a period of 21449
post-release control required by this division for an offender 21450
shall be of one of the following periods: 21451

- (1) For a ~~felony of the first degree or for a~~ felony sex 21452
offense, five years; 21453

(2) For a felony of the first degree that is not a felony sex offense, up to five years, but not less than two years; 21454
21455

(3) For a felony of the second degree that is not a felony sex offense, up to three years, but not less than eighteen months; 21456
21457

~~(3)~~(4) For a felony of the third degree that is an offense of violence and is not a felony sex offense, up to three years, but not less than one year. 21458
21459
21460

(C) Any sentence to a prison term for a felony of the third, 21461
fourth, or fifth degree that is not subject to division (B)(1) or 21462
~~(3)~~(4) of this section shall include a requirement that the 21463
offender be subject to a period of post-release control of up to 21464
~~three~~ two years after the offender's release from imprisonment, if 21465
the parole board, in accordance with division (D) of this section, 21466
determines that a period of post-release control is necessary for 21467
that offender. This division applies with respect to all prison 21468
terms of a type described in this division, including a term of 21469
any such type that is a risk reduction sentence. Section 2929.191 21470
of the Revised Code applies if, prior to July 11, 2006, a court 21471
imposed a sentence including a prison term of a type described in 21472
this division and failed to notify the offender pursuant to 21473
division (B)(2)(e) of section 2929.19 of the Revised Code 21474
regarding post-release control or to include in the judgment of 21475
conviction entered on the journal or in the sentence pursuant to 21476
division (D)(2) of section 2929.14 of the Revised Code a statement 21477
regarding post-release control. Pursuant to an agreement entered 21478
into under section 2967.29 of the Revised Code, a court of common 21479
pleas or parole board may impose sanctions or conditions on an 21480
offender who is placed on post-release control under this 21481
division. 21482

(D)(1) Before the prisoner is released from imprisonment, the 21483
parole board or, pursuant to an agreement under section 2967.29 of 21484
the Revised Code, the court shall impose ~~upon~~ on a prisoner 21485

described in division (B) of this section, shall impose ~~upon~~ on a 21486
prisoner described in division (C) of this section who is to be 21487
released before the expiration of the prisoner's stated prison 21488
term under a risk reduction sentence, may impose ~~upon~~ on a 21489
prisoner described in division (C) of this section who is not to 21490
be released before the expiration of the prisoner's stated prison 21491
term under a risk reduction sentence, and shall impose ~~upon~~ on a 21492
prisoner described in division (B)(2)(b) of section 5120.031 or in 21493
division (B)(1) of section 5120.032 of the Revised Code, one or 21494
more post-release control sanctions to apply during the prisoner's 21495
period of post-release control. Whenever the board or court 21496
imposes one or more post-release control sanctions ~~upon~~ on a 21497
prisoner, the board or court, in addition to imposing the 21498
sanctions, also shall include as a condition of the post-release 21499
control that the offender not leave the state without permission 21500
of the court or the offender's parole or probation officer and 21501
that the offender abide by the law. The board or court may impose 21502
any other conditions of release under a post-release control 21503
sanction that the board or court considers appropriate, and the 21504
conditions of release may include any community residential 21505
sanction, community nonresidential sanction, or financial sanction 21506
that the sentencing court was authorized to impose pursuant to 21507
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 21508
to the release of a prisoner for whom it will impose one or more 21509
post-release control sanctions under this division, the parole 21510
board or court shall review the prisoner's criminal history, 21511
results from the single validated risk assessment tool ~~selected by~~ 21512
~~the department of rehabilitation and correction under section~~ 21513
~~5120.114 of the Revised Code, all juvenile court adjudications~~ 21514
~~finding the prisoner, while a juvenile, to be a delinquent child,~~ 21515
and the record of the prisoner's conduct while imprisoned. The 21516
parole board or court shall consider any recommendation regarding 21517
post-release control sanctions for the prisoner made by the office 21518

of victims' services. After considering those materials, the board 21519
or court shall determine, for a prisoner described in division (B) 21520
of this section, division (B)(2)(b) of section 5120.031, or 21521
division (B)(1) of section 5120.032 of the Revised Code and for a 21522
prisoner described in division (C) of this section who is to be 21523
released before the expiration of the prisoner's stated prison 21524
term under a risk reduction sentence, which post-release control 21525
sanction or combination of post-release control sanctions is 21526
reasonable under the circumstances or, for a prisoner described in 21527
division (C) of this section who is not to be released before the 21528
expiration of the prisoner's stated prison term under a risk 21529
reduction sentence, whether a post-release control sanction is 21530
necessary and, if so, which post-release control sanction or 21531
combination of post-release control sanctions is reasonable under 21532
the circumstances. In the case of a prisoner convicted of a felony 21533
of the fourth or fifth degree other than a felony sex offense, the 21534
board or court shall presume that monitored time is the 21535
appropriate post-release control sanction unless the board or 21536
court determines that a more restrictive sanction is warranted. A 21537
post-release control sanction imposed under this division takes 21538
effect upon the prisoner's release from imprisonment. 21539

Regardless of whether the prisoner was sentenced to the 21540
prison term prior to, on, or after July 11, 2006, prior to the 21541
release of a prisoner for whom it will impose one or more 21542
post-release control sanctions under this division, the parole 21543
board shall notify the prisoner that, if the prisoner violates any 21544
sanction so imposed or any condition of post-release control 21545
described in division (B) of section 2967.131 of the Revised Code 21546
that is imposed on the prisoner, the parole board may impose a 21547
prison term of up to one-half of the stated prison term originally 21548
imposed ~~upon~~ on the prisoner. 21549

At least thirty days before the prisoner is released from 21550

imprisonment under post-release control, except as otherwise 21551
provided in this paragraph, the department of rehabilitation and 21552
correction shall notify the victim and the victim's immediate 21553
family of the date on which the prisoner will be released, the 21554
period for which the prisoner will be under post-release control 21555
supervision, and the terms and conditions of the prisoner's 21556
post-release control regardless of whether the victim or victim's 21557
immediate family has requested the notification. The notice 21558
described in this paragraph shall not be given to a victim or 21559
victim's immediate family if the victim or the victim's immediate 21560
family has requested pursuant to division (B)(2) of section 21561
2930.03 of the Revised Code that the notice not be provided to the 21562
victim or the victim's immediate family. At least thirty days 21563
before the prisoner is released from imprisonment and regardless 21564
of whether the victim or victim's immediate family has requested 21565
that the notice described in this paragraph be provided or not be 21566
provided to the victim or the victim's immediate family, the 21567
department also shall provide notice of that nature to the 21568
prosecuting attorney in the case and the law enforcement agency 21569
that arrested the prisoner if any officer of that agency was a 21570
victim of the offense. 21571

If the notice given under the preceding paragraph to the 21572
victim or the victim's immediate family is based on an offense 21573
committed prior to March 22, 2013, and if the department of 21574
rehabilitation and correction has not previously successfully 21575
provided any notice to the victim or the victim's immediate family 21576
under division (B), (C), or (D) of section 2930.16 of the Revised 21577
Code with respect to that offense and the offender who committed 21578
it, the notice also shall inform the victim or the victim's 21579
immediate family that the victim or the victim's immediate family 21580
may request that the victim or the victim's immediate family not 21581
be provided any further notices with respect to that offense and 21582
the offender who committed it and shall describe the procedure for 21583

making that request. The department may give the notices to which 21584
the preceding paragraph applies by any reasonable means, including 21585
regular mail, telephone, and electronic mail. If the department 21586
attempts to provide notice to any specified person under the 21587
preceding paragraph but the attempt is unsuccessful because the 21588
department is unable to locate the specified person, is unable to 21589
provide the notice by its chosen method because it cannot 21590
determine the mailing address, electronic mail address, or 21591
telephone number at which to provide the notice, or, if the notice 21592
is sent by mail, the notice is returned, the department shall make 21593
another attempt to provide the notice to the specified person. If 21594
the second attempt is unsuccessful, the department shall make at 21595
least one more attempt to provide the notice. If the notice is 21596
based on an offense committed prior to March 22, 2013, in each 21597
attempt to provide the notice to the victim or victim's immediate 21598
family, the notice shall include the opt-out information described 21599
in this paragraph. The department, in the manner described in 21600
division (D)(2) of section 2930.16 of the Revised Code, shall keep 21601
a record of all attempts to provide the notice, and of all notices 21602
provided, under this paragraph and the preceding paragraph. The 21603
record shall be considered as if it was kept under division (D)(2) 21604
of section 2930.16 of the Revised Code. This paragraph, the 21605
preceding paragraph, and the notice-related provisions of 21606
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 21607
section 2930.16, division (H) of section 2967.12, division 21608
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 21609
2967.26, and division (A)(2) of section 5149.101 of the Revised 21610
Code enacted in the act in which this paragraph and the preceding 21611
paragraph were enacted, shall be known as "Roberta's Law." 21612

(2) If a prisoner who is placed on post-release control under 21613
this section is released before the expiration of the definite 21614
term that is the prisoner's stated prison term or the expiration 21615
of the minimum term that is part of the prisoner's indefinite 21616

prison term imposed under a non-life felony indefinite prison term 21617
by reason of credit earned under section 2967.193 or a reduction 21618
under division (F) of section 2967.271 of the Revised Code and if 21619
the prisoner earned sixty or more days of credit, the adult parole 21620
authority ~~shall~~ may supervise the offender with an active global 21621
positioning system device for the first fourteen days after the 21622
offender's release from imprisonment. This division does not 21623
prohibit or limit the imposition of any post-release control 21624
sanction otherwise authorized by this section. 21625

(3) ~~At any time after~~ After a prisoner is released from 21626
imprisonment and during the period of post-release control 21627
applicable to the releasee, the adult parole authority or, 21628
pursuant to an agreement under section 2967.29 of the Revised 21629
Code, the court may review the releasee's behavior under the 21630
post-release control sanctions imposed upon the releasee under 21631
this section. The authority or court may determine, based upon the 21632
review and in accordance with the standards established under 21633
division (E) of this section, that ~~a more restrictive or a less~~ 21634
~~restrictive sanction is appropriate and may impose a different~~ 21635
~~sanction. The authority also may recommend that the parole board~~ 21636
~~or court increase or reduce the duration of the period of~~ 21637
~~post release control imposed by the court. If the authority~~ 21638
~~recommends that the board or court increase the duration of~~ 21639
~~post release control, the board or court shall review the~~ 21640
~~releasee's behavior and may increase the duration of the period of~~ 21641
~~post release control imposed by the court up to eight years. If~~ 21642
~~the authority recommends that the board or court reduce the~~ 21643
~~duration of control for an offense described in division (B) or~~ 21644
~~(C) of this section, the board or court shall review the~~ 21645
~~releasee's behavior and, subject to divisions (D)(3)(a) to (c) of~~ 21646
~~this section, may reduce the duration of the period of control~~ 21647
~~imposed by the court or, if the period of control was imposed for~~ 21648
~~a non life felony indefinite prison term, reduce the duration of~~ 21649

~~or terminate the period of control imposed by the court the 21650
releasee has satisfactorily complied with the sanctions imposed, 21651
and if such a determination is made, the authority may recommend a 21652
less restrictive sanction, reduce the period of post-release 21653
control, or, no sooner than the minimum period of time required 21654
under section 2967.16 of the Revised Code, recommend that the 21655
parole board or court terminate the duration of the period of 21656
post-release control. In no case shall the board or court ~~do any~~ 21657
~~of the following:~~ 21658~~

~~(a) Reduce reduce the duration of the period of control 21659
imposed for ~~an~~ a felony sex offense described in division (B)(1) 21660
of this section to a period less than the length of the definite 21661
prison term included in the stated prison term originally imposed 21662
on the offender as part of the sentence or, with respect to a 21663
stated non life felony indefinite prison term, to a period less 21664
than the length of the minimum prison term imposed as part of that 21665
stated prison term;~~ 21666

~~(b) Consider any reduction or termination of the duration of 21667
the period of control imposed on a releasee prior to the 21668
expiration of one year after the commencement of the period of 21669
control, if the period of control was imposed for a non life 21670
felony indefinite prison term and the releasee's minimum prison 21671
term or presumptive earned early release date under that term was 21672
extended for any length of time under division (C) or (D) of 21673
section 2967.271 of the Revised Code.~~ 21674

~~(c) Permit the releasee to leave the state without permission 21675
of the court or the releasee's parole or probation officer.~~ 21676

(4) The department of rehabilitation and correction shall 21677
develop factors that the parole board or court shall consider in 21678
determining under division (D)(3) of this section whether to 21679
terminate the period of control imposed on a releasee ~~for a~~ 21680
~~non life felony indefinite prison term.~~ 21681

(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following:

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees;

(2) Establish standards that provide for a period of post-release control of up to ~~three~~ two years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in reducing or terminating the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time ~~upon~~ on a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction ~~upon~~ on a releasee based on results from the single validated risk assessment tool and on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or meeting the terms of other financial sanctions;

(4) Establish standards to be used by the adult parole

authority in modifying a releasee's post-release control sanctions 21714
pursuant to division (D)(2) of this section; 21715

(5) Establish standards to be used by the adult parole 21716
authority or parole board in imposing further sanctions under 21717
division (F) of this section on releasees who violate post-release 21718
control sanctions, including standards that do the following: 21719

(a) Classify violations according to the degree of 21720
seriousness; 21721

(b) Define the circumstances under which formal action by the 21722
parole board is warranted; 21723

(c) Govern the use of evidence at violation hearings; 21724

(d) Ensure procedural due process to an alleged violator; 21725

(e) Prescribe nonresidential community control sanctions for 21726
most misdemeanor and technical violations; 21727

(f) Provide procedures for the return of a releasee to 21728
imprisonment for violations of post-release control. 21729

(F)(1) Whenever the parole board imposes one or more 21730
post-release control sanctions ~~upon~~ on an offender under this 21731
section, the offender upon release from imprisonment shall be 21732
under the general jurisdiction of the adult parole authority and 21733
generally shall be supervised by the field services section 21734
through its staff of parole and field officers as described in 21735
section 5149.04 of the Revised Code, as if the offender had been 21736
placed on parole. If the offender upon release from imprisonment 21737
violates the post-release control sanction or any conditions 21738
described in division (A) of section 2967.131 of the Revised Code 21739
that are imposed on the offender, the public or private person or 21740
entity that operates or administers the sanction or the program or 21741
activity that comprises the sanction shall report the violation 21742
directly to the adult parole authority or to the officer of the 21743

authority who supervises the offender. The authority's officers 21744
may treat the offender as if the offender were on parole and in 21745
violation of the parole, and otherwise shall comply with this 21746
section. 21747

(2) If the adult parole authority or, pursuant to an 21748
agreement under section 2967.29 of the Revised Code, the court 21749
determines that a releasee has violated a post-release control 21750
sanction or any conditions described in division (A) of section 21751
2967.131 of the Revised Code imposed ~~upon~~ on the releasee and that 21752
a more restrictive sanction is appropriate, the authority or court 21753
may impose a more restrictive sanction ~~upon~~ on the releasee, in 21754
accordance with the standards established under division (E) of 21755
this section or in accordance with the agreement made under 21756
section 2967.29 of the Revised Code, or may report the violation 21757
to the parole board for a hearing pursuant to division (F)(3) of 21758
this section. The authority or court may not, pursuant to this 21759
division, increase the duration of the releasee's post-release 21760
control or impose as a post-release control sanction a residential 21761
sanction that includes a prison term, but the authority or court 21762
may impose on the releasee any other residential sanction, 21763
nonresidential sanction, or financial sanction that the sentencing 21764
court was authorized to impose pursuant to sections 2929.16, 21765
2929.17, and 2929.18 of the Revised Code. 21766

(3) The parole board or, pursuant to an agreement under 21767
section 2967.29 of the Revised Code, the court may hold a hearing 21768
on any alleged violation by a releasee of a post-release control 21769
sanction or any conditions described in division (A) of section 21770
2967.131 of the Revised Code that are imposed upon the releasee. 21771
If after the hearing the board or court finds that the releasee 21772
violated the sanction or condition, the board or court may 21773
increase the duration of the releasee's post-release control up to 21774
the maximum duration authorized by division (B) or (C) of this 21775

section or impose a more restrictive post-release control 21776
sanction. If a releasee was acting pursuant to division (B)(2)(b) 21777
of section 2925.11 of the Revised Code and in so doing violated 21778
the conditions of a post-release control sanction based on a minor 21779
drug possession offense as defined in that section, the board or 21780
the court may consider the releasee's conduct in seeking or 21781
obtaining medical assistance for another in good faith or for self 21782
or may consider the releasee being the subject of another person 21783
seeking or obtaining medical assistance in accordance with that 21784
division as a mitigating factor before imposing any of the 21785
penalties described in this division. When appropriate, the board 21786
or court may impose as a post-release control sanction a 21787
residential sanction that includes a prison term. The board or 21788
court shall consider a prison term as a post-release control 21789
sanction imposed for a violation of post-release control when the 21790
violation involves a deadly weapon or dangerous ordnance, physical 21791
harm or attempted serious physical harm to a person, or sexual 21792
misconduct. Unless a releasee's stated prison term was reduced 21793
pursuant to section 5120.032 of the Revised Code, the period of a 21794
prison term that is imposed as a post-release control sanction 21795
under this division shall not exceed nine months, and the maximum 21796
cumulative prison term for all violations under this division 21797
shall not exceed one-half of the definite prison term that was the 21798
stated prison term originally imposed ~~upon~~ on the offender as part 21799
of this sentence or, with respect to a stated non-life felony 21800
indefinite prison term, one-half of the minimum prison term that 21801
was imposed as part of that stated prison term originally imposed 21802
~~upon~~ on the offender. If a releasee's stated prison term was 21803
reduced pursuant to section 5120.032 of the Revised Code, the 21804
period of a prison term that is imposed as a post-release control 21805
sanction under this division and the maximum cumulative prison 21806
term for all violations under this division shall not exceed the 21807
period of time not served in prison under the sentence imposed by 21808

the court. The period of a prison term that is imposed as a 21809
post-release control sanction under this division shall not count 21810
as, or be credited toward, the remaining period of post-release 21811
control. If, during the period of the releasee's post-release 21812
control, the releasee serves as a post-release control sanction 21813
the maximum prison time available as a sanction, the post-release 21814
control shall terminate. 21815

If an offender is imprisoned for a felony committed while 21816
under post-release control supervision and is again released on 21817
post-release control for a period of time ~~determined by division~~ 21818
~~(F)(4)(d) of this section~~, the maximum cumulative prison term for 21819
all violations under this division shall not exceed one-half of 21820
the total stated prison terms of the earlier felony, reduced by 21821
any prison term administratively imposed by the parole board or 21822
court, plus one-half of the total stated prison term of the new 21823
felony. 21824

~~(4) Any period of post-release control shall commence upon an~~ 21825
~~offender's actual release from prison. If an offender is serving~~ 21826
~~an indefinite prison term or a life sentence in addition to a~~ 21827
~~stated prison term, the offender shall serve the period of~~ 21828
~~post-release control in the following manner:~~ 21829

~~(a) If a period of post-release control is imposed upon the~~ 21830
~~offender and if the offender also is subject to a period of parole~~ 21831
~~under a life sentence or an indefinite sentence, and if the period~~ 21832
~~of post-release control ends prior to the period of parole, the~~ 21833
~~offender shall be supervised on parole. The offender shall receive~~ 21834
~~credit for post-release control supervision during the period of~~ 21835
~~parole. The offender is not eligible for final release under~~ 21836
~~section 2967.16 of the Revised Code until the post-release control~~ 21837
~~period otherwise would have ended.~~ 21838

~~(b) If a period of post-release control is imposed upon the~~ 21839
~~offender and if the offender also is subject to a period of parole~~ 21840

~~under an indefinite sentence, and if the period of parole ends 21841
prior to the period of post release control, the offender shall be 21842
supervised on post release control. The requirements of parole 21843
supervision shall be satisfied during the post release control 21844
period. 21845~~

~~(c) If an offender is subject to more than one period of 21846
post release control, the period of post release control for all 21847
of the sentences shall be the period of post release control that 21848
expires last, as determined by the parole board or court. Periods 21849
of post release control shall be served concurrently and shall not 21850
be imposed consecutively to each other. 21851~~

~~(d)(G)(1) If an offender is simultaneously subject to a 21852
period of parole under an indefinite or life sentence and a period 21853
of post-release control, or is simultaneously subject to two 21854
periods of post-release control, the period of supervision that 21855
expires last shall determine the length and form of supervision 21856
for all the periods and the related sentences. 21857~~

~~(2) An offender shall receive credit for post-release control 21858
supervision during the period of parole, and shall not be eligible 21859
for final release under section 2967.16 of the Revised Code until 21860
the post-release control period otherwise would have ended. 21861~~

~~(3) If the period of parole ends prior to the end of the 21862
period of post-release control, the requirements of parole 21863
supervision shall be satisfied during the post-release control 21864
period. 21865~~

~~(H)(1) A period of post-release control shall not be imposed 21866
consecutively to any other post-release control period. 21867~~

~~(2) The period of post-release control for a releasee who 21868
commits a felony while under post-release control for an earlier 21869
felony shall be the longer of the period of post-release control 21870
specified for the new felony under division (B) or (C) of this 21871~~

section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court. 21872
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Sec. 2981.13. (A) Except as otherwise provided in this section, property ordered forfeited as contraband, proceeds, or an instrumentality pursuant to this chapter shall be disposed of, used, or sold pursuant to section 2981.12 of the Revised Code. If the property is to be sold under that section, the prosecutor shall cause notice of the proposed sale to be given in accordance with law. 21875
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(B) If the contraband or instrumentality forfeited under this chapter is sold, any moneys acquired from a sale and any proceeds forfeited under this chapter shall be applied in the following order: 21882
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(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding; 21886
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(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets; 21889
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(3) Third, to pay the balance due on any security interest preserved under this chapter; 21893
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(4) Fourth, apply the remaining amounts as follows: 21895

(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more community addiction services providers as specified in division (D) of section 2981.12 of the Revised Code; 21896
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(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement 21899
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trust fund of the prosecutor and to the following fund supporting 21902
the law enforcement agency that substantially conducted the 21903
investigation: 21904

(i) The law enforcement trust fund of the county sheriff, 21905
municipal corporation, township, or park district created under 21906
section 511.18 or 1545.01 of the Revised Code; 21907

(ii) The state highway patrol contraband, forfeiture, and 21908
other fund; 21909

(iii) The department of public safety investigative unit 21910
contraband, forfeiture, and other fund; 21911

(iv) The department of taxation enforcement fund; 21912

(v) The board of pharmacy drug law enforcement fund created 21913
by division (B)(1) of section 4729.65 of the Revised Code; 21914

(vi) The medicaid fraud investigation and prosecution fund; 21915

(vii) The bureau of criminal identification and investigation 21916
asset forfeiture and cost reimbursement fund created by section 21917
109.521 of the Revised Code; 21918

(viii) The casino control commission enforcement fund created 21919
by section 3772.36 of the Revised Code; 21920

(ix) The auditor of state investigation and forfeiture trust 21921
fund established under section 117.54 of the Revised Code; 21922

(x) The treasurer of state for deposit into the ~~peace officer~~ 21923
Ohio law enforcement training ~~commission~~ fund if any other state 21924
law enforcement agency substantially conducted the investigation. 21925

In the case of property forfeited for medicaid fraud, any 21926
remaining amount shall be used by the attorney general to 21927
investigate and prosecute medicaid fraud offenses. 21928

If the prosecutor declines to accept any of the remaining 21929
amounts, the amounts shall be applied to the fund of the agency 21930

that substantially conducted the investigation. 21931

(c) If more than one law enforcement agency is substantially 21932
involved in the seizure of property forfeited under this chapter, 21933
the court ordering the forfeiture shall equitably divide the 21934
amounts, after calculating any distribution to the law enforcement 21935
trust fund of the prosecutor pursuant to division (B)(4) of this 21936
section, among the entities that the court determines were 21937
substantially involved in the seizure. 21938

(C)(1) A law enforcement trust fund shall be established by 21939
the prosecutor of each county who intends to receive any remaining 21940
amounts pursuant to this section, by the sheriff of each county, 21941
by the legislative authority of each municipal corporation, by the 21942
board of township trustees of each township that has a township 21943
police department, township or joint police district police force, 21944
or office of the constable, and by the board of park commissioners 21945
of each park district created pursuant to section 511.18 or 21946
1545.01 of the Revised Code that has a park district police force 21947
or law enforcement department, for the purposes of this section. 21948

There is hereby created in the state treasury the state 21949
highway patrol contraband, forfeiture, and other fund, the 21950
department of public safety investigative unit contraband, 21951
forfeiture, and other fund, the medicaid fraud investigation and 21952
prosecution fund, and the department of taxation enforcement fund, 21953
~~and the peace officer training commission fund~~, for the purposes 21954
of this section. 21955

Amounts distributed to any municipal corporation, township, 21956
or park district law enforcement trust fund shall be allocated 21957
from the fund by the legislative authority only to the police 21958
department of the municipal corporation, by the board of township 21959
trustees only to the township police department, township police 21960
district police force, or office of the constable, by the joint 21961
police district board only to the joint police district, and by 21962

the board of park commissioners only to the park district police force or law enforcement department. 21963
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(2)(a) No amounts shall be allocated to a fund under this section or used by an agency unless the agency has adopted a written internal control policy that addresses the use of moneys received from the appropriate fund. The appropriate fund shall be expended only in accordance with that policy and, subject to the requirements specified in this section, only for the following purposes: 21965
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(i) To pay the costs of protracted or complex investigations or prosecutions; 21972
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(ii) To provide reasonable technical training or expertise; 21974

(iii) To provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse; 21975
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(iv) To pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory; 21979
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(v) For other law enforcement purposes that the superintendent of the state highway patrol, department of public safety, attorney general, auditor of state, prosecutor, county sheriff, legislative authority, department of taxation, Ohio casino control commission, board of township trustees, or board of park commissioners determines to be appropriate. 21984
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(b) The board of pharmacy drug law enforcement fund shall be expended only in accordance with the written internal control policy so adopted by the board and only in accordance with section 4729.65 of the Revised Code, except that it also may be expended 21990
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to pay the costs of emergency action taken under section 3745.13 21994
of the Revised Code relative to the operation of an illegal 21995
methamphetamine laboratory if the forfeited property or money 21996
involved was that of a person responsible for the operation of the 21997
laboratory. 21998

(c) A fund listed in division (B)(4)(b) of this section, 21999
other than the Medicaid fraud investigation and prosecution fund, 22000
shall not be used to meet the operating costs of the agency, 22001
office, or political subdivision that are unrelated to law 22002
enforcement. 22003

(d) Forfeited moneys that are paid into the state treasury to 22004
be deposited into the ~~peace officer~~ Ohio law enforcement training 22005
~~commission~~ fund pursuant to this section shall be used by the 22006
commission only to pay the costs of peace officer training. 22007

(3) Any of the following offices or agencies that receive 22008
amounts under this section during any calendar year shall file a 22009
report with the specified entity, not later than the thirty-first 22010
day of January of the next calendar year, verifying that the 22011
moneys were expended only for the purposes authorized by this 22012
section or other relevant statute and specifying the amounts 22013
expended for each authorized purpose: 22014

(a) Any sheriff or prosecutor shall file the report with the 22015
county auditor. 22016

(b) Any municipal corporation police department shall file 22017
the report with the legislative authority of the municipal 22018
corporation. 22019

(c) Any township police department, township or joint police 22020
district police force, or office of the constable shall file the 22021
report with the board of township trustees of the township. 22022

(d) Any park district police force or law enforcement 22023
department shall file the report with the board of park 22024

commissioners of the park district. 22025

(e) The superintendent of the state highway patrol, the 22026
auditor of state, and the tax commissioner shall file the report 22027
with the attorney general. 22028

(f) The executive director of the state board of pharmacy 22029
shall file the report with the attorney general, verifying that 22030
cash and forfeited proceeds paid into the board of pharmacy drug 22031
law enforcement fund were used only in accordance with section 22032
4729.65 of the Revised Code. 22033

(g) The peace officer training commission shall file a report 22034
with the attorney general, verifying that cash and forfeited 22035
proceeds paid into the ~~peace officer~~ Ohio law enforcement training 22036
~~commission~~ fund pursuant to this section during the prior calendar 22037
year were used by the commission during the prior calendar year 22038
only to pay the costs of peace officer training. 22039

(h) The executive director of the Ohio casino control 22040
commission shall file the report with the attorney general, 22041
verifying that cash and forfeited proceeds paid into the casino 22042
control commission enforcement fund were used only in accordance 22043
with section 3772.36 of the Revised Code. 22044

(D) The written internal control policy of a county sheriff, 22045
prosecutor, municipal corporation police department, township 22046
police department, township or joint police district police force, 22047
office of the constable, or park district police force or law 22048
enforcement department shall provide that at least ten per cent of 22049
the first one hundred thousand dollars of amounts deposited during 22050
each calendar year in the agency's law enforcement trust fund 22051
under this section, and at least twenty per cent of the amounts 22052
exceeding one hundred thousand dollars that are so deposited, 22053
shall be used in connection with community preventive education 22054
programs. The manner of use shall be determined by the sheriff, 22055

prosecutor, department, police force, or office of the constable 22056
after receiving and considering advice on appropriate community 22057
preventive education programs from the county's board of alcohol, 22058
drug addiction, and mental health services, from the county's 22059
alcohol and drug addiction services board, or through appropriate 22060
community dialogue. 22061

The financial records kept under the internal control policy 22062
shall specify the amount deposited during each calendar year in 22063
the portion of that amount that was used pursuant to this 22064
division, and the programs in connection with which the portion of 22065
that amount was so used. 22066

As used in this division, "community preventive education 22067
programs" include, but are not limited to, DARE programs and other 22068
programs designed to educate adults or children with respect to 22069
the dangers associated with using drugs of abuse. 22070

(E) Upon the sale, under this section or section 2981.12 of 22071
the Revised Code, of any property that is required by law to be 22072
titled or registered, the state shall issue an appropriate 22073
certificate of title or registration to the purchaser. If the 22074
state is vested with title and elects to retain property that is 22075
required to be titled or registered under law, the state shall 22076
issue an appropriate certificate of title or registration. 22077

(F) Any failure of a law enforcement officer or agency, 22078
prosecutor, court, or the attorney general to comply with this 22079
section in relation to any property seized does not affect the 22080
validity of the seizure and shall not be considered to be the 22081
basis for suppressing any evidence resulting from the seizure, 22082
provided the seizure itself was lawful. 22083

(G) As used in this section, "Ohio law enforcement training 22084
fund" means the state law enforcement training fund described in 22085
division (C)(3)(f) of Section 6 of Article XV, Ohio Constitution. 22086

Sec. 3107.014. (A) Except as provided in division (B) of this section, only an individual who meets all of the following requirements may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code:

(1) The individual must be in the employ of, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency;

(2) The individual must be one of the following:

(a) A licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code;

(b) A psychologist licensed under Chapter 4732. of the Revised Code;

(c) A student working to earn a four-year, post-secondary degree, or higher, in a social or behavior science, or both, who conducts assessor's duties under the supervision of a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code. Beginning July 1, 2009, a student is eligible under this division only if the supervising licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or psychologist has completed training in accordance with rules adopted under section 3107.015 of the Revised Code.

(d) A civil service employee engaging in social work without

a license under Chapter 4757. of the Revised Code, as permitted by	22117
division (A)(5) of section 4757.41 of the Revised Code;	22118
(e) A former employee of a public children services agency	22119
who, while so employed, conducted the duties of an assessor;	22120
(f) An employee of a court or public children services agency	22121
who is employed to conduct the duties of an assessor;	22122
<u>(g) A person who holds at least a bachelor's degree in any of</u>	22123
<u>the following human services fields:</u>	22124
<u>(i) Social work;</u>	22125
<u>(ii) Sociology;</u>	22126
<u>(iii) Psychology;</u>	22127
<u>(iv) Guidance and counseling;</u>	22128
<u>(v) Education;</u>	22129
<u>(vi) Religious education;</u>	22130
<u>(vii) Business administration;</u>	22131
<u>(viii) Criminal justice;</u>	22132
<u>(ix) Public administration;</u>	22133
<u>(x) Child-care administration;</u>	22134
<u>(xi) Nursing;</u>	22135
<u>(xii) Family studies;</u>	22136
<u>(xiii) Any other human services field related to working with</u>	22137
<u>children and families.</u>	22138
(3) The individual must complete training in accordance with	22139
rules adopted under section 3107.015 of the Revised Code.	22140
(B) An individual in the employ of, appointed by, or under	22141
contract with a court prior to September 18, 1996, to conduct	22142
adoption investigations of prospective adoptive parents may	22143

perform the duties of an assessor under sections 3107.031, 22144
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 22145
5103.152 of the Revised Code if the individual complies with 22146
division (A)(3) of this section regardless of whether the 22147
individual meets the requirement of division (A)(2) of this 22148
section. 22149

(C) A court, public children services agency, private child 22150
placing agency, or private noncustodial agency may employ, 22151
appoint, or contract with an assessor in the county in which a 22152
petition for adoption is filed and in any other county or location 22153
outside this state where information needed to complete or 22154
supplement the assessor's duties may be obtained. More than one 22155
assessor may be utilized for an adoption. 22156

(D) Not later than January 1, 2008, the department of job and 22157
family services shall develop and maintain an assessor registry. 22158
The registry shall list all individuals who are employed, 22159
appointed by, or under contract with a court, public children 22160
services agency, private child placing agency, or private 22161
noncustodial agency and meet the requirements of an assessor as 22162
described in this section. A public children services agency, 22163
private child placing agency, private noncustodial agency, court, 22164
or any other person may contact the department to determine if an 22165
individual is listed in the assessor registry. An individual 22166
listed in the assessor registry shall immediately inform the 22167
department when that individual is no longer employed, appointed 22168
by, or under contract with a court, public children services 22169
agency, private child placing agency, or private noncustodial 22170
agency to perform the duties of an assessor as described in this 22171
section. The director of job and family services shall adopt rules 22172
in accordance with Chapter 119. of the Revised Code necessary for 22173
the implementation, contents, and maintenance of the registry, and 22174
any sanctions related to the provision of information, or the 22175

failure to provide information, that is needed for the proper 22176
operation of the assessor registry. 22177

Sec. 3107.019. (A) Because adoption proceedings under this 22178
chapter and custody proceedings under Chapter 2151. of the Revised 22179
Code are significantly different, parents in an adoption 22180
proceeding and parents in a custody proceeding are not similarly 22181
situated and do not have to be covered by the same rules and 22182
procedures in the proceedings. 22183

(B) Notwithstanding any other provision of law, in any 22184
proceeding under this chapter that is initiated by any private 22185
party or parties, no party in the proceeding, even if indigent, is 22186
entitled to have counsel appointed for the person pursuant to 22187
Chapter 120. of the Revised Code or pursuant to any other 22188
provision of law. 22189

Sec. 3107.11. (A) After the filing of a petition to adopt an 22190
adult or a minor, the court shall fix a time and place for hearing 22191
the petition. The hearing may take place at any time more than 22192
thirty days after the date on which the minor is placed in the 22193
home of the petitioner. At least twenty days before the date of 22194
hearing, notice of the filing of the petition and of the time and 22195
place of hearing shall be given by the court to all of the 22196
following: 22197

(1) Any juvenile court, agency, or person whose consent to 22198
the adoption is required by this chapter but who has not 22199
consented; 22200

(2) A person whose consent is not required as provided by 22201
division (A), (G), (H), or (I) of section 3107.07 of the Revised 22202
Code and has not consented; 22203

(3) Any guardian, custodian, or other party who has temporary 22204
custody or permanent custody of the child. 22205

Notice shall not be given to a person whose consent is not required as provided by division (B), (C), (D), (E), (F), or (J) of section 3107.07, or section 3107.071, of the Revised Code. Second notice shall not be given to a juvenile court, agency, or person whose consent is not required as provided by division (K) of section 3107.07 of the Revised Code because the court, agency, or person failed to file an objection to the petition within fourteen days after proof was filed pursuant to division (B) of this section that a first notice was given to the court, agency, or person pursuant to division (A)(1) of this section.

(B) Upon the filing of a petition for adoption that alleges that a parent has failed without justifiable cause to provide more than de minimis contact with the minor or to provide for the maintenance and support of the minor, the clerk of courts shall send a notice to that parent with the following language in boldface type and in all capital letters:

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL RELIEVE YOU OF ALL PARENTAL RIGHTS AND RESPONSIBILITIES, INCLUDING THE RIGHT TO CONTACT THE MINOR, AND, EXCEPT WITH RESPECT TO A SPOUSE OF THE ADOPTION PETITIONER AND RELATIVES OF THAT SPOUSE, TERMINATE ALL LEGAL RELATIONSHIPS BETWEEN THE MINOR AND YOU AND THE MINOR'S OTHER RELATIVES, SO THAT THE MINOR THEREAFTER IS A STRANGER TO YOU AND THE MINOR'S FORMER RELATIVES FOR ALL PURPOSES, WITH THE EXCEPTION OF DIVISION (A)(1)(b) OF SECTION 3107.15 OF THE REVISED CODE. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST FILE AN OBJECTION TO THE PETITION WITHIN FOURTEEN DAYS AFTER PROOF OF SERVICE OF NOTICE OF THE FILING OF THE PETITION AND OF THE TIME AND PLACE OF HEARING IS GIVEN TO YOU. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST ALSO APPEAR AT THE HEARING. A FINAL DECREE OF ADOPTION MAY BE ENTERED IF YOU FAIL TO FILE AN OBJECTION TO THE ADOPTION PETITION OR APPEAR AT THE HEARING."

(C) All notices required under this section shall be given as

specified in the Rules of Civil Procedure. Proof of the giving of 22238
notice shall be filed with the court before the petition is heard. 22239

Sec. 3107.15. (A) A final decree of adoption and an 22240
interlocutory order of adoption that has become final as issued by 22241
a court of this state, or a decree issued by a jurisdiction 22242
outside this state as recognized pursuant to section 3107.18 of 22243
the Revised Code, shall have the following effects as to all 22244
matters within the jurisdiction or before a court of this state, 22245
whether issued before or after May 30, 1996: 22246

(1)(a) Except with respect to a spouse of the petitioner and 22247
relatives of the spouse, to relieve the biological or other legal 22248
parents of the adopted person of all parental rights and 22249
responsibilities, and to terminate all legal relationships between 22250
the adopted person and the adopted person's relatives, including 22251
the adopted person's biological or other legal parents, so that, 22252
except as provided under division (A)(1)(b) of this section, the 22253
adopted person thereafter is a stranger to the adopted person's 22254
former relatives for all purposes including inheritance and the 22255
interpretation or construction of documents, statutes, and 22256
instruments, whether executed before or after the adoption is 22257
decreed, which do not expressly include the person by name or by 22258
some designation not based on a parent and child or blood 22259
relationship; 22260

(b) The legal parents of an adopted person may be notified 22261
that a sibling of the adopted person has been placed into 22262
out-of-home care. For the purposes of this division, "sibling" 22263
means a former biological sibling, former legal sibling, or any 22264
person who would have been considered a sibling if not for a 22265
termination or other disruption of parental rights. 22266

(2) To create the relationship of parent and child between 22267
petitioner and the adopted person, as if the adopted person were a 22268

legitimate blood descendant of the petitioner, for all purposes 22269
including inheritance and applicability of statutes, documents, 22270
and instruments, whether executed before or after the adoption is 22271
decreed, and whether executed or created before or after May 30, 22272
1996, which do not expressly exclude an adopted person from their 22273
operation or effect; 22274

(3) Notwithstanding division (A)(2) of this section, a person 22275
who is eighteen years of age or older at the time the person is 22276
adopted, and the adopted person's lineal descendants, are not 22277
included as recipients of gifts, devises, bequests, or other 22278
transfers of property, including transfers in trust made to a 22279
class of persons including, but not limited to, children, 22280
grandchildren, heirs, issue, lineal descendants, and next of kin, 22281
for purposes of inheritance and applicability of statutes, 22282
documents, and instruments, whether executed or created before or 22283
after May 30, 1996, unless the document or instrument expressly 22284
includes the adopted person by name or expressly states that it 22285
includes a person who is eighteen years of age or older at the 22286
time the person is adopted. 22287

(B) Notwithstanding division (A) of this section, if a parent 22288
of a child dies without the relationship of parent and child 22289
having been previously terminated and a spouse of the living 22290
parent thereafter adopts the child, the child's rights from or 22291
through the deceased parent for all purposes, including 22292
inheritance and applicability or construction of documents, 22293
statutes, and instruments, are not restricted or curtailed by the 22294
adoption. 22295

(C) Notwithstanding division (A) of this section, if the 22296
relationship of parent and child has not been terminated between a 22297
parent and that parent's child and a spouse of the other parent of 22298
the child adopts the child, a grandparent's or relative's right to 22299
companionship or visitation pursuant to section 3109.11 of the 22300

Revised Code is not restricted or curtailed by the adoption. 22301

(D) An interlocutory order of adoption, while it is in force, 22302
has the same legal effect as a final decree of adoption. If an 22303
interlocutory order of adoption is vacated, it shall be as though 22304
void from its issuance, and the rights, liabilities, and status of 22305
all affected persons that have not become vested are governed 22306
accordingly. 22307

Sec. 3119.01. (A) As used in the Revised Code, "child support 22308
enforcement agency" means a child support enforcement agency 22309
designated under former section 2301.35 of the Revised Code prior 22310
to October 1, 1997, or a private or government entity designated 22311
as a child support enforcement agency under section 307.981 of the 22312
Revised Code. 22313

(B) As used in this chapter and Chapters 3121., 3123., and 22314
3125. of the Revised Code: 22315

(1) "Administrative child support order" means any order 22316
issued by a child support enforcement agency for the support of a 22317
child pursuant to section 3109.19 or 3111.81 of the Revised Code 22318
or former section 3111.211 of the Revised Code, section 3111.21 of 22319
the Revised Code as that section existed prior to January 1, 1998, 22320
or section 3111.20 or 3111.22 of the Revised Code as those 22321
sections existed prior to March 22, 2001. 22322

(2) "Child support order" means either a court child support 22323
order or an administrative child support order. 22324

(3) "Obligee" means the person who is entitled to receive the 22325
support payments under a support order. 22326

(4) "Obligor" means the person who is required to pay support 22327
under a support order. 22328

(5) "Support order" means either an administrative child 22329
support order or a court support order. 22330

(C) As used in this chapter:	22331
(1) "Cash medical support" means an amount ordered to be paid	22332
in a child support order toward the ordinary medical expenses	22333
incurred during a calendar year.	22334
(2) "Child care cost" means annual out-of-pocket costs for	22335
the care and supervision of a child or children subject to the	22336
order that is related to work or employment training.	22337
(3) "Court child support order" means any order issued by a	22338
court for the support of a child pursuant to Chapter 3115. of the	22339
Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33,	22340
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13,	22341
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised	22342
Code, or division (B) of former section 3113.21 of the Revised	22343
Code.	22344
(4) "Court-ordered parenting time" means the amount of	22345
parenting time a parent is to have under a parenting time order or	22346
the amount of time the children are to be in the physical custody	22347
of a parent under a shared parenting order.	22348
(5) "Court support order" means either a court child support	22349
order or an order for the support of a spouse or former spouse	22350
issued pursuant to Chapter 3115. of the Revised Code, section	22351
3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B)	22352
of former section 3113.21 of the Revised Code.	22353
(6) "CPI-U" means the consumer price index for all urban	22354
consumers, published by the United States department of labor,	22355
bureau of labor statistics.	22356
(7) "Extraordinary medical expenses" means any uninsured	22357
medical expenses incurred for a child during a calendar year that	22358
exceed the total cash medical support amount owed by the parents	22359
during that year.	22360

(8) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code. 22361
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(9) "Income" means either of the following: 22363

(a) For a parent who is employed to full capacity, the gross income of the parent; 22364
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(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent. 22366
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(10) "Income share" means the percentage derived from a comparison of each parent's annual income after allowable deductions and credits as indicated on the worksheet to the total annual income of both parents. 22369
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(11) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members. 22373
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(12) "Gross income" means, except as excluded in division (C)(12) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D) of section 3119.05 of the Revised Code; commissions; royalties; tips; rents; dividends; severance pay; pensions; interest; trust income; annuities; social security benefits, including retirement, disability, and survivor benefits that are not means-tested; workers' compensation benefits; unemployment insurance benefits; disability insurance benefits; benefits that are not means-tested and that are received by and in the possession of the veteran who is the beneficiary for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration; spousal support 22377
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actually received; and all other sources of income. "Gross income" 22392
includes income of members of any branch of the United States 22393
armed services or national guard, including, amounts representing 22394
base pay, basic allowance for quarters, basic allowance for 22395
subsistence, supplemental subsistence allowance, cost of living 22396
adjustment, specialty pay, variable housing allowance, and pay for 22397
training or other types of required drills; self-generated income; 22398
and potential cash flow from any source. 22399

"Gross income" does not include any of the following: 22400

(a) Benefits received from means-tested government 22401
administered programs, including Ohio works first; prevention, 22402
retention, and contingency; means-tested veterans' benefits; 22403
supplemental security income; supplemental nutrition assistance 22404
program; disability financial assistance; or other assistance for 22405
which eligibility is determined on the basis of income or assets; 22406

(b) Benefits for any service-connected disability under a 22407
program or law administered by the United States department of 22408
veterans' affairs or veterans' administration that are not 22409
means-tested, that have not been distributed to the veteran who is 22410
the beneficiary of the benefits, and that are in the possession of 22411
the United States department of veterans' affairs or veterans' 22412
administration; 22413

(c) Child support amounts received for children who are not 22414
included in the current calculation; 22415

(d) Amounts paid for mandatory deductions from wages such as 22416
union dues but not taxes, social security, or retirement in lieu 22417
of social security; 22418

(e) Nonrecurring or unsustainable income or cash flow items; 22419

(f) Adoption assistance, kinship guardianship assistance, and 22420
foster care maintenance payments made pursuant to Title IV-E of 22421
the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), 22422

as amended; 22423

(g) State kinship guardianship assistance described in 22424
section 5153.163 of the Revised Code and payment from the kinship 22425
support program described in section 5101.881 of the Revised Code. 22426

(13) "Nonrecurring or unsustainable income or cash flow item" 22427
means an income or cash flow item the parent receives in any year 22428
or for any number of years not to exceed three years that the 22429
parent does not expect to continue to receive on a regular basis. 22430
"Nonrecurring or unsustainable income or cash flow item" does not 22431
include a lottery prize award that is not paid in a lump sum or 22432
any other item of income or cash flow that the parent receives or 22433
expects to receive for each year for a period of more than three 22434
years or that the parent receives and invests or otherwise uses to 22435
produce income or cash flow for a period of more than three years. 22436

(14) "Ordinary medical expenses" includes copayments and 22437
deductibles, and uninsured medical-related costs for the children 22438
of the order. 22439

(15)(a) "Ordinary and necessary expenses incurred in 22440
generating gross receipts" means actual cash items expended by the 22441
parent or the parent's business and includes depreciation expenses 22442
of business equipment as shown on the books of a business entity. 22443

(b) Except as specifically included in "ordinary and 22444
necessary expenses incurred in generating gross receipts" by 22445
division (C)(15)(a) of this section, "ordinary and necessary 22446
expenses incurred in generating gross receipts" does not include 22447
depreciation expenses and other noncash items that are allowed as 22448
deductions on any federal tax return of the parent or the parent's 22449
business. 22450

(16) "Personal earnings" means compensation paid or payable 22451
for personal services, however denominated, and includes wages, 22452
salary, commissions, bonuses, draws against commissions, profit 22453

sharing, vacation pay, or any other compensation. 22454

(17) "Potential income" means both of the following for a 22455
parent who the court pursuant to a court support order, or a child 22456
support enforcement agency pursuant to an administrative child 22457
support order, determines is voluntarily unemployed or voluntarily 22458
underemployed: 22459

(a) Imputed income that the court or agency determines the 22460
parent would have earned if fully employed as determined from the 22461
following criteria: 22462

(i) The parent's prior employment experience; 22463

(ii) The parent's education; 22464

(iii) The parent's physical and mental disabilities, if any; 22465

(iv) The availability of employment in the geographic area in 22466
which the parent resides; 22467

(v) The prevailing wage and salary levels in the geographic 22468
area in which the parent resides; 22469

(vi) The parent's special skills and training; 22470

(vii) Whether there is evidence that the parent has the 22471
ability to earn the imputed income; 22472

(viii) The age and special needs of the child for whom child 22473
support is being calculated under this section; 22474

(ix) The parent's increased earning capacity because of 22475
experience; 22476

(x) The parent's decreased earning capacity because of a 22477
felony conviction; 22478

(xi) Any other relevant factor. 22479

(b) Imputed income from any nonincome-producing assets of a 22480
parent, as determined from the local passbook savings rate or 22481
another appropriate rate as determined by the court or agency, not 22482

to exceed the rate of interest specified in division (A) of 22483
section 1343.03 of the Revised Code, if the income is significant. 22484

(18) "Schedule" means the basic child support schedule 22485
created pursuant to section 3119.021 of the Revised Code. 22486

(19) "Self-generated income" means gross receipts received by 22487
a parent from self-employment, proprietorship of a business, joint 22488
ownership of a partnership or closely held corporation, and rents 22489
minus ordinary and necessary expenses incurred by the parent in 22490
generating the gross receipts. "Self-generated income" includes 22491
expense reimbursements or in-kind payments received by a parent 22492
from self-employment, the operation of a business, or rents, 22493
including company cars, free housing, reimbursed meals, and other 22494
benefits, if the reimbursements are significant and reduce 22495
personal living expenses. 22496

(20) "Self-sufficiency reserve" means the minimal amount 22497
necessary for an obligor to adequately subsist upon, as determined 22498
under section 3119.021 of the Revised Code. 22499

(21) "Split parental rights and responsibilities" means a 22500
situation in which there is more than one child who is the subject 22501
of an allocation of parental rights and responsibilities and each 22502
parent is the residential parent and legal custodian of at least 22503
one of those children. 22504

(22) "Worksheet" means the applicable worksheet created in 22505
rules adopted under section 3119.022 of the Revised Code that is 22506
used to calculate a parent's child support obligation. 22507

Sec. 3301.079. (A)(1) The state board of education 22508
periodically shall adopt statewide academic standards with 22509
emphasis on coherence, focus, and essential knowledge and that are 22510
more challenging and demanding when compared to international 22511
standards for each of grades kindergarten through twelve in 22512

English language arts, mathematics, science, and social studies. 22513

(a) The state board shall ensure that the standards do all of 22514
the following: 22515

(i) Include the essential academic content and skills that 22516
students are expected to know and be able to do at each grade 22517
level that will allow each student to be prepared for 22518
postsecondary instruction and the workplace for success in the 22519
twenty-first century; 22520

(ii) Include the development of skill sets that promote 22521
information, media, and technological literacy; 22522

(iii) Include interdisciplinary, project-based, real-world 22523
learning opportunities; 22524

(iv) Instill life-long learning by providing essential 22525
knowledge and skills based in the liberal arts tradition, as well 22526
as science, technology, engineering, mathematics, and 22527
career-technical education; 22528

(v) Be clearly written, transparent, and understandable by 22529
parents, educators, and the general public. 22530

(b) Not later than July 1, 2012, the state board shall 22531
incorporate into the social studies standards for grades four to 22532
twelve academic content regarding the original texts of the 22533
Declaration of Independence, the Northwest Ordinance, the 22534
Constitution of the United States and its amendments, with 22535
emphasis on the Bill of Rights, and the Ohio Constitution, and 22536
their original context. The state board shall revise the model 22537
curricula and achievement assessments adopted under divisions (B) 22538
and (C) of this section as necessary to reflect the additional 22539
American history and American government content. The state board 22540
shall make available a list of suggested grade-appropriate 22541
supplemental readings that place the documents prescribed by this 22542

division in their historical context, which teachers may use as a 22543
resource to assist students in reading the documents within that 22544
context. 22545

(c) When the state board adopts or revises academic content 22546
standards in social studies, American history, American 22547
government, or science under division (A)(1) of this section, the 22548
state board shall develop such standards independently and not as 22549
part of a multistate consortium. 22550

(2) After completing the standards required by division 22551
(A)(1) of this section, the state board shall adopt standards and 22552
model curricula for instruction in technology, financial literacy 22553
and entrepreneurship, fine arts, and foreign language for grades 22554
kindergarten through twelve. The standards shall meet the same 22555
requirements prescribed in division (A)(1)(a) of this section. 22556

(3) The state board shall adopt the most recent standards 22557
developed by the national association for sport and physical 22558
education for physical education in grades kindergarten through 22559
twelve or shall adopt its own standards for physical education in 22560
those grades and revise and update them periodically. 22561

The department of education shall employ a full-time physical 22562
education coordinator to provide guidance and technical assistance 22563
to districts, community schools, and STEM schools in implementing 22564
the physical education standards adopted under this division. The 22565
superintendent of public instruction shall determine that the 22566
person employed as coordinator is qualified for the position, as 22567
demonstrated by possessing an adequate combination of education, 22568
license, and experience. 22569

(4) Not later than ~~December 31, 2018~~ one year after the 22570
effective date of this amendment, the state board shall ~~adopt~~ 22571
update the standards and a model curriculum for instruction in 22572
computer science in grades kindergarten through twelve, which 22573

shall include standards for introductory and advanced computer 22574
science courses in grades nine through twelve. When developing the 22575
standards and curriculum, the state board shall consider 22576
recommendations from computer science education stakeholder 22577
groups, including teachers and representatives from higher 22578
education, industry, computer science organizations in Ohio, and 22579
national computer science organizations. 22580

Any district or school may utilize the computer science 22581
standards or model curriculum or any part thereof adopted pursuant 22582
to division (A)(4) of this section. However, no district or school 22583
shall be required to utilize all or any part of the standards or 22584
curriculum. 22585

(5) When academic standards have been completed for any 22586
subject area required by this section, the state board shall 22587
inform all school districts, all community schools established 22588
under Chapter 3314. of the Revised Code, all STEM schools 22589
established under Chapter 3326. of the Revised Code, and all 22590
nonpublic schools required to administer the assessments 22591
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 22592
of the content of those standards. Additionally, upon completion 22593
of any academic standards under this section, the department shall 22594
post those standards on the department's web site. 22595

(B)(1) The state board shall adopt a model curriculum for 22596
instruction in each subject area for which updated academic 22597
standards are required by division (A)(1) of this section and for 22598
each of grades kindergarten through twelve that is sufficient to 22599
meet the needs of students in every community. The model 22600
curriculum shall be aligned with the standards, to ensure that the 22601
academic content and skills specified for each grade level are 22602
taught to students, and shall demonstrate vertical articulation 22603
and emphasize coherence, focus, and rigor. When any model 22604
curriculum has been completed, the state board shall inform all 22605

school districts, community schools, and STEM schools of the 22606
content of that model curriculum. 22607

(2) Not later than June 30, 2013, the state board, in 22608
consultation with any office housed in the governor's office that 22609
deals with workforce development, shall adopt model curricula for 22610
grades kindergarten through twelve that embed career connection 22611
learning strategies into regular classroom instruction. 22612

(3) All school districts, community schools, and STEM schools 22613
may utilize the state standards and the model curriculum 22614
established by the state board, together with other relevant 22615
resources, examples, or models to ensure that students have the 22616
opportunity to attain the academic standards. Upon request, the 22617
department shall provide technical assistance to any district, 22618
community school, or STEM school in implementing the model 22619
curriculum. 22620

Nothing in this section requires any school district to 22621
utilize all or any part of a model curriculum developed under this 22622
section. 22623

(C) The state board shall develop achievement assessments 22624
aligned with the academic standards and model curriculum for each 22625
of the subject areas and grade levels required by divisions (A)(1) 22626
and (B)(1) of section 3301.0710 of the Revised Code. 22627

When any achievement assessment has been completed, the state 22628
board shall inform all school districts, community schools, STEM 22629
schools, and nonpublic schools required to administer the 22630
assessment of its completion, and the department shall make the 22631
achievement assessment available to the districts and schools. 22632

~~(D)(1)~~ (D)(1)(a) The state board shall adopt a diagnostic 22633
assessment aligned with the academic standards and model 22634
curriculum for each of grades kindergarten through two in reading, 22635
writing, and mathematics and for grade three in reading and 22636

writing. The diagnostic assessment shall be designed to measure 22637
student comprehension of academic content and mastery of related 22638
skills for the relevant subject area and grade level. ~~Any~~ 22639

(b) Except for the kindergarten readiness assessment 22640
described in section 3301.0715 of the Revised Code, the state 22641
board shall not adopt any diagnostic assessment for grades 22642
kindergarten through three in reading that does not include a 22643
sufficient number of items related to phonological awareness, 22644
phonemic awareness, rapid naming skills, nonsense word fluency, 22645
and correspondence between sounds and letters to identify students 22646
who may need further measures to determine if the students have 22647
dyslexia, as defined in section 3319.80 of the Revised Code. 22648

(c) For each assessment adopted under this section, the 22649
department of education shall require that the test vendor share 22650
information with the school regarding student performance on 22651
identification items related to dyslexia described under division 22652
(D)(1)(b) of this section. The department also shall require the 22653
vendor to provide a summary of such information to the department, 22654
in the manner prescribed by the department. 22655

(d) Any diagnostic assessment shall not include components to 22656
identify gifted students. Blank copies of diagnostic assessments 22657
shall be public records. 22658

(e) Any diagnostic assessment adopted by the state board 22659
under division (D) of this section, other than the kindergarten 22660
readiness assessment, may be used to meet the requirement to 22661
administer a tier one dyslexia screening to students under section 22662
3323.251 of the Revised Code. 22663

(2) When each diagnostic assessment has been completed, the 22664
state board shall inform all school districts of its completion 22665
and the department shall make the diagnostic assessment available 22666
to the districts at no cost to the district. 22667

(3) School districts shall administer the diagnostic 22668
assessment pursuant to section 3301.0715 of the Revised Code 22669
beginning the first school year following the development of the 22670
assessment. 22671

However, beginning with the 2017-2018 school year, both of 22672
the following shall apply: 22673

(a) In the case of the diagnostic assessments for grades one 22674
or two in writing or mathematics or for grade three in writing, a 22675
school district shall not be required to administer any such 22676
assessment, but may do so at the discretion of the district board; 22677

(b) In the case of any diagnostic assessment that is not for 22678
the grade levels and subject areas specified in division (D)(3)(a) 22679
of this section, each school district shall administer the 22680
assessment in the manner prescribed by section 3301.0715 of the 22681
Revised Code. 22682

(E) The state board shall not adopt a diagnostic or 22683
achievement assessment for any grade level or subject area other 22684
than those specified in this section. 22685

(F) Whenever the state board or the department consults with 22686
persons for the purpose of drafting or reviewing any standards, 22687
diagnostic assessments, achievement assessments, or model 22688
curriculum required under this section, the state board or the 22689
department shall first consult with parents of students in 22690
kindergarten through twelfth grade and with active Ohio classroom 22691
teachers, other school personnel, and administrators with 22692
expertise in the appropriate subject area. Whenever practicable, 22693
the state board and department shall consult with teachers 22694
recognized as outstanding in their fields. 22695

If the department contracts with more than one outside entity 22696
for the development of the achievement assessments required by 22697
this section, the department shall ensure the interchangeability 22698

of those assessments. 22699

(G) Whenever the state board adopts standards or model 22700
curricula under this section, the department also shall provide 22701
information on the use of blended or digital learning in the 22702
delivery of the standards or curricula to students in accordance 22703
with division (A)(5) of this section. 22704

(H) The fairness sensitivity review committee, established by 22705
rule of the state board of education, shall not allow any question 22706
on any achievement or diagnostic assessment developed under this 22707
section or any proficiency test prescribed by former section 22708
3301.0710 of the Revised Code, as it existed prior to September 22709
11, 2001, to include, be written to promote, or inquire as to 22710
individual moral or social values or beliefs. The decision of the 22711
committee shall be final. This section does not create a private 22712
cause of action. 22713

(I) Not later than sixty days prior to the adoption by the 22714
state board of updated academic standards under division (A)(1) of 22715
this section or updated model curricula under division (B)(1) of 22716
this section, the superintendent of public instruction shall 22717
present the academic standards or model curricula, as applicable, 22718
in person at a public hearing of the respective committees of the 22719
house of representatives and senate that consider education 22720
legislation. 22721

(J) As used in this section: 22722

(1) "Blended learning" means the delivery of instruction in a 22723
combination of time in a supervised physical location away from 22724
home and online delivery whereby the student has some element of 22725
control over time, place, path, or pace of learning. 22726

(2) "Coherence" means a reflection of the structure of the 22727
discipline being taught. 22728

(3) "Digital learning" means learning facilitated by 22729

technology that gives students some element of control over time, 22730
place, path, or pace of learning. 22731

(4) "Focus" means limiting the number of items included in a 22732
curriculum to allow for deeper exploration of the subject matter. 22733

(5) "Vertical articulation" means key academic concepts and 22734
skills associated with mastery in particular content areas should 22735
be articulated and reinforced in a developmentally appropriate 22736
manner at each grade level so that over time students acquire a 22737
depth of knowledge and understanding in the core academic 22738
disciplines. 22739

Sec. 3301.0712. (A) The state board of education, the 22740
superintendent of public instruction, and the chancellor of higher 22741
education shall develop a system of college and work ready 22742
assessments as described in division (B) of this section to assess 22743
whether each student upon graduating from high school is ready to 22744
enter college or the workforce. Beginning with students who enter 22745
the ninth grade for the first time on or after July 1, 2014, the 22746
system shall replace the Ohio graduation tests prescribed in 22747
division (B)(1) of section 3301.0710 of the Revised Code as a 22748
measure of student academic performance and one determinant of 22749
eligibility for a high school diploma in the manner prescribed by 22750
rule of the state board adopted under division (D) of this 22751
section. 22752

(B) The college and work ready assessment system shall 22753
consist of the following: 22754

(1) ~~Nationally~~(a) Except as provided in division (B)(1)(b) of 22755
this section, nationally standardized assessments that measure 22756
college and career readiness and are used for college admission. 22757
The assessments shall be selected jointly by the state 22758
superintendent and the chancellor, and one of which shall be 22759
selected by each school district or school to administer to its 22760

students. The assessments prescribed under division (B)(1) of this 22761
section shall be administered to all eleventh-grade students in 22762
the spring of the school year. 22763

(b) Beginning with students who enter the ninth grade for the 22764
first time on or after the first day of July immediately following 22765
the effective date of this amendment, the parent or guardian of a 22766
student may elect not to have a nationally standardized assessment 22767
administered to that student. In that event, the student's school 22768
district or school shall not administer the nationally 22769
standardized assessment to that student. 22770

(2)(a) Except as provided in division (B)(2)(b) of this 22771
section, seven end-of-course examinations, one in each of the 22772
areas of English language arts I, English language arts II, 22773
science, Algebra I, geometry, American history, and American 22774
government. The end-of-course examinations shall be selected 22775
jointly by the state superintendent and the chancellor in 22776
consultation with faculty in the appropriate subject areas at 22777
institutions of higher education of the university system of Ohio. 22778
Advanced placement examinations and international baccalaureate 22779
examinations, as prescribed under section 3313.6013 of the Revised 22780
Code, in the areas of science, American history, and American 22781
government may be used as end-of-course examinations in accordance 22782
with division (B)(4)(a)(i) of this section. Final course grades 22783
for courses taken under any other advanced standing program, as 22784
prescribed under section 3313.6013 of the Revised Code, in the 22785
areas of science, American history, and American government may be 22786
used in lieu of end-of-course examinations in accordance with 22787
division (B)(4)(a)(ii) of this section. 22788

(b) Beginning with students who enter ninth grade for the 22789
first time on or after July 1, 2019, five end-of-course 22790
examinations, one in each areas of English language arts II, 22791
science, Algebra I, American history, and American government. 22792

However, only the end-of-course examinations in English language arts II and Algebra I shall be required for graduation.

The department of education shall, as necessary to implement division (B)(2)(b) of this section, seek a waiver from the United States secretary of education for testing requirements prescribed under federal law to allow for the use and implementation of Algebra I as the primary assessment of high school mathematics. If the department does not receive a waiver under this division, the end-of-course examinations for students described in division (B)(2)(b) of this section also shall include an end-of-course examination in the area of geometry. However, the geometry end-of-course examination shall not be required for graduation.

(3)(a) Not later than July 1, 2013, each school district board of education shall adopt interim end-of-course examinations that comply with the requirements of divisions (B)(3)(b)(i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B)(2) of this section.

(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations in American history and American government.

(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.

(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4)(a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in section 3365.01 of the Revised Code. It shall not apply to

remedial or developmental courses. 22857

(b) No student shall take a substitute examination or 22858
examination prescribed under division (B)(4)(a) of this section in 22859
place of the end-of-course examinations in English language arts 22860
I, English language arts II, Algebra I, or geometry prescribed 22861
under division (B)(2) of this section. 22862

(c) The state board shall consider additional assessments 22863
that may be used, beginning with the 2016-2017 school year, as 22864
substitute examinations in lieu of the end-of-course examinations 22865
prescribed under division (B)(2) of this section. 22866

(5) The state board shall do all of the following: 22867

(a) Determine and designate at least five ranges of scores on 22868
each of the end-of-course examinations prescribed under division 22869
(B)(2) of this section, and substitute examinations prescribed 22870
under division (B)(4) of this section. Not later than sixty days 22871
after the designation of ranges of scores, the state 22872
superintendent, or the state superintendent's designee, shall 22873
conduct a public presentation before the standing committees of 22874
the house of representatives and the senate that consider primary 22875
and secondary education legislation regarding the designated range 22876
of scores. Each range of scores shall be considered to demonstrate 22877
a level of achievement so that any student attaining a score 22878
within such range has achieved one of the following: 22879

(i) An advanced level of skill; 22880

(ii) An accelerated level of skill; 22881

(iii) A proficient level of skill; 22882

(iv) A basic level of skill; 22883

(v) A limited level of skill. 22884

(b) Determine a method by which to calculate a cumulative 22885
performance score based on the results of a student's 22886

end-of-course examinations or substitute examinations; 22887

(c) Determine the minimum cumulative performance score that 22888
demonstrates the level of academic achievement necessary to earn a 22889
high school diploma under division (A)(2) of section 3313.618 of 22890
the Revised Code. However, the state board shall not determine a 22891
new minimum cumulative performance score after ~~the effective date~~ 22892
~~of this amendment~~ October 17, 2019. 22893

(d) Develop a table of corresponding score equivalents for 22894
the end-of-course examinations and substitute examinations in 22895
order to calculate student performance consistently across the 22896
different examinations. 22897

A score of two on an advanced placement examination or a 22898
score of two or three on an international baccalaureate 22899
examination shall be considered equivalent to a proficient level 22900
of skill as specified under division (B)(5)(a)(iii) of this 22901
section. 22902

(6)(a) A student who meets both of the following conditions 22903
shall not be required to take an end-of-course examination: 22904

(i) The student received high school credit prior to July 1, 22905
2015, for a course for which the end-of-course examination is 22906
prescribed. 22907

(ii) The examination was not available for administration 22908
prior to July 1, 2015. 22909

Receipt of credit for the course described in division 22910
(B)(6)(a)(i) of this section shall satisfy the requirement to take 22911
the end-of-course examination. A student exempted under division 22912
(B)(6)(a) of this section may take the applicable end-of-course 22913
examination at a later date. 22914

(b) For purposes of determining whether a student who is 22915
exempt from taking an end-of-course examination under division 22916

(B)(6)(a) of this section has attained the cumulative score 22917
prescribed by division (B)(5)(c) of this section, such student 22918
shall select either of the following: 22919

(i) The student is considered to have attained a proficient 22920
score on the end-of-course examination from which the student is 22921
exempt; 22922

(ii) The student's final course grade shall be used in lieu 22923
of a score on the end-of-course examination from which the student 22924
is exempt. 22925

The state superintendent, in consultation with the 22926
chancellor, shall adopt guidelines for purposes of calculating the 22927
corresponding final course grades and the minimum cumulative 22928
performance score that demonstrates the level of academic 22929
achievement necessary to earn a high school diploma. 22930

(7)(a) Notwithstanding anything to the contrary in this 22931
section, the state board may replace the algebra I end-of-course 22932
examination prescribed under division (B)(2) of this section with 22933
an algebra II end-of-course examination, beginning with the 22934
2016-2017 school year for students who enter ninth grade on or 22935
after July 1, 2016. 22936

(b) If the state board replaces the algebra I end-of-course 22937
examination with an algebra II end-of-course examination as 22938
authorized under division (B)(7)(a) of this section, both of the 22939
following shall apply: 22940

(i) A student who is enrolled in an advanced placement or 22941
international baccalaureate course in algebra II shall take the 22942
advanced placement or international baccalaureate examination in 22943
lieu of the algebra II end-of-course examination. 22944

(ii) A student who is enrolled in an algebra II course under 22945
any other advanced standing program, as described in section 22946
3313.6013 of the Revised Code, shall not be required to take the 22947

algebra II end-of-course examination. Instead, that student's 22948
final course grade shall be used in lieu of the examination. 22949

(c) If a school district or school utilizes an integrated 22950
approach to mathematics instruction, the district or school may do 22951
either or both of the following: 22952

(i) Administer an integrated mathematics I end-of-course 22953
examination in lieu of the prescribed algebra I end-of-course 22954
examination; 22955

(ii) Administer an integrated mathematics II end-of-course 22956
examination in lieu of the prescribed geometry end-of-course 22957
examination. 22958

(8)(a) For students entering the ninth grade for the first 22959
time on or after July 1, 2014, but prior to July 1, 2015, the 22960
assessment in the area of science shall be physical science or 22961
biology. For students entering the ninth grade for the first time 22962
on or after July 1, 2015, the assessment in the area of science 22963
shall be biology. 22964

(b) Until July 1, 2019, the department shall make available 22965
the end-of-course examination in physical science for students who 22966
entered the ninth grade for the first time on or after July 1, 22967
2014, but prior to July 1, 2015, and who wish to retake the 22968
examination. 22969

(c) Not later than July 1, 2016, the state board shall adopt 22970
rules prescribing the requirements for the end-of-course 22971
examination in science for students who entered the ninth grade 22972
for the first time on or after July 1, 2014, but prior to July 1, 22973
2015, and who have not met the requirement prescribed by section 22974
3313.618 of the Revised Code by July 1, 2019, due to a student's 22975
failure to satisfy division (A)(2) of section 3313.618 of the 22976
Revised Code. 22977

(9) Neither the state board nor the department of education 22978

shall develop or administer an end-of-course examination in the 22979
area of world history. 22980

(10) Not later than March 1, 2020, the department, in 22981
consultation with the chancellor and the governor's office of 22982
workforce transformation, shall determine a competency score for 22983
both of the Algebra I and English language arts II end-of-course 22984
examinations for the purpose of graduation eligibility. 22985

(C) The state board shall convene a group of national 22986
experts, state experts, and local practitioners to provide advice, 22987
guidance, and recommendations for the alignment of standards and 22988
model curricula to the assessments and in the design of the 22989
end-of-course examinations prescribed by this section. 22990

(D) Upon completion of the development of the assessment 22991
system, the state board shall adopt rules prescribing all of the 22992
following: 22993

(1) A timeline and plan for implementation of the assessment 22994
system, including a phased implementation if the state board 22995
determines such a phase-in is warranted; 22996

(2) The date after which a person shall meet the requirements 22997
of the entire assessment system as a prerequisite for a diploma of 22998
adult education under section 3313.611 of the Revised Code; 22999

(3) Whether and the extent to which a person may be excused 23000
from an American history end-of-course examination and an American 23001
government end-of-course examination under division (H) of section 23002
3313.61 and division (B)(3) of section 3313.612 of the Revised 23003
Code; 23004

(4) The date after which a person who has fulfilled the 23005
curriculum requirement for a diploma but has not passed one or 23006
more of the required assessments at the time the person fulfilled 23007
the curriculum requirement shall meet the requirements of the 23008
entire assessment system as a prerequisite for a high school 23009

diploma under division (B) of section 3313.614 of the Revised Code; 23010
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(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 23012
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(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation. 23016
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(F)(1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments. 23023
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(2) The department shall adopt rules for the administration and scoring of any assessments under division (F)(1) of this section. 23030
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(G) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The state shall reimburse a school district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the 23033
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job skills assessment to a student under this division shall not 23041
exempt a school district from administering the assessments 23042
prescribed in division (B) of this section to that student. 23043

Sec. 3301.0714. (A) The state board of education shall adopt 23044
rules for a statewide education management information system. The 23045
rules shall require the state board to establish guidelines for 23046
the establishment and maintenance of the system in accordance with 23047
this section and the rules adopted under this section. The 23048
guidelines shall include: 23049

(1) Standards identifying and defining the types of data in 23050
the system in accordance with divisions (B) and (C) of this 23051
section; 23052

(2) Procedures for annually collecting and reporting the data 23053
to the state board in accordance with division (D) of this 23054
section; 23055

(3) Procedures for annually compiling the data in accordance 23056
with division (G) of this section; 23057

(4) Procedures for annually reporting the data to the public 23058
in accordance with division (H) of this section; 23059

(5) Standards to provide strict safeguards to protect the 23060
confidentiality of personally identifiable student data. 23061

(B) The guidelines adopted under this section shall require 23062
the data maintained in the education management information system 23063
to include at least the following: 23064

(1) Student participation and performance data, for each 23065
grade in each school district as a whole and for each grade in 23066
each school building in each school district, that includes: 23067

(a) The numbers of students receiving each category of 23068
instructional service offered by the school district, such as 23069
regular education instruction, vocational education instruction, 23070

specialized instruction programs or enrichment instruction that is 23071
part of the educational curriculum, instruction for gifted 23072
students, instruction for students with disabilities, and remedial 23073
instruction. The guidelines shall require instructional services 23074
under this division to be divided into discrete categories if an 23075
instructional service is limited to a specific subject, a specific 23076
type of student, or both, such as regular instructional services 23077
in mathematics, remedial reading instructional services, 23078
instructional services specifically for students gifted in 23079
mathematics or some other subject area, or instructional services 23080
for students with a specific type of disability. The categories of 23081
instructional services required by the guidelines under this 23082
division shall be the same as the categories of instructional 23083
services used in determining cost units pursuant to division 23084
(C)(3) of this section. 23085

(b) The numbers of students receiving support or 23086
extracurricular services for each of the support services or 23087
extracurricular programs offered by the school district, such as 23088
counseling services, health services, and extracurricular sports 23089
and fine arts programs. The categories of services required by the 23090
guidelines under this division shall be the same as the categories 23091
of services used in determining cost units pursuant to division 23092
(C)(4)(a) of this section. 23093

(c) Average student grades in each subject in grades nine 23094
through twelve; 23095

(d) Academic achievement levels as assessed under sections 23096
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 23097

(e) The number of students designated as having a disabling 23098
condition pursuant to division (C)(1) of section 3301.0711 of the 23099
Revised Code; 23100

(f) The numbers of students reported to the state board 23101

pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	23102 23103
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	23104 23105 23106 23107
(h) Expulsion rates;	23108
(i) Suspension rates;	23109
(j) Dropout rates;	23110
(k) Rates of retention in grade;	23111
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	23112 23113 23114
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	23115 23116 23117 23118 23119
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	23120 23121 23122 23123 23124 23125 23126 23127 23128
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an	23129 23130 23131

identification of the person or persons, if any, at whom the 23132
student's violent behavior that resulted in discipline was 23133
directed. The person or persons shall be identified by the 23134
respective classification at the district or school, such as 23135
student, teacher, or nonteaching employee, but shall not be 23136
identified by name. 23137

Division (B)(1)(o) of this section does not apply after the 23138
date that is two years following the submission of the report 23139
required by Section 733.13 of H.B. 49 of the 132nd general 23140
assembly. 23141

(p) The number of students earning each state diploma seal 23142
included in the system prescribed under division (A) of section 23143
3313.6114 of the Revised Code; 23144

(q) The number of students demonstrating competency for 23145
graduation using each option described in divisions (B)(1)(a) to 23146
~~(e)~~(d) of section 3313.618 of the Revised Code; 23147

(r) The number of students completing each foundational and 23148
supporting option as part of the demonstration of competency for 23149
graduation pursuant to division (B)(1)(b) of section 3313.618 of 23150
the Revised Code. 23151

(2) Personnel and classroom enrollment data for each school 23152
district, including: 23153

(a) The total numbers of licensed employees and nonlicensed 23154
employees and the numbers of full-time equivalent licensed 23155
employees and nonlicensed employees providing each category of 23156
instructional service, instructional support service, and 23157
administrative support service used pursuant to division (C)(3) of 23158
this section. The guidelines adopted under this section shall 23159
require these categories of data to be maintained for the school 23160
district as a whole and, wherever applicable, for each grade in 23161
the school district as a whole, for each school building as a 23162

whole, and for each grade in each school building. 23163

(b) The total number of employees and the number of full-time 23164
equivalent employees providing each category of service used 23165
pursuant to divisions (C)(4)(a) and (b) of this section, and the 23166
total numbers of licensed employees and nonlicensed employees and 23167
the numbers of full-time equivalent licensed employees and 23168
nonlicensed employees providing each category used pursuant to 23169
division (C)(4)(c) of this section. The guidelines adopted under 23170
this section shall require these categories of data to be 23171
maintained for the school district as a whole and, wherever 23172
applicable, for each grade in the school district as a whole, for 23173
each school building as a whole, and for each grade in each school 23174
building. 23175

(c) The total number of regular classroom teachers teaching 23176
classes of regular education and the average number of pupils 23177
enrolled in each such class, in each of grades kindergarten 23178
through five in the district as a whole and in each school 23179
building in the school district. 23180

(d) The number of lead teachers employed by each school 23181
district and each school building. 23182

(3)(a) Student demographic data for each school district, 23183
including information regarding the gender ratio of the school 23184
district's pupils, the racial make-up of the school district's 23185
pupils, the number of English learners in the district, and an 23186
appropriate measure of the number of the school district's pupils 23187
who reside in economically disadvantaged households. The 23188
demographic data shall be collected in a manner to allow 23189
correlation with data collected under division (B)(1) of this 23190
section. Categories for data collected pursuant to division (B)(3) 23191
of this section shall conform, where appropriate, to standard 23192
practices of agencies of the federal government. 23193

(b) With respect to each student entering kindergarten, 23194
whether the student previously participated in a public preschool 23195
program, a private preschool program, or a head start program, and 23196
the number of years the student participated in each of these 23197
programs. 23198

(4) Any data required to be collected pursuant to federal 23199
law. 23200

(C) The education management information system shall include 23201
cost accounting data for each district as a whole and for each 23202
school building in each school district. The guidelines adopted 23203
under this section shall require the cost data for each school 23204
district to be maintained in a system of mutually exclusive cost 23205
units and shall require all of the costs of each school district 23206
to be divided among the cost units. The guidelines shall require 23207
the system of mutually exclusive cost units to include at least 23208
the following: 23209

(1) Administrative costs for the school district as a whole. 23210
The guidelines shall require the cost units under this division 23211
(C)(1) to be designed so that each of them may be compiled and 23212
reported in terms of average expenditure per pupil in ~~formula~~ 23213
enrolled ADM in the school district, as determined pursuant to 23214
section 3317.03 of the Revised Code. 23215

(2) Administrative costs for each school building in the 23216
school district. The guidelines shall require the cost units under 23217
this division (C)(2) to be designed so that each of them may be 23218
compiled and reported in terms of average expenditure per 23219
full-time equivalent pupil receiving instructional or support 23220
services in each building. 23221

(3) Instructional services costs for each category of 23222
instructional service provided directly to students and required 23223
by guidelines adopted pursuant to division (B)(1)(a) of this 23224

section. The guidelines shall require the cost units under 23225
division (C)(3) of this section to be designed so that each of 23226
them may be compiled and reported in terms of average expenditure 23227
per pupil receiving the service in the school district as a whole 23228
and average expenditure per pupil receiving the service in each 23229
building in the school district and in terms of a total cost for 23230
each category of service and, as a breakdown of the total cost, a 23231
cost for each of the following components: 23232

(a) The cost of each instructional services category required 23233
by guidelines adopted under division (B)(1)(a) of this section 23234
that is provided directly to students by a classroom teacher; 23235

(b) The cost of the instructional support services, such as 23236
services provided by a speech-language pathologist, classroom 23237
aide, multimedia aide, or librarian, provided directly to students 23238
in conjunction with each instructional services category; 23239

(c) The cost of the administrative support services related 23240
to each instructional services category, such as the cost of 23241
personnel that develop the curriculum for the instructional 23242
services category and the cost of personnel supervising or 23243
coordinating the delivery of the instructional services category. 23244

(4) Support or extracurricular services costs for each 23245
category of service directly provided to students and required by 23246
guidelines adopted pursuant to division (B)(1)(b) of this section. 23247
The guidelines shall require the cost units under division (C)(4) 23248
of this section to be designed so that each of them may be 23249
compiled and reported in terms of average expenditure per pupil 23250
receiving the service in the school district as a whole and 23251
average expenditure per pupil receiving the service in each 23252
building in the school district and in terms of a total cost for 23253
each category of service and, as a breakdown of the total cost, a 23254
cost for each of the following components: 23255

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the

school district or the information technology center operated 23288
under section 3301.075 of the Revised Code and is authorized by 23289
the district or technology center to have access to such 23290
information or is employed by an entity with which the department 23291
contracts for the scoring or the development of state assessments. 23292
The guidelines may require school districts to provide the social 23293
security numbers of individual staff members and the county of 23294
residence for a student. Nothing in this section prohibits the 23295
state board of education or department of education from providing 23296
a student's county of residence to the department of taxation to 23297
facilitate the distribution of tax revenue. 23298

(2)(a) The guidelines shall provide for each school district 23299
or community school to assign a data verification code that is 23300
unique on a statewide basis over time to each student whose 23301
initial Ohio enrollment is in that district or school and to 23302
report all required individual student data for that student 23303
utilizing such code. The guidelines shall also provide for 23304
assigning data verification codes to all students enrolled in 23305
districts or community schools on the effective date of the 23306
guidelines established under this section. The assignment of data 23307
verification codes for other entities, as described in division 23308
(D)(2)(d) of this section, the use of those codes, and the 23309
reporting and use of associated individual student data shall be 23310
coordinated by the department in accordance with state and federal 23311
law. 23312

School districts shall report individual student data to the 23313
department through the information technology centers utilizing 23314
the code. The entities described in division (D)(2)(d) of this 23315
section shall report individual student data to the department in 23316
the manner prescribed by the department. 23317

(b)(i) Except as provided in sections 3301.941, 3310.11, 23318
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 23319

in division (D)(2)(b)(ii) of this section, at no time shall the 23320
state board or the department have access to information that 23321
would enable any data verification code to be matched to 23322
personally identifiable student data. 23323

(ii) For the purpose of making per-pupil payments to 23324
community schools under ~~division (C) of section 3314.08~~ 3317.022 23325
of the Revised Code, the department shall have access to 23326
information that would enable any data verification code to be 23327
matched to personally identifiable student data. 23328

(c) Each school district and community school shall ensure 23329
that the data verification code is included in the student's 23330
records reported to any subsequent school district, community 23331
school, or state institution of higher education, as defined in 23332
section 3345.011 of the Revised Code, in which the student 23333
enrolls. Any such subsequent district or school shall utilize the 23334
same identifier in its reporting of data under this section. 23335

(d) The director of any state agency that administers a 23336
publicly funded program providing services to children who are 23337
younger than compulsory school age, as defined in section 3321.01 23338
of the Revised Code, including the directors of health, job and 23339
family services, mental health and addiction services, and 23340
developmental disabilities, shall request and receive, pursuant to 23341
sections 3301.0723 and 5123.0423 of the Revised Code, a data 23342
verification code for a child who is receiving those services. 23343

(E) The guidelines adopted under this section may require 23344
school districts to collect and report data, information, or 23345
reports other than that described in divisions (A), (B), and (C) 23346
of this section for the purpose of complying with other reporting 23347
requirements established in the Revised Code. The other data, 23348
information, or reports may be maintained in the education 23349
management information system but are not required to be compiled 23350
as part of the profile formats required under division (G) of this 23351

section or the annual statewide report required under division (H) 23352
of this section. 23353

(F) Beginning with the school year that begins July 1, 1991, 23354
the board of education of each school district shall annually 23355
collect and report to the state board, in accordance with the 23356
guidelines established by the board, the data required pursuant to 23357
this section. A school district may collect and report these data 23358
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 23359

(G) The state board shall, in accordance with the procedures 23360
it adopts, annually compile the data reported by each school 23361
district pursuant to division (D) of this section. The state board 23362
shall design formats for profiling each school district as a whole 23363
and each school building within each district and shall compile 23364
the data in accordance with these formats. These profile formats 23365
shall: 23366

(1) Include all of the data gathered under this section in a 23367
manner that facilitates comparison among school districts and 23368
among school buildings within each school district; 23369

(2) Present the data on academic achievement levels as 23370
assessed by the testing of student achievement maintained pursuant 23371
to division (B)(1)(d) of this section. 23372

(H)(1) The state board shall, in accordance with the 23373
procedures it adopts, annually prepare a statewide report for all 23374
school districts and the general public that includes the profile 23375
of each of the school districts developed pursuant to division (G) 23376
of this section. Copies of the report shall be sent to each school 23377
district. 23378

(2) The state board shall, in accordance with the procedures 23379
it adopts, annually prepare an individual report for each school 23380
district and the general public that includes the profiles of each 23381
of the school buildings in that school district developed pursuant 23382

to division (G) of this section. Copies of the report shall be 23383
sent to the superintendent of the district and to each member of 23384
the district board of education. 23385

(3) Copies of the reports received from the state board under 23386
divisions (H)(1) and (2) of this section shall be made available 23387
to the general public at each school district's offices. Each 23388
district board of education shall make copies of each report 23389
available to any person upon request and payment of a reasonable 23390
fee for the cost of reproducing the report. The board shall 23391
annually publish in a newspaper of general circulation in the 23392
school district, at least twice during the two weeks prior to the 23393
week in which the reports will first be available, a notice 23394
containing the address where the reports are available and the 23395
date on which the reports will be available. 23396

(I) Any data that is collected or maintained pursuant to this 23397
section and that identifies an individual pupil is not a public 23398
record for the purposes of section 149.43 of the Revised Code. 23399

(J) As used in this section: 23400

(1) "School district" means any city, local, exempted 23401
village, or joint vocational school district and, in accordance 23402
with section 3314.17 of the Revised Code, any community school. As 23403
used in division (L) of this section, "school district" also 23404
includes any educational service center or other educational 23405
entity required to submit data using the system established under 23406
this section. 23407

(2) "Cost" means any expenditure for operating expenses made 23408
by a school district excluding any expenditures for debt 23409
retirement except for payments made to any commercial lending 23410
institution for any loan approved pursuant to section 3313.483 of 23411
the Revised Code. 23412

(K) Any person who removes data from the information system 23413

established under this section for the purpose of releasing it to 23414
any person not entitled under law to have access to such 23415
information is subject to section 2913.42 of the Revised Code 23416
prohibiting tampering with data. 23417

(L)(1) In accordance with division (L)(2) of this section and 23418
the rules adopted under division (L)(10) of this section, the 23419
department of education may sanction any school district that 23420
reports incomplete or inaccurate data, reports data that does not 23421
conform to data requirements and descriptions published by the 23422
department, fails to report data in a timely manner, or otherwise 23423
does not make a good faith effort to report data as required by 23424
this section. 23425

(2) If the department decides to sanction a school district 23426
under this division, the department shall take the following 23427
sequential actions: 23428

(a) Notify the district in writing that the department has 23429
determined that data has not been reported as required under this 23430
section and require the district to review its data submission and 23431
submit corrected data by a deadline established by the department. 23432
The department also may require the district to develop a 23433
corrective action plan, which shall include provisions for the 23434
district to provide mandatory staff training on data reporting 23435
procedures. 23436

(b) Withhold up to ten per cent of the total amount of state 23437
funds due to the district for the current fiscal year and, if not 23438
previously required under division (L)(2)(a) of this section, 23439
require the district to develop a corrective action plan in 23440
accordance with that division; 23441

(c) Withhold an additional amount of up to twenty per cent of 23442
the total amount of state funds due to the district for the 23443
current fiscal year; 23444

(d) Direct department staff or an outside entity to	23445
investigate the district's data reporting practices and make	23446
recommendations for subsequent actions. The recommendations may	23447
include one or more of the following actions:	23448
(i) Arrange for an audit of the district's data reporting	23449
practices by department staff or an outside entity;	23450
(ii) Conduct a site visit and evaluation of the district;	23451
(iii) Withhold an additional amount of up to thirty per cent	23452
of the total amount of state funds due to the district for the	23453
current fiscal year;	23454
(iv) Continue monitoring the district's data reporting;	23455
(v) Assign department staff to supervise the district's data	23456
management system;	23457
(vi) Conduct an investigation to determine whether to suspend	23458
or revoke the license of any district employee in accordance with	23459
division (N) of this section;	23460
(vii) If the district is issued a report card under section	23461
3302.03 of the Revised Code, indicate on the report card that the	23462
district has been sanctioned for failing to report data as	23463
required by this section;	23464
(viii) If the district is issued a report card under section	23465
3302.03 of the Revised Code and incomplete or inaccurate data	23466
submitted by the district likely caused the district to receive a	23467
higher performance rating than it deserved under that section,	23468
issue a revised report card for the district;	23469
(ix) Any other action designed to correct the district's data	23470
reporting problems.	23471
(3) Any time the department takes an action against a school	23472
district under division (L)(2) of this section, the department	23473
shall make a report of the circumstances that prompted the action.	23474

The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files. 23475
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(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section. 23478
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(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose. 23490
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(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the 23501
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information provided in the hearing, the referee shall recommend 23507
whether the department should issue a revised report card for the 23508
district. If the referee affirms the department's contention that 23509
the district did not make a good faith effort to report data as 23510
required by this section, the district shall bear the full cost of 23511
conducting the hearing and of issuing any revised report card. 23512

(7) If the department determines that any inaccurate data 23513
reported under this section caused a school district to receive 23514
excess state funds in any fiscal year, the district shall 23515
reimburse the department an amount equal to the excess funds, in 23516
accordance with a payment schedule determined by the department. 23517
The department may withhold state funds due to the district for 23518
this purpose. 23519

(8) Any school district that has funds withheld under 23520
division (L)(2) of this section may appeal the withholding in 23521
accordance with Chapter 119. of the Revised Code. 23522

(9) In all cases of a disagreement between the department and 23523
a school district regarding the appropriateness of an action taken 23524
under division (L)(2) of this section, the burden of proof shall 23525
be on the district to demonstrate that it made a good faith effort 23526
to report data as required by this section. 23527

(10) The state board of education shall adopt rules under 23528
Chapter 119. of the Revised Code to implement division (L) of this 23529
section. 23530

(M) No information technology center or school district shall 23531
acquire, change, or update its student administration software 23532
package to manage and report data required to be reported to the 23533
department unless it converts to a student software package that 23534
is certified by the department. 23535

(N) The state board of education, in accordance with sections 23536
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 23537

license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed.

(Q) If the department cannot compile any of the information required by division (H) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3301.0715. (A) Except as required under division (B)(1) of section 3313.608 or as specified in division (D)(3) of section 3301.079 of the Revised Code, the board of education of each city, local, and exempted village school district shall administer each applicable diagnostic assessment developed and provided to the district in accordance with section 3301.079 of the Revised Code to the following:

(1) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. However, if a student

transfers into the district prior to the administration of the 23569
diagnostic assessments to all students under division (B) of this 23570
section, the district may administer the diagnostic assessments to 23571
that student on the date or dates determined under that division. 23572

(2) Each kindergarten student, not earlier than the first day 23573
of July of the school year and not later than the ~~first day of~~ 23574
~~November twentieth day of instruction of that school year.~~ 23575
~~However, a board of education may administer the selected response~~ 23576
~~and performance task items portion of the diagnostic assessment up~~ 23577
~~to two weeks prior to the first day of the school year.~~ 23578

For the purpose of division (A)(2) of this section, the 23579
district shall administer the kindergarten readiness assessment 23580
provided by the department of education. In no case shall the 23581
results of the readiness assessment be used to prohibit a student 23582
from enrolling in kindergarten. 23583

(3) Each student enrolled in first, second, or third grade. 23584

Division (A) of this section does not apply to students with 23585
significant cognitive disabilities, as defined by the department 23586
of education. 23587

(B) Each district board shall administer each diagnostic 23588
assessment when the board deems appropriate, provided the 23589
administration complies with section 3313.608 of the Revised Code. 23590
However, the board shall administer any diagnostic assessment at 23591
least once annually to all students in the appropriate grade 23592
level. A district board may administer any diagnostic assessment 23593
in the fall and spring of a school year to measure the amount of 23594
academic growth attributable to the instruction received by 23595
students during that school year. 23596

(C) Any district that received a grade of "A" or "B" for the 23597
performance index score under division (A)(1)(b), (B)(1)(b), or 23598
(C)(1)(b) of section 3302.03 of the Revised Code or for the 23599

value-added progress dimension under division (A)(1)(e), 23600
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 23601
the immediately preceding school year may use different diagnostic 23602
assessments from those adopted under division (D) of section 23603
3301.079 of the Revised Code in order to satisfy the requirements 23604
of division (A)(3) of this section. 23605

(D) Each district board shall utilize and score any 23606
diagnostic assessment administered under division (A) of this 23607
section in accordance with rules established by the department. 23608
After the administration of any diagnostic assessment, each 23609
district shall provide a student's completed diagnostic 23610
assessment, the results of such assessment, and any other 23611
accompanying documents used during the administration of the 23612
assessment to the parent of that student, and shall include all 23613
such documents and information in any plan developed for the 23614
student under division (C) of section 3313.608 of the Revised 23615
Code. Each district shall submit to the department, in the manner 23616
the department prescribes, the results of the diagnostic 23617
assessments administered under this section, regardless of the 23618
type of assessment used under section 3313.608 of the Revised 23619
Code. The department may issue reports with respect to the data 23620
collected. The department may report school and district level 23621
kindergarten diagnostic assessment data and use diagnostic 23622
assessment data to calculate the measure prescribed by divisions 23623
(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code. 23624

(E) Each district board shall provide intervention services 23625
to students whose diagnostic assessments show that they are 23626
failing to make satisfactory progress toward attaining the 23627
academic standards for their grade level. 23628

(F) Beginning in the 2018-2019 school year, any chartered 23629
nonpublic school may elect to administer the kindergarten 23630
readiness assessment to all kindergarten students enrolled in the 23631

school. If the school so elects, the chief administrator of the 23632
school shall notify the superintendent of public instruction not 23633
later than the thirty-first day of March prior to any school year 23634
in which the school will administer the assessment. The department 23635
shall furnish the assessment to the school at no cost to the 23636
school. In administering the assessment, the school shall do all 23637
of the following: 23638

(1) Enter into a written agreement with the department 23639
specifying that the school will share each participating student's 23640
assessment data with the department and, that for the purpose of 23641
reporting the data to the department, each participating student 23642
will be assigned a data verification code as described in division 23643
(D)(2) of section 3301.0714 of the Revised Code; 23644

(2) Require the assessment to be administered by a teacher 23645
certified under section 3301.071 of the Revised Code who either 23646
has completed training on administering the kindergarten readiness 23647
assessment provided by the department or has been trained by 23648
another person who has completed such training; 23649

(3) Administer the assessment in the same manner as school 23650
districts are required to do under this section and the rules 23651
established under division (D) of this section. 23652

(G) Beginning in the 2019-2020 school year, a school district 23653
in which less than eighty per cent of its students score at the 23654
proficient level or higher on the third-grade English language 23655
arts assessment prescribed under section 3301.0710 of the Revised 23656
Code shall establish a reading improvement plan supported by 23657
reading specialists. Prior to implementation, the plan shall be 23658
approved by the school district board of education. 23659

Sec. 3301.23. (A) Not later than thirty days after the 23660
effective date of this section, the department of education, in 23661
consultation with the chancellor of higher education, shall 23662

establish a committee to develop a state plan for computer science education for the purposes of primary and secondary education. 23663
23664

(B) When developing the plan, the committee established under this section shall consider the following: 23665
23666

(1) Best practices and challenges associated with the implementation of primary and secondary computer science curriculum in this state; 23667
23668
23669

(2) Demographic data for students who receive instruction in computer science; 23670
23671

(3) Benchmarks to create a sustainable supply of teachers certified to provide instruction in computer science; 23672
23673

(4) Best practices to form public and private partnerships for funding, mentoring, and internships for teachers providing instruction in computer science; 23674
23675
23676

(5) Requiring all students to complete a computer science course prior to high school graduation; 23677
23678

(6) Establishing a work-based learning pilot program that includes high schools, universities, and local industry and permits the department and the chancellor to develop pathways to align computer science education in the state with the state's workforce needs; 23679
23680
23681
23682
23683

(7) Any other topic determined appropriate by the committee. 23684

(C) The committee established under this section shall consist of all of the following: 23685
23686

(1) The superintendent of public instruction, or designee; 23687

(2) The chancellor, or designee; 23688

(3) Representatives of computer science education stakeholders appointed by the state superintendent, in consultation with the chancellor. Computer science education 23689
23690
23691

<u>stakeholders represented on the committee shall include all of the</u>	23692
<u>following:</u>	23693
<u>(a) Career-technical education;</u>	23694
<u>(b) Teachers;</u>	23695
<u>(c) Institutions of higher education;</u>	23696
<u>(d) Businesses;</u>	23697
<u>(e) State and national computer science organizations.</u>	23698
<u>(D) Within the plan, the committee established under this</u>	23699
<u>section shall include all of the following:</u>	23700
<u>(1) An examination of the challenges that prevent school</u>	23701
<u>districts from offering computer science courses;</u>	23702
<u>(2) A requirement that the department of education collect</u>	23703
<u>any data regarding computer science courses offered by school</u>	23704
<u>districts and school buildings operated by school districts,</u>	23705
<u>including the names of the courses and whether the courses were</u>	23706
<u>developed using the standards and model curriculum adopted under</u>	23707
<u>division (A)(4) of section 3301.079 of the Revised Code, and post</u>	23708
<u>the collected data on its web site.</u>	23709
<u>(3) Any findings the committee determines appropriate based</u>	23710
<u>on its consideration of the topics described in division (B) of</u>	23711
<u>this section.</u>	23712
<u>(E) The committee shall complete the plan not later than one</u>	23713
<u>year after the effective date of this section and the department</u>	23714
<u>shall post the completed plan in a prominent location on its web</u>	23715
<u>site.</u>	23716
<u>Sec. 3301.231. (A) The department of education, in</u>	23717
<u>consultation with computer science stakeholders as determined</u>	23718
<u>appropriate by the department, shall establish a program to</u>	23719
<u>provide high school students in the state with access to online</u>	23720

computer science courses for the purposes of section 3301.232 of 23721
the Revised Code. 23722

(B) Under the program, the department shall develop a process 23723
to solicit and review proposals from educational providers to 23724
offer online computer science courses under section 3301.232 of 23725
the Revised Code. The department shall approve a proposal only if 23726
it meets both of the following conditions: 23727

(1) Each course included in the proposal is high-quality, 23728
rigorous, and aligned with the standards and model curriculum 23729
adopted under division (A)(4) of section 3301.079 of the Revised 23730
Code. 23731

(2) A student may earn high school credits that apply to the 23732
curriculum requirements prescribed under section 3313.603 of the 23733
Revised Code in each course included in the proposal. 23734

(C) The department shall determine a method to calculate and 23735
make payments to educational providers who enroll students in 23736
online computer science courses approved under division (B) of 23737
this section and offered to the students under section 3301.232 of 23738
the Revised Code. The method shall be deducted from the school 23739
foundation payments made to the participant's school district or, 23740
if the participant is enrolled in a community school, a STEM 23741
school, or a college-preparatory boarding school, from the 23742
payments made to that school under section 3317.022 or 3328.34 of 23743
the Revised Code, similar to how the department calculates and 23744
makes payments under section 3365.07 of the Revised Code for the 23745
college credit plus program, as determined by the department. 23746

(D) The department shall adopt rules to implement this 23747
section and section 3301.232 of the Revised Code. 23748

(E) This section and section 3301.232 of the Revised Code do 23749
not affect the college credit plus program established under 23750

Chapter 3365. of the Revised Code. 23751

Sec. 3301.232. (A) As used in this section: 23752

(1) "Approved course" means an online computer science course 23753
included in a proposal approved by the department of education 23754
under division (B) of section 3301.231 of the Revised Code. 23755

(2) "Integrated course" means a general education course that 23756
incorporates computer science principles. 23757

(B) Except as provided for in division (C) of this section, 23758
each student enrolled in a city, local, exempted village, or joint 23759
vocational school district shall have the option to enroll in a 23760
computer science course or integrated course offered by the 23761
student's district or an approved course offered by an educational 23762
provider, as follows: 23763

(1) For the 2022-2023 school year and each school year 23764
thereafter, a student enrolled in grade eleven or twelve shall 23765
have the option to enroll in a computer science course offered by 23766
the school district or an approved course offered by an 23767
educational provider; 23768

(2) For the 2023-2024 school year and each school year 23769
thereafter, a student enrolled in grade nine or ten shall have the 23770
option to enroll in an age-appropriate, standalone computer 23771
science course offered by the school district or an approved 23772
course offered by an educational provider; 23773

(3) For the 2024-2025 school year and each school year 23774
thereafter, a student enrolled in any of grades kindergarten 23775
through eight shall have the option to enroll in an 23776
age-appropriate integrated course offered by the school district. 23777

(C) A school district shall offer computer science or 23778
integrated courses to students enrolled in the district in 23779
accordance with division (B) of this section, except that a board 23780

of education may submit to the superintendent of public 23781
instruction a request for a waiver from that requirement with 23782
respect to students enrolled in a particular school building 23783
operated by the district board. The state superintendent shall 23784
consider each request for a waiver and either approve or 23785
disapprove the waiver based on standards adopted by the state 23786
board of education. For each approved waiver, the state 23787
superintendent shall specify the period of time for which the 23788
waiver shall be in effect, except that period shall not exceed 23789
five years. A district board may apply to renew a waiver. 23790

(D) Each school district shall annually submit to the 23791
department, in a form and manner prescribed by the department, 23792
data reporting the number of students enrolled in computer science 23793
courses and the type of such courses. The type of computer science 23794
courses shall be disaggregated by course code and whether the 23795
courses are offered by the district or an educational provider. 23796

(E) Nothing in this section shall be construed as prohibiting 23797
a school district from offering computer science or integrated 23798
courses to students enrolled in any of grades kindergarten through 23799
twelve. 23800

Sec. 3301.233. (A) As used in this section, "public school" 23801
means any of the following: 23802

(1) A city, local, exempted village, or joint vocational 23803
school district; 23804

(2) A community school established under Chapter 3314. of the 23805
Revised Code; 23806

(3) A STEM school established under Chapter 3326. of the 23807
Revised Code. 23808

(B) The department of education, in consultation with the 23809
chancellor of higher education, shall issue an annual report on 23810

<u>computer science education in the state.</u>	23811
<u>(C) The report shall include information regarding all of the</u>	23812
<u>following, as determined by the superintendent of public</u>	23813
<u>instruction and the chancellor:</u>	23814
<u>(1) Public schools that offer computer science courses;</u>	23815
<u>(2) The types of computer science courses offered by public</u>	23816
<u>schools;</u>	23817
<u>(3) How many teachers employed by public schools hold one of</u>	23818
<u>the following:</u>	23819
<u>(a) A valid educators license in computer science in</u>	23820
<u>accordance with section 3319.236 of the Revised Code;</u>	23821
<u>(b) A valid license endorsement in computer technology in</u>	23822
<u>accordance with section 3319.236 of the Revised Code;</u>	23823
<u>(c) A supplemental teaching license for teaching computer</u>	23824
<u>science in accordance with section 3319.236 of the Revised Code;</u>	23825
<u>(d) Any other license or endorsement determined appropriate</u>	23826
<u>by the department, in consultation with the chancellor.</u>	23827
<u>(4) The type of computer science courses, and the grade</u>	23828
<u>levels for those courses, taught by teachers who hold a license or</u>	23829
<u>endorsement described in division (C)(3) of this section;</u>	23830
<u>(5) The number of undergraduate students who study computer</u>	23831
<u>science in institutions of higher education located in the state,</u>	23832
<u>disaggregated by region of the state, student demographics, and</u>	23833
<u>student participation in a pathway partnership in the previous</u>	23834
<u>five-year period, if the data is available.</u>	23835
<u>(D) Information included in the report as prescribed under</u>	23836
<u>divisions (C)(1) to (4) of this section shall be disaggregated by</u>	23837
<u>all of the following:</u>	23838
<u>(1) For school districts, whether each district is urban,</u>	23839

rural, or suburban, and if any other classification determined 23840
appropriate by the department, in consultation with the 23841
chancellor, applies to the district; 23842

(2) Region of the state; 23843

(3) Demographic data of students enrolled in computer science 23844
courses, including race and ethnic group, gender, and whether the 23845
students are economically disadvantaged. Such demographic data 23846
shall be reported by public school and computer science course 23847
code. 23848

Sec. 3301.85. (A) Beginning on the effective date of this 23849
section, the department of education shall submit to the joint 23850
committee on agency rule review, created in section 101.35 of the 23851
Revised Code, any proposed changes to either the education 23852
management information system established under section 3301.0714 23853
of the Revised Code or the department's business rules and 23854
policies that may affect community schools established under 23855
Chapter 3314. of the Revised Code. 23856

(B) When the department submits the proposed changes to the 23857
education management information system or the department's 23858
business rules and policies that affect community schools, the 23859
joint committee on agency rule review shall hold one or more 23860
public hearings at which community schools may present testimony 23861
on their ability and capacity to comply with the proposed changes. 23862

(C) The joint committee on agency rule review shall consider 23863
any testimonies provided at the public hearings required under 23864
division (B) of this section and vote to determine whether 23865
community schools can reasonably comply with the proposed changes. 23866

(D) The department shall not implement any changes to the 23867
education management information system or the department's 23868
business rules and policies that may affect community schools 23869

without the joint committee on agency rule review's determination 23870
that community schools can reasonably comply with those changes. 23871

Sec. 3302.036. (A) Notwithstanding anything in the Revised 23872
Code to the contrary, the department of education shall not assign 23873
an overall letter grade under division (C)(3) of section 3302.03 23874
of the Revised Code for any school district or building for the 23875
2014-2015, 2015-2016, or 2016-2017 school years, may, at the 23876
discretion of the state board of education, not assign an 23877
individual grade to any component prescribed under division (C)(3) 23878
of section 3302.03 of the Revised Code, and shall not rank school 23879
districts, community schools established under Chapter 3314. of 23880
the Revised Code, or STEM schools established under Chapter 3326. 23881
of the Revised Code under section 3302.21 of the Revised Code for 23882
those school years. The report card ratings issued for the 23883
2014-2015, 2015-2016, or 2016-2017 school years shall not be 23884
considered in determining whether a school district or a school is 23885
subject to sanctions or penalties. However, the report card 23886
ratings of any previous or subsequent years shall be considered in 23887
determining whether a school district or building is subject to 23888
sanctions or penalties. Accordingly, the report card ratings for 23889
the 2014-2015, 2015-2016, or 2016-2017 school years shall have no 23890
effect in determining sanctions or penalties, but shall not create 23891
a new starting point for determinations that are based on ratings 23892
over multiple years. 23893

(B) The provisions from which a district or school is exempt 23894
under division (A) of this section shall be the following: 23895

(1) Any restructuring provisions established under this 23896
chapter, except as required under the "No Child Left Behind Act of 23897
2001"; 23898

(2) Provisions for the Columbus city school pilot project 23899
under section 3302.042 of the Revised Code; 23900

(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ October 15, 2015. The provisions of this section do not apply to academic distress commissions under the version of that section as it exists on or after ~~the effective date of this amendment~~ October 15, 2015.

(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

(5) Provisions defining "challenged school districts" in which new start-up community schools ~~may~~ were required to be located, as prescribed in section 3314.02 of the Revised Code as it existed prior to the effective date of this amendment;

(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015, 2015-2016, or 2016-2017 school years shall be released, except to a student's school district or school or to the student or the student's parent or guardian.

Sec. 3302.04. As used in divisions (A), (C), and (D) of this

section, for the 2014-2015 school year, and for each school year 23932
thereafter, when a provision refers to a school district or school 23933
building in a state of academic emergency, it shall mean a 23934
district or building rated "F"; when a provision refers to a 23935
school district or school building under an academic watch, it 23936
shall mean a district or building rated "D"; and when a provision 23937
refers to a school district or school building in need of 23938
continuous improvement, it shall mean a district or building rated 23939
"C" as those letter grade ratings for overall performance are 23940
assigned under division (C)(3) of section 3302.03 of the Revised 23941
Code, as it exists on or after March 22, 2013. 23942

(A) The department of education shall establish a system of 23943
intensive, ongoing support for the improvement of school districts 23944
and school buildings. In accordance with the model of 23945
differentiated accountability described in section 3302.041 of the 23946
Revised Code, the system shall give priority to the following: 23947

(1) For any school year prior to the 2012-2013 school year, 23948
districts and buildings that have been declared to be under an 23949
academic watch or in a state of academic emergency under section 23950
3302.03 of the Revised Code; 23951

(2) For the 2012-2013 school year, and for each school year 23952
thereafter, districts and buildings in the manner prescribed by 23953
any agreement currently in force between the department and the 23954
United States department of education. The department shall 23955
endeavor to include schools and buildings that receive grades 23956
under section 3302.03 of the Revised Code that the department 23957
considers to be low performing. 23958

The system shall include services provided to districts and 23959
buildings through regional service providers, such as educational 23960
service centers. The system may include the appointment of an 23961
improvement coordinator for any of the lowest performing 23962
districts, as determined by the department, to coordinate the 23963

district's academic improvement efforts and to build support among 23964
the community for those efforts. 23965

(B) This division does not apply to any school district after 23966
June 30, 2008. 23967

When a school district has been notified by the department 23968
pursuant to section 3302.03 of the Revised Code that the district 23969
or a building within the district has failed to make adequate 23970
yearly progress for two consecutive school years, the district 23971
shall develop a three-year continuous improvement plan for the 23972
district or building containing each of the following: 23973

(1) An analysis of the reasons for the failure of the 23974
district or building to meet any of the applicable performance 23975
indicators established under section 3302.02 of the Revised Code 23976
that it did not meet and an analysis of the reasons for its 23977
failure to make adequate yearly progress; 23978

(2) Specific strategies that the district or building will 23979
use to address the problems in academic achievement identified in 23980
division (B)(1) of this section; 23981

(3) Identification of the resources that the district will 23982
allocate toward improving the academic achievement of the district 23983
or building; 23984

(4) A description of any progress that the district or 23985
building made in the preceding year toward improving its academic 23986
achievement; 23987

(5) An analysis of how the district is utilizing the 23988
professional development standards adopted by the state board 23989
pursuant to section 3319.61 of the Revised Code; 23990

(6) Strategies that the district or building will use to 23991
improve the cultural competency, as defined pursuant to section 23992
3319.61 of the Revised Code, of teachers and other educators. 23993

No three-year continuous improvement plan shall be developed 23994
or adopted pursuant to this division unless at least one public 23995
hearing is held within the affected school district or building 23996
concerning the final draft of the plan. Notice of the hearing 23997
shall be given two weeks prior to the hearing by publication in 23998
one newspaper of general circulation within the territory of the 23999
affected school district or building. Copies of the plan shall be 24000
made available to the public. 24001

(C)(1) For any school year prior to the school year that 24002
begins on July 1, 2012, when a school district or building has 24003
been notified by the department pursuant to section 3302.03 of the 24004
Revised Code that the district or building is under an academic 24005
watch or in a state of academic emergency, the district or 24006
building shall be subject to any rules establishing intervention 24007
in academic watch or emergency school districts or buildings. 24008

(2) For the 2012-2013 school year, and for each school year 24009
thereafter, a district or building that meets the conditions for 24010
intervention prescribed by the agreement described in division 24011
(A)(2) of this section shall be subject to any rules establishing 24012
such intervention. 24013

(D)(1) For any school year prior to the 2012-2013 school 24014
year, within one hundred twenty days after any school district or 24015
building is declared to be in a state of academic emergency under 24016
section 3302.03 of the Revised Code, the department may initiate a 24017
site evaluation of the building or school district. 24018

(2) For the 2012-2013 school year, and for each school year 24019
thereafter, the department may initiate a site evaluation of a 24020
building or school district that meets the conditions for a site 24021
evaluation prescribed by the agreement described in division 24022
(A)(2) of this section. 24023

(3) Division (D)(3) of this section does not apply to any 24024

school district after June 30, 2008. 24025

If any school district that is declared to be in a state of 24026
academic emergency or in a state of academic watch under section 24027
3302.03 of the Revised Code or encompasses a building that is 24028
declared to be in a state of academic emergency or in a state of 24029
academic watch fails to demonstrate to the department satisfactory 24030
improvement of the district or applicable buildings or fails to 24031
submit to the department any information required under rules 24032
established by the state board of education, prior to approving a 24033
three-year continuous improvement plan under rules established by 24034
the state board of education, the department shall conduct a site 24035
evaluation of the school district or applicable buildings to 24036
determine whether the school district is in compliance with 24037
minimum standards established by law or rule. 24038

(4) Division (D)(4) of this section does not apply to any 24039
school district after June 30, 2008. Site evaluations conducted 24040
under divisions (D)(1), (2), and (3) of this section shall 24041
include, but not be limited to, the following: 24042

(a) Determining whether teachers are assigned to subject 24043
areas for which they are licensed or certified; 24044

(b) Determining pupil-teacher ratios; 24045

(c) Examination of compliance with minimum instruction time 24046
requirements for each school day and for each school year; 24047

(d) Determining whether materials and equipment necessary to 24048
implement the curriculum approved by the school district board are 24049
available; 24050

(e) Examination of whether the teacher and principal 24051
evaluation systems comply with sections 3311.80, 3311.84, 3319.02, 24052
and 3319.111 of the Revised Code; 24053

(f) Examination of the adequacy of efforts to improve the 24054

cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code.

(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:

(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.

(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the

"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 24087
to 6339, is insufficient to satisfy all demand for transportation, 24088
the district shall grant priority over all other students to the 24089
lowest achieving students among the subgroup described in division 24090
(B)(3) of section 3302.01 of the Revised Code in providing 24091
transportation. Any district that does not receive funds under 24092
Title I, Part A of the "Elementary and Secondary Education Act of 24093
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 24094
transportation to any student who enrolls in an alternative 24095
building under this division. 24096

(2) For any school building that fails to make adequate 24097
yearly progress for three consecutive school years, the district 24098
shall do both of the following: 24099

(a) If the building receives funds under Title I, Part A of 24100
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 24101
6311 to 6339, from the district, in accordance with section 24102
3313.97 of the Revised Code, provide all students enrolled in the 24103
building the opportunity to enroll in an alternative building 24104
within the district that is not in school improvement status as 24105
defined by the "No Child Left Behind Act of 2001." Notwithstanding 24106
Chapter 3327. of the Revised Code, the district shall provide 24107
transportation for students who enroll in alternative buildings 24108
under this division to the extent required under division (E)(2) 24109
of this section. 24110

(b) If the building receives funds under Title I, Part A of 24111
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 24112
6311 to 6339, from the district, offer supplemental educational 24113
services to students who are enrolled in the building and who are 24114
in the subgroup described in division (B)(3) of section 3302.01 of 24115
the Revised Code. 24116

The district shall spend a combined total of an amount equal 24117
to twenty per cent of the funds it receives under Title I, Part A 24118

of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 24119
6311 to 6339, to provide transportation for students who enroll in 24120
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 24121
this section and to pay the costs of the supplemental educational 24122
services provided to students under division (E)(2)(b) of this 24123
section, unless the district can satisfy all demand for 24124
transportation and pay the costs of supplemental educational 24125
services for those students who request them with a lesser amount. 24126
In allocating funds between the requirements of divisions 24127
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 24128
shall spend at least an amount equal to five per cent of the funds 24129
it receives under Title I, Part A of the "Elementary and Secondary 24130
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 24131
transportation for students who enroll in alternative buildings 24132
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 24133
district can satisfy all demand for transportation with a lesser 24134
amount, and at least an amount equal to five per cent of the funds 24135
it receives under Title I, Part A of the "Elementary and Secondary 24136
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 24137
of the supplemental educational services provided to students 24138
under division (E)(2)(b) of this section, unless the district can 24139
pay the costs of such services for all students requesting them 24140
with a lesser amount. If an amount equal to twenty per cent of the 24141
funds the district receives under Title I, Part A of the 24142
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 24143
to 6339, is insufficient to satisfy all demand for transportation 24144
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 24145
the costs of all of the supplemental educational services provided 24146
to students under division (E)(2)(b) of this section, the district 24147
shall grant priority over all other students in providing 24148
transportation and in paying the costs of supplemental educational 24149
services to the lowest achieving students among the subgroup 24150
described in division (B)(3) of section 3302.01 of the Revised 24151

Code. 24152

Any district that does not receive funds under Title I, Part 24153
A of the "Elementary and Secondary Education Act of 1965," 20 24154
U.S.C. 6311 to 6339, shall not be required to provide 24155
transportation to any student who enrolls in an alternative 24156
building under division (E)(2)(a) of this section or to pay the 24157
costs of supplemental educational services provided to any student 24158
under division (E)(2)(b) of this section. 24159

No student who enrolls in an alternative building under 24160
division (E)(2)(a) of this section shall be eligible for 24161
supplemental educational services under division (E)(2)(b) of this 24162
section. 24163

(3) For any school building that fails to make adequate 24164
yearly progress for four consecutive school years, the district 24165
shall continue to comply with division (E)(2) of this section and 24166
shall implement at least one of the following options with respect 24167
to the building: 24168

(a) Institute a new curriculum that is consistent with the 24169
statewide academic standards adopted pursuant to division (A) of 24170
section 3301.079 of the Revised Code; 24171

(b) Decrease the degree of authority the building has to 24172
manage its internal operations; 24173

(c) Appoint an outside expert to make recommendations for 24174
improving the academic performance of the building. The district 24175
may request the department to establish a state intervention team 24176
for this purpose pursuant to division (G) of this section. 24177

(d) Extend the length of the school day or year; 24178

(e) Replace the building principal or other key personnel; 24179

(f) Reorganize the administrative structure of the building. 24180

(4) For any school building that fails to make adequate 24181

yearly progress for five consecutive school years, the district 24182
shall continue to comply with division (E)(2) of this section and 24183
shall develop a plan during the next succeeding school year to 24184
improve the academic performance of the building, which shall 24185
include at least one of the following options: 24186

(a) Reopen the school as a community school under Chapter 24187
3314. of the Revised Code; 24188

(b) Replace personnel; 24189

(c) Contract with a nonprofit or for-profit entity to operate 24190
the building; 24191

(d) Turn operation of the building over to the department; 24192

(e) Other significant restructuring of the building's 24193
governance. 24194

(5) For any school building that fails to make adequate 24195
yearly progress for six consecutive school years, the district 24196
shall continue to comply with division (E)(2) of this section and 24197
shall implement the plan developed pursuant to division (E)(4) of 24198
this section. 24199

(6) A district shall continue to comply with division 24200
(E)(1)(b) or (E)(2) of this section, whichever was most recently 24201
applicable, with respect to any building formerly subject to one 24202
of those divisions until the building makes adequate yearly 24203
progress for two consecutive school years. 24204

(F) This division applies only to school districts that have 24205
been identified for improvement by the department pursuant to the 24206
"No Child Left Behind Act of 2001." It does not apply to any such 24207
district after June 30, 2008. 24208

(1) If a school district has been identified for improvement 24209
for one school year, the district shall provide a written 24210
description of the continuous improvement plan developed by the 24211

district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.

(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of this section.

(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:

(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;

(b) Direct the district to replace key district personnel;

(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

(d) Establish alternative forms of governance for individual school buildings within the district;

(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.

The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.

(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue

to monitor implementation of the corrective action taken under 24242
division (F)(3) of this section with respect to the district. 24243

(5) If a school district has been identified for improvement 24244
for five consecutive school years, the department shall take at 24245
least one of the corrective actions identified in division (F)(3) 24246
of this section with respect to the district, provided that the 24247
corrective action the department takes is different from the 24248
corrective action previously taken under division (F)(3) of this 24249
section with respect to the district. 24250

(G) The department may establish a state intervention team to 24251
evaluate all aspects of a school district or building, including 24252
management, curriculum, instructional methods, resource 24253
allocation, and scheduling. Any such intervention team shall be 24254
appointed by the department and shall include teachers and 24255
administrators recognized as outstanding in their fields. The 24256
intervention team shall make recommendations regarding methods for 24257
improving the performance of the district or building. 24258

The department shall not approve a district's request for an 24259
intervention team under division (E)(3) of this section if the 24260
department cannot adequately fund the work of the team, unless the 24261
district agrees to pay for the expenses of the team. 24262

(H) The department shall conduct individual audits of a 24263
sampling of community schools established under Chapter 3314. of 24264
the Revised Code to determine compliance with this section. 24265

(I) A school district in which the pilot project scholarship 24266
program is operating under sections 3313.974 to 3313.979 of the 24267
Revised Code shall report the use of funding for tutorial 24268
assistance grants under that program in the district's three-year 24269
continuous improvement plan under this section in a manner 24270
approved by the department. 24271

(J) The state board shall adopt rules for implementing this 24272

section. 24273

Sec. 3302.103. (A) This section applies to any school district that meets both of the following conditions: 24274
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(1) An academic distress commission was established for the district in 2013 by the superintendent of public instruction under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015. 24276
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(2) A new academic distress commission was established for the district by the state superintendent under division (A)(2) of section 3302.10 of the Revised Code. 24280
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(B) Not later than sixty days after the effective date of this section, the auditor of state shall complete a performance audit of a school district to which this section applies and submit the results of the audit to the board of education of the school district and the academic distress commission established for the district. The performance audit shall be conducted in the same manner as prescribed by section 3316.042 of the Revised Code. 24283
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(C) Notwithstanding anything to the contrary in the Revised Code, not later than ninety days after the effective date of this section, the district board of a school district to which this section applies, in consultation with the appropriate stakeholders, the academic distress commission, and the chief executive officer appointed by that commission under section 3302.10 of the Revised Code, shall develop and submit an academic improvement plan for the district to the state superintendent. 24290
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The plan developed under division (C) of this section shall operate for a period of three school years and shall include annual and overall academic improvement benchmarks for the district and strategies for achieving those benchmarks. 24298
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(D)(1) The state superintendent shall review the plan 24302

submitted under division (C) of this section. Not later than 24303
thirty days after receiving the plan for review, the state 24304
superintendent shall submit the plan and any suggested 24305
modifications and a recommendation to approve or disapprove the 24306
plan to the state board of education. 24307

(2) The state board shall review the plan and any suggested 24308
modifications provided by the state superintendent and shall 24309
approve or disapprove the improvement plan, with or without the 24310
state superintendent's modifications, by majority vote of voting 24311
members not later than ninety days after the plan is submitted to 24312
the state superintendent. Upon approval of the plan by the state 24313
board, the district board may begin to prepare to implement the 24314
plan, which shall be in effect from July 1, 2022, to June 30, 24315
2025. The district's academic distress commission and chief 24316
executive officer shall work with the district in preparing to 24317
implement the plan. 24318

(3) If the district board determines it necessary, it may 24319
submit a request to the state board to modify the improvement plan 24320
during the period of time specified in division (D)(2) of this 24321
section. The improvement plan shall not be modified without the 24322
state board's approval. 24323

(E) During the school years that the district is implementing 24324
the plan approved by the state board, the following apply: 24325

(1) The district board shall reassume all powers granted to 24326
it under the Revised Code. 24327

(2) Section 3302.10 of the Revised Code shall not apply to 24328
the district. 24329

(3) The district's academic distress commission shall 24330
continue to exist and provide assistance to the district but shall 24331
not have any operational or managerial control of the district. 24332

(4) The district board shall provide annual reports to the 24333

state board on the district's progress toward achieving the 24334
academic benchmarks established in the district's improvement 24335
plan. 24336

(F) At the end of three school years under the plan, the 24337
district shall be evaluated by the state board based on the 24338
academic improvement benchmarks established in the plan. 24339

(1)(a) If the district improves but does not meet at least a 24340
majority of the academic improvement benchmarks established in the 24341
improvement plan, the district board may apply to the state board 24342
of education for an extension of one school year to continue 24343
implementing the plan, pending approval by the state board. If the 24344
district does not meet at least a majority of the established 24345
benchmarks at the end of the extension, the district again may 24346
apply to the state board for an extension of one school year to 24347
continue implementing the plan. The district shall not apply for 24348
an extension more than twice. 24349

(b) If the district does not meet at least a majority of the 24350
academic improvement benchmarks at the end of five school years 24351
under the plan or if the state board does not approve a district's 24352
application for an extension submitted under division (F)(1)(a) of 24353
this section, the district shall be subject to all of the 24354
provisions of section 3302.10 of the Revised Code, and the chief 24355
executive officer for the district shall reassume the powers that 24356
were being exercised under that section prior to July 1, 2022. 24357

(2) If the district meets at least a majority of the academic 24358
improvement benchmarks established in its improvement plan at the 24359
end of the initial evaluation or, if applicable, after an 24360
extension granted by the state board under division (F)(1)(a) of 24361
this section, the academic distress commission shall be dissolved, 24362
and the district board shall continue exercising all powers 24363
granted to it under the Revised Code. 24364

Sec. 3302.20. (A) The department of education shall develop 24365
standards for determining, from the existing data reported in 24366
accordance with sections 3301.0714 and 3314.17 of the Revised 24367
Code, the amount of annual operating expenditures for classroom 24368
instructional purposes and for nonclassroom purposes for each 24369
city, exempted village, local, and joint vocational school 24370
district, each community school established under Chapter 3314. 24371
that is not an internet- or computer-based community school, each 24372
internet- or computer-based community school, and each STEM school 24373
established under Chapter 3326. of the Revised Code. The 24374
department shall present those standards to the state board of 24375
education for consideration. In developing the standards, the 24376
department shall adapt existing standards used by professional 24377
organizations, research organizations, and other state 24378
governments. The department also shall align the expenditure 24379
categories required for reporting under the standards with the 24380
categories that are required for reporting to the United States 24381
department of education under federal law. 24382

The state board shall consider the proposed standards and 24383
adopt a final set of standards not later than December 31, 2012. 24384
School districts, community schools, and STEM schools shall begin 24385
reporting data in accordance with the standards on June 30, 2013. 24386

(B)(1) The department shall categorize all city, exempted 24387
village, and local school districts into not less than three nor 24388
more than five groups based primarily on average daily student 24389
enrollment as reported on the most recent report card issued for 24390
each district under section 3302.03 of the Revised Code. 24391

(2) The department shall categorize all joint vocational 24392
school districts into not less than three nor more than five 24393
groups based primarily on formula ADM as that term is defined in 24394
section 3317.02 of the Revised Code rounded to the nearest whole 24395

number. 24396

(3) The department shall categorize all community schools 24397
that are not internet- or computer-based community schools into 24398
not less than three nor more than five groups based primarily on 24399
average daily student enrollment as reported on the most recent 24400
report card issued for each community school under sections 24401
3302.03 and 3314.012 of the Revised Code or, in the case of a 24402
school to which section 3314.017 of the Revised Code applies, on 24403
the total number of students reported under divisions ~~(B)(2)(a)~~ 24404
~~and (b)~~ (B)(1) and (2) of section 3314.08 of the Revised Code. 24405

(4) The department shall categorize all internet- or 24406
computer-based community schools into a single category. 24407

(5) The department shall categorize all STEM schools into a 24408
single category. 24409

(C) Using the standards adopted under division (A) of this 24410
section and the data reported under sections 3301.0714 and 3314.17 24411
of the Revised Code, the department shall compute annually for 24412
each fiscal year, the following: 24413

(1) The percentage of each district's, community school's, or 24414
STEM school's total operating budget spent for classroom 24415
instructional purposes; 24416

(2) The statewide average percentage for all districts, 24417
community schools, and STEM schools combined spent for classroom 24418
instructional purposes; 24419

(3) The average percentage for each of the categories of 24420
districts and schools established under division (B) of this 24421
section spent for classroom instructional purposes; 24422

(4) The ranking of each district, community school, or STEM 24423
school within its respective category established under division 24424
(B) of this section according to the following: 24425

(a) From highest to lowest percentage spent for classroom instructional purposes;	24426 24427
(b) From lowest to highest percentage spent for noninstructional purposes.	24428 24429
(5) The total operating expenditures per pupil for each district, community school, and STEM school;	24430 24431
(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.	24432 24433
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	24434 24435 24436
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	24437 24438 24439
(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;	24440 24441 24442
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	24443 24444 24445
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	24446 24447
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils;	24448 24449 24450
(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.	24451 24452 24453
(3) Within each category of community schools that are not internet- or computer-based community schools, the department	24454 24455

shall denote each school that is: 24456

(a) Among the twenty per cent of all such community schools 24457
statewide with the lowest total operating expenditure per 24458
equivalent pupils; 24459

(b) Among the twenty per cent of all such community schools 24460
statewide with the highest performance index scores, excluding 24461
such community schools to which section 3314.017 of the Revised 24462
Code applies. 24463

(4) Within the category of internet- or computer-based 24464
community schools, the department shall denote each school that 24465
is: 24466

(a) Among the twenty per cent of all such community schools 24467
statewide with the lowest total operating expenditure per 24468
equivalent pupils; 24469

(b) Among the twenty per cent of all such community schools 24470
statewide with the highest performance index scores, excluding 24471
such community schools to which section 3314.017 of the Revised 24472
Code applies. 24473

(5) Within the category of STEM schools, the department shall 24474
denote each school that is: 24475

(a) Among the twenty per cent of all STEM schools statewide 24476
with the lowest total operating expenditure per equivalent pupils; 24477

(b) Among the twenty per cent of all STEM schools statewide 24478
with the highest performance index scores. 24479

For purposes of divisions (D)(3)(b) and (4)(b) of this 24480
section, the display shall note that, in accordance with section 24481
3314.017 of the Revised Code, a performance index score is not 24482
reported for some community schools that serve primarily students 24483
enrolled in dropout prevention and recovery programs. 24484

(E) The department shall post in a prominent location on its 24485

web site the information prescribed by divisions (C) and (D) of 24486
this section. The department also shall include on each 24487
district's, community school's, and STEM school's annual report 24488
card issued under section 3302.03 or 3314.017 of the Revised Code 24489
the respective information computed for the district or school 24490
under divisions (C)(1) and (4) of this section, the statewide 24491
information computed under division (C)(2) of this section, and 24492
the information computed for the district's or school's category 24493
under division (C)(3) of this section. 24494

(F) As used in this section: 24495

(1) "Internet- or computer-based community school" has the 24496
same meaning as in section 3314.02 of the Revised Code. 24497

(2) A school district's, community school's, or STEM school's 24498
performance index score rank is its performance index score rank 24499
as computed under section 3302.21 of the Revised Code. 24500

(3) "Expenditure per equivalent pupils" has the same meaning 24501
as in section 3302.26 of the Revised Code. 24502

Sec. 3304.24. Each October during national disability 24503
employment awareness month, the governor shall present an award to 24504
employers who meet the criteria for having a workplace inclusive 24505
of individuals with disabilities. The opportunities for Ohioans 24506
with disabilities agency shall determine the inclusive workplace 24507
criteria to be used to recommend employers for the award. 24508

Sec. 3307.31. (A) Payments by boards of education and 24509
governing authorities of community schools to the state teachers 24510
retirement system, as provided in sections 3307.29 and 3307.291 of 24511
the Revised Code, shall be made from the amount allocated under 24512
~~section 3314.08 or~~ Chapter 3317. of the Revised Code prior to its 24513
distribution to the individual school districts or community 24514
schools. The amount due from each school district or community 24515

school shall be certified by the secretary of the system to the 24516
superintendent of public instruction monthly, or at such times as 24517
may be determined by the state teachers retirement board. 24518

The superintendent shall deduct, from the amount allocated to 24519
each district or community school under ~~section 3314.08~~ or Chapter 24520
3317. of the Revised Code, the entire amounts due to the system 24521
from such district or school upon the certification to the 24522
superintendent by the secretary thereof. 24523

The superintendent shall certify to the director of budget 24524
and management the amounts thus due the system for payment. 24525

(B) Payments to the state teachers retirement system by a 24526
science, technology, engineering, and mathematics school shall be 24527
deducted from the amount allocated under section ~~3326.33~~ 3317.022 24528
of the Revised Code and shall be made in the same manner as 24529
payments by boards of education under this section. 24530

Sec. 3309.51. (A) Each employer shall pay into the employers' 24531
trust fund, monthly or at such times as the school employees 24532
retirement board requires, an amount certified by the school 24533
employees retirement board, which shall be as required by Chapter 24534
3309. of the Revised Code. 24535

Payments by school district boards of education to the 24536
employers' trust fund of the school employees retirement system 24537
may be made from the amounts allocated under Chapter 3317. of the 24538
Revised Code prior to their distribution to the individual school 24539
districts. The amount due from each school district may be 24540
certified by the secretary of the system to the superintendent of 24541
public instruction monthly, or at such times as is determined by 24542
the school employees retirement board. 24543

Payments by governing authorities of community schools to the 24544
employers' trust fund of the school employees retirement system 24545

shall be made from the amounts allocated under section ~~3314.08~~ 24546
3317.022 of the Revised Code prior to their distribution to the 24547
individual community schools. The amount due from each community 24548
school shall be certified by the secretary of the system to the 24549
superintendent of public instruction monthly, or at such times as 24550
determined by the school employees retirement board. 24551

Payments by a science, technology, engineering, and 24552
mathematics school to the employers' trust fund of the school 24553
employees retirement system shall be made from the amounts 24554
allocated under section ~~3326.33~~ 3317.022 of the Revised Code prior 24555
to their distribution to the school. The amount due from a 24556
science, technology, engineering, and mathematics school shall be 24557
certified by the secretary of the school employees retirement 24558
system to the superintendent of public instruction monthly, or at 24559
such times as determined by the school employees retirement board. 24560

(B) The superintendent shall deduct from the amount allocated 24561
to each community school ~~under section 3314.08 of the Revised~~ 24562
~~Code, to each school district under Chapter 3317. of the Revised~~ 24563
~~Code, or to each science, technology, engineering, and mathematics~~ 24564
school under ~~section 3326.33~~ Chapter 3317. of the Revised Code the 24565
entire amounts due to the school employees retirement system from 24566
such school or school district upon the certification to the 24567
superintendent by the secretary thereof. 24568

(C) Where an employer fails or has failed or refuses to make 24569
payments to the employers' trust fund, as provided for under 24570
Chapter 3309. of the Revised Code, or fails to pay any penalty 24571
imposed under section 3309.571 of the Revised Code the secretary 24572
of the school employees retirement system may certify to the state 24573
superintendent of public instruction, monthly or at such times as 24574
is determined by the school employees retirement board, the amount 24575
due from such employer, and the superintendent shall deduct from 24576
the amount allocated to the employer under ~~section 3314.08 or~~ 24577

~~3326.33~~ or Chapter 3317. of the Revised Code, ~~as applicable,~~ the 24578
entire amounts due to the system from the employer upon the 24579
certification to the superintendent by the secretary of the school 24580
employees retirement system. 24581

(D) The superintendent shall certify to the director of 24582
budget and management the amounts thus due the system for payment. 24583

Sec. 3310.02. ~~(A)~~ The educational choice scholarship pilot 24584
program is hereby established. Under the program, the department 24585
of education annually shall pay scholarships to attend chartered 24586
nonpublic schools in accordance with section ~~3310.08~~ 3317.022 of 24587
the Revised Code ~~for up to the following number of eligible~~ 24588
~~students:~~ 24589

~~(1) Thirty thousand in the 2011-2012 school year;~~ 24590

~~(2) Sixty thousand in the 2012-2013 school year and~~ 24591
~~thereafter.~~ 24592

~~For any school year for which the number of applications for~~ 24593
~~scholarships timely submitted for the program exceeds ninety per~~ 24594
~~cent of the maximum number of scholarships permitted under~~ 24595
~~division (A) of this section, the department shall increase the~~ 24596
~~maximum number of scholarships permitted for the following school~~ 24597
~~year by five per cent. The department shall make the increased~~ 24598
~~number of scholarships available for each subsequent school year~~ 24599
~~until the department is again required to increase the number of~~ 24600
~~scholarships under division (A) of this section.~~ 24601

~~If the number of students who apply for a scholarship exceeds~~ 24602
~~the maximum number of scholarships permitted under division (A) of~~ 24603
~~this section, priority shall be given to those students applying~~ 24604
~~for a scholarship under section 3310.03 of the Revised Code in~~ 24605
~~accordance with division (B) of this section.~~ 24606

~~(B) The department shall award scholarships under section~~ 24607

~~3310.03 of the Revised Code in the following order of priority:~~ 24608

~~(1) First, to eligible students who received scholarships in the prior school year;~~ 24609
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~~(2) Second, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, who qualify under division (C) of section 3310.03 of the Revised Code. If the number of students described in division (B)(2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (B)(1) of this section, the department shall select students described in division (B)(2) of this section by lot to receive any remaining scholarships.~~ 24611
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~~(3) Third, to other eligible students who qualify under division (C) of section 3310.03 of the Revised Code. If the number of students described in division (B)(3) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B)(1) and (2) of this section, the department shall select students described in division (B)(3) of this section by lot to receive any remaining scholarships.~~ 24620
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~~(4) Fourth, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in division (B)(4) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B)(1) to (3) of this section, the department shall select students described in division (B)(4) of this section by lot to receive any remaining scholarships.~~ 24628
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~~(5) Fifth, to other eligible students who qualify under division (A) of section 3310.03 of the Revised Code. If the number~~ 24637
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~~of students described in division (B)(5) of this section who apply 24639
for a scholarship exceeds the number of available scholarships 24640
after awards are made under divisions (B)(1) to (4) of this 24641
section, the department shall select students described in 24642
division (B)(5) of this section by lot to receive any remaining 24643
scholarships. 24644~~

Sec. 3310.03. For the 2021-2022 school year and each school 24645
year thereafter, subject to division (G) of this section, a 24646
student is an "eligible student" for purposes of the educational 24647
choice scholarship pilot program if the student's resident 24648
district is not a school district in which the pilot project 24649
scholarship program is operating under sections 3313.974 to 24650
3313.979 of the Revised Code, the student satisfies one of the 24651
conditions in division (A), (B), or (C) of this section, and the 24652
student maintains eligibility to receive a scholarship under 24653
division (D) of this section. 24654

However, any student who received a scholarship for the 24655
2020-2021 school year under this section, as it existed prior to 24656
~~the effective date of this amendment~~ March 2, 2021, shall continue 24657
to receive that scholarship until the student completes grade 24658
twelve, as long as the student maintains eligibility to receive a 24659
scholarship under division (D) of this section. 24660

(A)(1) A student is eligible for a scholarship if the student 24661
is enrolled in a school building operated by the student's 24662
resident district and to which both of the following apply: 24663

(a) The building was ranked in the lowest twenty per cent of 24664
all buildings operated by city, local, and exempted village school 24665
districts according to performance index score as determined by 24666
the department of education, as follows: 24667

(i) For a scholarship sought for the 2021-2022 or 2022-2023 24668
school year, the building was ranked in the lowest twenty per cent 24669

of buildings for each of the 2017-2018 and 2018-2019 school years. 24670

(ii) For a scholarship sought for the 2023-2024 school year, 24671
the building was ranked in the lowest twenty per cent of buildings 24672
for each of the ~~2020-2021~~2018-2019 and 2021-2022 school years. 24673

(iii) For a scholarship sought for the 2024-2025 school 24674
~~year or any school year thereafter, the building was ranked in the~~ 24675
lowest twenty per cent of buildings for each of the 2021-2022 and 24676
2022-2023 school years. 24677

(iv) For a scholarship sought for the 2025-2026 school year 24678
or any school year thereafter, the building was ranked in the 24679
lowest twenty per cent of buildings for at least two of the three 24680
most recent consecutive rankings issued prior to the first day of 24681
July of the school year for which a scholarship is sought. 24682

(b) The building is operated by a school district in which, 24683
for the three consecutive school years prior to the school year 24684
for which a scholarship is sought, an average of twenty per cent 24685
or more of the students entitled to attend school in the district, 24686
under section 3313.64 or 3313.65 of the Revised Code, were 24687
qualified to be included in the formula to distribute funds under 24688
Title I of the "Elementary and Secondary Education Act of 1965," 24689
20 U.S.C. 6301 et seq. 24690

When ranking school buildings under division (A)(1) of this 24691
section, the department shall not include buildings operated by a 24692
school district in which the pilot project scholarship program is 24693
operating in accordance with sections 3313.974 to 3313.979 of the 24694
Revised Code. 24695

(2) A student is eligible for a scholarship if the student 24696
will be enrolling in any of grades kindergarten through twelve in 24697
this state for the first time in the school year for which a 24698
scholarship is sought, will be at least five years of age, as 24699
defined in section 3321.01 of the Revised Code, by the first day 24700

of January of the school year for which a scholarship is sought, 24701
and otherwise would be assigned under section 3319.01 of the 24702
Revised Code in the school year for which a scholarship is sought, 24703
to a school building described in division (A)(1) of this section. 24704

(3) A student is eligible for a scholarship if the student is 24705
enrolled in a community school established under Chapter 3314. of 24706
the Revised Code but otherwise would be assigned under section 24707
3319.01 of the Revised Code to a building described in division 24708
(A)(1) of this section. 24709

(4) A student is eligible for a scholarship if the student is 24710
enrolled in a school building operated by the student's resident 24711
district or in a community school established under Chapter 3314. 24712
of the Revised Code and otherwise would be assigned under section 24713
3319.01 of the Revised Code to a school building described in 24714
division (A)(1) of this section in the school year for which the 24715
scholarship is sought. 24716

(5) A student is eligible for a scholarship if the student 24717
was enrolled in a public or nonpublic school or was homeschooled 24718
in the prior school year and completed any of grades eight through 24719
eleven in that school year and otherwise would be assigned under 24720
section 3319.01 of the Revised Code to a school building described 24721
in division (A)(1) of this section in the school year for which 24722
the scholarship is sought. 24723

(B) A student is eligible for a scholarship if the student is 24724
enrolled in a nonpublic school at the time the school is granted a 24725
charter by the state board of education under section 3301.16 of 24726
the Revised Code and the student meets the standards of division 24727
(B) of section 3310.031 of the Revised Code. 24728

(C) A student is eligible for a scholarship if the student's 24729
resident district is subject to section 3302.10 of the Revised 24730
Code and the student either: 24731

(1) Is enrolled in a school building operated by the resident district or in a community school established under Chapter 3314. of the Revised Code;

(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought.

(D) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) or (C) of this section.

(2) The student takes each assessment prescribed for the student's grade level under ~~sections~~ section 3301.0710, 3301.0712, or 3313.619 of the Revised Code while enrolled in a chartered nonpublic school, unless one of the following applies to the student:

(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code.

(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.

(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K)(1) of section 3301.0711 of the Revised Code.

(d) The student is excused from taking the assessment 24762
prescribed under division (B)(1) of section 3301.0712 of the 24763
Revised Code pursuant to division (C)(1)(c)(ii) of section 24764
3301.0711 of the Revised Code. 24765

(3) In each school year that the student is enrolled in a 24766
chartered nonpublic school, the student is absent from school for 24767
not more than twenty days that the school is open for instruction, 24768
not including excused absences. 24769

(E)(1) The department shall cease awarding first-time 24770
scholarships pursuant to divisions (A)(1) to ~~(4)~~(5) of this 24771
section with respect to a school building that, in the most recent 24772
ratings of school buildings under section 3302.03 of the Revised 24773
Code prior to the first day of July of the school year, ceases to 24774
meet the criteria in division (A)(1) of this section. 24775

(2) The department shall cease awarding first-time 24776
scholarships pursuant to division (C) of this section with respect 24777
to a school district subject to section 3302.10 of the Revised 24778
Code when the academic distress commission established for the 24779
district ceases to exist. 24780

(3) However, students who have received scholarships in the 24781
prior school year remain eligible students pursuant to division 24782
(D) of this section. 24783

(F) The state board of education shall adopt rules defining 24784
excused absences for purposes of division (D)(3) of this section. 24785

(G) Notwithstanding anything to the contrary in this section 24786
or section 3310.031 of the Revised Code, a student shall not be 24787
required to be enrolled or enrolling in a school building operated 24788
by the student's resident district or a community school in order 24789
to be eligible for a scholarship, as follows: 24790

(1) For a scholarship sought for the 2021-2022 school year, a 24791
student entering any of grades kindergarten through two; 24792

(2) For a scholarship sought for the 2022-2023 school year, a student entering any of grades kindergarten through four; 24793
24794

(3) For a scholarship sought for the 2023-2024 school year, a student entering any of grades kindergarten through six; 24795
24796

(4) For a scholarship sought for the 2024-2025 school year, a student entering any of grades kindergarten through eight; 24797
24798

(5) For a scholarship sought for the 2025-2026 school year, and each school year thereafter, a student entering any of grades kindergarten through twelve. 24799
24800
24801

Sec. 3310.032. (A) A student is an "eligible student" for 24802
purposes of the expansion of the educational choice scholarship 24803
pilot program under this section if the student's resident 24804
district is not a school district in which the pilot project 24805
scholarship program is operating under sections 3313.974 to 24806
3313.979 of the Revised Code, the student is not eligible for an 24807
educational choice scholarship under section 3310.03 of the 24808
Revised Code, and the student's family income is at or below two 24809
hundred fifty per cent of the federal poverty guidelines, as 24810
defined in section 5101.46 of the Revised Code. 24811

(B) In each fiscal year for which the general assembly 24812
appropriates funds for purposes of this section, the department of 24813
education shall pay scholarships to attend chartered nonpublic 24814
schools in accordance with section ~~3310.08~~ 3317.022 of the Revised 24815
Code. The number of scholarships awarded under this section shall 24816
not exceed the number that can be funded ~~with appropriations made~~ 24817
for that school year as authorized by the general assembly ~~for~~ 24818
~~this purpose.~~ 24819

(C) Scholarships under this section shall be awarded as 24820
follows: 24821

(1) For the 2013-2014 school year, to eligible students who 24822

are entering kindergarten in that school year for the first time; 24823

(2) For each subsequent school year through the 2019-2020 24824
school year, scholarships shall be awarded to eligible students in 24825
the next grade level above the highest grade level awarded in the 24826
preceding school year, in addition to the grade levels for which 24827
students received scholarships in the preceding school year; 24828

(3) Beginning with the 2020-2021 school year, to eligible 24829
students who are entering any of grades kindergarten through 24830
twelve in that school year for the first time. 24831

(D) If the number of eligible students who apply for a 24832
scholarship under this section exceeds the scholarships available 24833
based on the appropriation for this section, the department shall 24834
award scholarships in the following order of priority: 24835

(1) First, to eligible students who received scholarships 24836
under this section in the prior school year; 24837

(2) Second, to eligible students with family incomes at or 24838
below one hundred per cent of the federal poverty guidelines. If 24839
the number of students described in division (D)(2) of this 24840
section who apply for a scholarship exceeds the number of 24841
available scholarships after awards are made under division (D)(1) 24842
of this section, the department shall select students described in 24843
division (D)(2) of this section by lot to receive any remaining 24844
scholarships. 24845

(3) Third, to other eligible students who qualify under this 24846
section. If the number of students described in division (D)(3) of 24847
this section exceeds the number of available scholarships after 24848
awards are made under divisions (D)(1) and (2) of this section, 24849
the department shall select students described in division (D)(3) 24850
of this section by lot to receive any remaining scholarships. 24851

(E) Subject to divisions (E)(1) to (3) of this section, a 24852
student who receives a scholarship under this section remains an 24853

eligible student and may continue to receive scholarships under 24854
this section in subsequent school years until the student 24855
completes grade twelve, so long as the student satisfies the 24856
conditions specified in divisions (D)(2) and (3) of section 24857
3310.03 of the Revised Code. 24858

Once a scholarship is awarded under this section, the student 24859
shall remain eligible for that scholarship for the current school 24860
year and subsequent school years even if the student's family 24861
income rises above the amount specified in division (A) of this 24862
section, provided the student remains enrolled in a chartered 24863
nonpublic school, however: 24864

(1) If the student's family income is above two hundred fifty 24865
per cent but at or below three hundred per cent of the federal 24866
poverty guidelines, the student shall receive a scholarship in the 24867
amount of seventy-five per cent of the full scholarship amount. 24868

(2) If the student's family income is above three hundred per 24869
cent but at or below four hundred per cent of the federal poverty 24870
guidelines, the student shall receive a scholarship in the amount 24871
of fifty per cent of the full scholarship amount. 24872

(3) If the student's family income is above four hundred per 24873
cent of the federal poverty guidelines, the student is no longer 24874
eligible to receive an educational choice scholarship. 24875

Sec. 3310.033. (A) As used in this section: 24876

(1) "Foster child" means a child placed with a foster 24877
caregiver, as defined in section 5103.02 of the Revised Code. 24878

(2) "Qualifying student" means a student who is not entitled 24879
to attend school under section 3313.64 or 3313.65 of the Revised 24880
Code in a school district in which the pilot project scholarship 24881
program is operating under sections 3313.974 to 3313.979 of the 24882
Revised Code. 24883

<u>(3) "Kinship caregiver" has the same meaning as in section</u>	24884
<u>5101.85 of the Revised Code.</u>	24885
<u>(4) "Sibling" means any of the following:</u>	24886
<u>(a) A brother, half-brother, sister, or half-sister by birth,</u>	24887
<u>marriage, or adoption;</u>	24888
<u>(b) A cousin by birth, marriage, or adoption who is residing</u>	24889
<u>in the same household;</u>	24890
<u>(c) A foster child who is residing in the same household,</u>	24891
<u>including a child who is subsequently adopted by the child's</u>	24892
<u>foster family;</u>	24893
<u>(d) A child residing in the same household who is placed with</u>	24894
<u>a guardian or legal custodian;</u>	24895
<u>(e) A child who is residing in the same household and is</u>	24896
<u>being cared for by a kinship caregiver;</u>	24897
<u>(f) Any other child under eighteen years of age who has</u>	24898
<u>resided in the same household for at least forty-five consecutive</u>	24899
<u>days within the last calendar year.</u>	24900
<u>(B) Notwithstanding anything in the Revised Code to the</u>	24901
<u>contrary, a qualifying student shall be eligible for an</u>	24902
<u>educational choice scholarship under section 3310.03 of the</u>	24903
<u>Revised Code if any of the following apply:</u>	24904
<u>(1) The student's sibling received an educational choice</u>	24905
<u>scholarship under section 3310.03 of the Revised Code for the</u>	24906
<u>school year immediately prior to the school year for which the</u>	24907
<u>student is seeking a scholarship;</u>	24908
<u>(2) The student is a foster child;</u>	24909
<u>(3) The student is a child placed with a guardian or legal</u>	24910
<u>custodian;</u>	24911
<u>(4) The student is not a child placed with a guardian or</u>	24912

legal custodian, but has resided in the same household as such a 24913
child for at least forty-five consecutive days within the last 24914
calendar year; 24915

(5) The student is not a foster child, but resides in a home 24916
that has received certification under section 5103.03 of the 24917
Revised Code; 24918

(6) The student is not a foster child or a student described 24919
in division (B)(5) of this section, but has resided in the same 24920
household as a foster child for at least forty-five consecutive 24921
days within the last calendar year. 24922

(C) A student who receives an educational choice scholarship 24923
under this section remains eligible for that scholarship and may 24924
continue to receive a scholarship in subsequent school years until 24925
the student completes grade twelve, so long as the student 24926
satisfies the conditions specified in divisions (D)(2) and (3) of 24927
section 3310.03 of the Revised Code. 24928

Sec. 3310.034. (A) Notwithstanding anything in section 24929
3310.03 of the Revised Code to the contrary, a student who is the 24930
recipient of an autism scholarship under section 3310.41 of the 24931
Revised Code or a Jon Peterson special needs scholarship under 24932
section 3310.52 of the Revised Code but who is no longer in need 24933
of special education and related services under Chapter 3323. of 24934
the Revised Code and, therefore, is no longer eligible to receive 24935
that scholarship may be considered an "eligible student" for 24936
purposes of the educational choice scholarship pilot program under 24937
section 3310.03 of the Revised Code. 24938

(B) A student described in division (A) of this section who 24939
receives a scholarship under section 3310.03 of the Revised Code 24940
remains an eligible student and may continue to receive that 24941
scholarship in subsequent school years until the student completes 24942
grade twelve, so long as the student satisfies the conditions 24943

specified in divisions (D)(2) and (3) of section 3310.03 of the 24944
Revised Code. 24945

Sec. 3310.035. (A) A student who is eligible for an 24946
educational choice scholarship under both sections 3310.03 and 24947
3310.032 of the Revised Code, and applies for a scholarship for 24948
the first time after September 29, 2013, shall receive a 24949
scholarship under section 3310.03 of the Revised Code. 24950

(B) A student who is eligible under both sections 3310.03 and 24951
3310.032 of the Revised Code and received a scholarship in the 24952
previous school year shall continue to receive the scholarship 24953
under the section from which the student received the scholarship 24954
in the previous school year, so long as+ 24955

~~(1) The number of students who apply for a scholarship does 24956
not exceed the number of scholarships available under division (A) 24957
of section 3310.02 of the Revised Code. 24958~~

~~(2) A a student who receives a scholarship under section 24959
3310.03 of the Revised Code satisfies with the conditions 24960
specified in divisions (D)(1) to (3) of that section, and a 24961
student who receives a scholarship under section 3310.032 24962
satisfies with the conditions specified in divisions (D)(2) and 24963
(3) of section 3310.03 of the Revised Code. 24964~~

Sec. 3310.036. If a student is eligible for an educational 24965
choice scholarship under section 3310.03 of the Revised Code for a 24966
school year as of the first day of the priority application period 24967
specified in section 3310.16 of the Revised Code, that student's 24968
eligibility for a scholarship for that school year shall not 24969
change solely because, after the first day of the priority 24970
application period, the department of education changes the 24971
internal retrieval number of the school building in which the 24972
student is enrolled or would otherwise be assigned. 24973

Sec. 3310.07. (A) Any parent, or any student who is at least
eighteen years of age, who is seeking a scholarship under the
educational choice scholarship pilot program shall notify the
department of education of the student's and parent's names and
address, the chartered nonpublic school in which the student has
been accepted for enrollment, and the tuition charged by the
school.

(B) The department shall establish a system under which any
parent, or any student who is at least eighteen years of age, may
provide the department with a student's address and, not later
than ten days after receiving the address, the department shall
notify the parent, or student, using regular mail or electronic
mail whether the student is eligible for an educational choice
scholarship under section 3310.03 of the Revised Code. The
student's resident district shall not be permitted to object to a
student's eligibility for an educational choice scholarship under
that section if the department's system determines the student is
eligible.

Sec. 3310.10. A scholarship awarded under ~~section 3310.08~~
section 3310.03 or 3310.032 of the Revised Code may be used only
to pay tuition to any chartered nonpublic school.

Sec. 3310.13. (A) No chartered nonpublic school shall charge
any student whose family income is at or below two hundred per
cent of the federal poverty guidelines, as defined in section
5101.46 of the Revised Code, a tuition fee that is greater than
the total amount paid for that student under ~~section 3310.08~~
3317.022 of the Revised Code.

(B) A chartered nonpublic school may charge any other student
who is paid a scholarship under that section up to the difference
between the amount of the scholarship and the regular tuition

charge of the school. Each chartered nonpublic school may permit 25004
such an eligible student's family to provide volunteer services in 25005
lieu of cash payment to pay all or part of the amount of the 25006
school's tuition not covered by the scholarship paid under section 25007
~~3310.08~~ 3317.022 of the Revised Code. 25008

(C) Each chartered nonpublic school that charges a 25009
scholarship student an additional amount as authorized under 25010
division (B) of this section shall annually report to the 25011
department of education in the manner prescribed by the department 25012
the following: 25013

(1) The number of students charged; 25014

(2) The average of the amounts charged to such students. 25015

Sec. 3310.16. (A) For the 2020-2021 school year and each 25016
school year thereafter, the department of education shall accept, 25017
process, and award scholarships each year for the educational 25018
choice scholarship pilot program under sections 3310.03 and 25019
3310.032 of the Revised Code, as follows: 25020

~~(A)(1)~~ A priority application period shall open on the first 25021
day of February and close the first day of May prior to the first 25022
day of July of the school year for which a scholarship is sought 25023
~~and run not less than seventy five days.~~ The department of 25024
education shall determine whether applicants under this division 25025
are eligible for scholarships and award scholarships under this 25026
division not later than the thirtieth day of June prior to the 25027
first day of July of the school year for which a scholarship is 25028
sought. 25029

~~(B)(2)~~ The department of education shall continue to accept 25030
applications and award scholarships after the priority application 25031
period closes. For an application submitted under this division, 25032
the department of education shall determine whether the applicant 25033

is eligible for a scholarship and notify the applicant of that 25034
determination not later than forty-five days after the application 25035
is submitted, or the application shall be automatically approved. 25036

If the department of education awards a scholarship after the 25037
beginning of the school year, the department shall prorate the 25038
amount of the scholarship based on how much of the school year 25039
remains. The department of education shall continue to award 25040
income-based scholarships under section 3310.032 of the Revised 25041
Code only so long as funds appropriated by the general assembly 25042
for such scholarships for that school year remain available. 25043

(3) In each school year, the department of education shall 25044
accept applications for conditional approval of a scholarship 25045
sought for that year or the next school year. Not later than five 25046
days after receiving an application under this division, the 25047
department of education shall grant conditional approval to an 25048
applicant who is eligible for a scholarship and notify the 25049
applicant whether or not conditional approval is granted. The 25050
department of education shall award a scholarship to a student 25051
with an application that receives conditional approval, provided 25052
that both of the following apply: 25053

(a) The student enrolls in a chartered nonpublic school that 25054
enrolls students awarded scholarships under sections 3310.01 to 25055
3310.17 of the Revised Code not later than one year after 25056
receiving conditional approval. 25057

(b) The student does not change addresses after receiving 25058
conditional approval under this division and prior to enrolling in 25059
a chartered nonpublic school described in division (A)(3)(a) of 25060
this section. 25061

(B) If the department determines an application submitted 25062
under this section contains an error or deficiency, the department 25063
shall notify the applicant who submitted that application not 25064
later fourteen days after the application is submitted. 25065

(C) The departments of education, job and family services, and taxation shall enter into a data sharing agreement so that, in administering this section, the department of education shall be able to determine, based on the address provided in a student's application, whether that student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code and whether the student meets the residency requirements for an educational choice scholarship under section 3310.032 of the Revised Code. 25066
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(D) No city, local, or exempted village school district shall have access to an application submitted under this section. 25075
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Sec. 3310.41. (A) As used in this section: 25077

(1) "Alternative public provider" means either of the 25078
following providers that agrees to enroll a child in the 25079
provider's special education program to implement the child's 25080
individualized education program and to which the child's parent 25081
owes fees for the services provided to the child: 25082

(a) A school district that is not the school district in 25083
which the child is entitled to attend school; 25084

(b) A public entity other than a school district. 25085

(2) "Entitled to attend school" means entitled to attend 25086
school in a school district under section 3313.64 or 3313.65 of 25087
the Revised Code. 25088

(3) "Formula ADM" and ~~"category six special education ADM"~~ 25089
~~have~~ has the same ~~meanings~~ meaning as in section 3317.02 of the 25090
Revised Code. 25091

(4) "Preschool child with a disability" and "individualized 25092
education program" have the same meanings as in section 3323.01 of 25093
the Revised Code. 25094

(5) "Parent" has the same meaning as in section 3313.64 of 25095

the Revised Code, except that "parent" does not mean a parent 25096
whose custodial rights have been terminated. "Parent" also 25097
includes the custodian of a qualified special education child, 25098
when a court has granted temporary, legal, or permanent custody of 25099
the child to an individual other than either of the natural or 25100
adoptive parents of the child or to a government agency. 25101

~~(6) "Preschool scholarship ADM" means the number of preschool 25102
children with disabilities certified under division (B)(3)(h) of 25103
section 3317.03 of the Revised Code. 25104~~

~~(7)~~ "Qualified special education child" is a child for whom 25105
all of the following conditions apply: 25106

(a) The school district in which the child is entitled to 25107
attend school has identified the child as autistic. A child who 25108
has been identified as having a "pervasive developmental disorder 25109
- not otherwise specified (PPD-NOS)" shall be considered to be an 25110
autistic child for purposes of this section. 25111

(b) The school district in which the child is entitled to 25112
attend school has developed an individualized education program 25113
under Chapter 3323. of the Revised Code for the child. 25114

(c) The child either: 25115

(i) Was enrolled in the school district in which the child is 25116
entitled to attend school in any grade from preschool through 25117
twelve in the school year prior to the year in which a scholarship 25118
under this section is first sought for the child; or 25119

(ii) Is eligible to enter school in any grade preschool 25120
through twelve in the school district in which the child is 25121
entitled to attend school in the school year in which a 25122
scholarship under this section is first sought for the child. 25123

~~(8)~~(7) "Registered private provider" means a nonpublic school 25124
or other nonpublic entity that has been approved by the department 25125

of education to participate in the program established under this 25126
section. 25127

~~(9)~~(8) "Special education program" means a school or facility 25128
that provides special education and related services to children 25129
with disabilities. 25130

(B) There is hereby established the autism scholarship 25131
program. Under the program, the department of education shall pay 25132
a scholarship under section 3317.022 of the Revised Code to the 25133
parent of each qualified special education child upon application 25134
of that parent pursuant to procedures and deadlines established by 25135
rule of the state board of education. Each scholarship shall be 25136
used only to pay tuition for the child on whose behalf the 25137
scholarship is awarded to attend a special education program that 25138
implements the child's individualized education program and that 25139
is operated by an alternative public provider or by a registered 25140
private provider, and to pay for other services agreed to by the 25141
provider and the parent of a qualified special education child 25142
that are not included in the individualized education program but 25143
are associated with educating the child. Upon agreement with the 25144
parent of a qualified special education child, the alternative 25145
public provider or the registered private provider may modify the 25146
services provided to the child. ~~Each scholarship shall be in an~~ 25147
~~amount not to exceed the lesser of the tuition charged for the~~ 25148
~~child by the special education program or twenty seven thousand~~ 25149
~~dollars.~~ The purpose of the scholarship is to permit the parent of 25150
a qualified special education child the choice to send the child 25151
to a special education program, instead of the one operated by or 25152
for the school district in which the child is entitled to attend 25153
school, to receive the services prescribed in the child's 25154
individualized education program once the individualized education 25155
program is finalized and any other services agreed to by the 25156
provider and the parent of a qualified special education child. 25157

The services provided under the scholarship shall include an 25158
educational component or services designed to assist the child to 25159
benefit from the child's education. 25160

A scholarship under this section shall not be awarded to the 25161
parent of a child while the child's individualized education 25162
program is being developed by the school district in which the 25163
child is entitled to attend school, or while any administrative or 25164
judicial mediation or proceedings with respect to the content of 25165
the child's individualized education program are pending. A 25166
scholarship under this section shall not be used for a child to 25167
attend a public special education program that operates under a 25168
contract, compact, or other bilateral agreement between the school 25169
district in which the child is entitled to attend school and 25170
another school district or other public provider, or for a child 25171
to attend a community school established under Chapter 3314. of 25172
the Revised Code. However, nothing in this section or in any rule 25173
adopted by the state board shall prohibit a parent whose child 25174
attends a public special education program under a contract, 25175
compact, or other bilateral agreement, or a parent whose child 25176
attends a community school, from applying for and accepting a 25177
scholarship under this section so that the parent may withdraw the 25178
child from that program or community school and use the 25179
scholarship for the child to attend a special education program 25180
for which the parent is required to pay for services for the 25181
child. 25182

Except for development of the child's individualized 25183
education program, the school district in which a qualified 25184
special education child is entitled to attend school and the 25185
child's school district of residence, as defined in section 25186
3323.01 of the Revised Code, if different, are not obligated to 25187
provide the child with a free appropriate public education under 25188
Chapter 3323. of the Revised Code for as long as the child 25189

continues to attend the special education program operated by 25190
either an alternative public provider or a registered private 25191
provider for which a scholarship is awarded under the autism 25192
scholarship program. If at any time, the eligible applicant for 25193
the child decides no longer to accept scholarship payments and 25194
enrolls the child in the special education program of the school 25195
district in which the child is entitled to attend school, that 25196
district shall provide the child with a free appropriate public 25197
education under Chapter 3323. of the Revised Code. 25198

A child attending a special education program with a 25199
scholarship under this section shall continue to be entitled to 25200
transportation to and from that program in the manner prescribed 25201
by law. 25202

~~(C)(1)(C)~~ As prescribed in ~~divisions~~ division (A)(2)(h) ~~7~~ 25203
~~(B)(3)(g), and (B)(10)~~ of section 3317.03 of the Revised Code, a 25204
child who is not a preschool child with a disability for whom a 25205
scholarship is awarded under this section shall be counted in the 25206
formula ADM ~~and the category six special education ADM~~ of the 25207
district in which the child is entitled to attend school and not 25208
in the formula ADM ~~and the category six special education ADM~~ of 25209
any other school district. ~~As prescribed in divisions (B)(3)(h)~~ 25210
~~and (B)(10) of section 3317.03 of the Revised Code, a child who is~~ 25211
~~a preschool child with a disability for whom a scholarship is~~ 25212
~~awarded under this section shall be counted in the preschool~~ 25213
~~scholarship ADM and category six special education ADM of the~~ 25214
~~school district in which the child is entitled to attend school~~ 25215
~~and not in the preschool scholarship ADM or category six special~~ 25216
~~education ADM of any other school district.~~ 25217

~~(2) In each fiscal year, the department shall deduct from the~~ 25218
~~amounts paid to each school district under Chapter 3317. of the~~ 25219
~~Revised Code, and, if necessary, sections 321.24 and 323.156 of~~ 25220
~~the Revised Code, the aggregate amount of scholarships awarded~~ 25221

~~under this section for qualified special education children 25222
included in the formula ADM, or preschool scholarship ADM, and in 25223
the category six special education ADM of that school district as 25224
provided in division (C)(1) of this section. 25225~~

~~The scholarships deducted shall be considered as an approved 25226
special education and related services expense of the school 25227
district. 25228~~

~~(3) From time to time, the department shall make a payment to 25229
the parent of each qualified special education child for whom a 25230
scholarship has been awarded under this section. The scholarship 25231
amount shall be proportionately reduced in the case of any such 25232
child who is not enrolled in the special education program for 25233
which a scholarship was awarded under this section for the entire 25234
school year. The department shall make no payments to the parent 25235
of a child while any administrative or judicial mediation or 25236
proceedings with respect to the content of the child's 25237
individualized education program are pending. 25238~~

~~(D) A scholarship shall not be paid under section 3317.022 of 25239
the Revised Code to a parent for payment of tuition owed to a 25240
nonpublic entity unless that entity is a registered private 25241
provider. The department shall approve entities that meet the 25242
standards established by rule of the state board for the program 25243
established under this section. 25244~~

~~(E) The state board shall adopt rules under Chapter 119. of 25245
the Revised Code prescribing procedures necessary to implement 25246
this section, including, but not limited to, procedures and 25247
deadlines for parents to apply for scholarships, standards for 25248
registered private providers, and procedures for approval of 25249
entities as registered private providers. 25250~~

~~The rules also shall specify that intervention services under 25251
the autism scholarship program may be provided by a qualified, 25252~~

credentialed provider, including, but not limited to, all of the	25253
following:	25254
(1) A behavior analyst certified by a nationally recognized	25255
organization that certifies behavior analysts;	25256
(2) A psychologist licensed to practice in this state under	25257
Chapter 4732. of the Revised Code;	25258
(3) A school psychologist licensed by the state board under	25259
section 3319.22 of the Revised Code;	25260
(4) Any person employed by a licensed psychologist or	25261
licensed school psychologist, while carrying out specific tasks,	25262
under the licensee's supervision, as an extension of the	25263
licensee's legal and ethical authority as specified under Chapter	25264
4732. of the Revised Code who is ascribed as "psychology trainee,"	25265
"psychology assistant," "psychology intern," <u>a "registered</u>	25266
<u>behavior technician" as described under rule 5123-9-41 of the</u>	25267
<u>Administrative Code, a "certified Ohio behavior analyst" under</u>	25268
<u>Chapter 4783. of the Revised Code,</u> or other appropriate term that	25269
clearly implies their supervised or training status;	25270
(5) Unlicensed persons holding a doctoral degree in	25271
psychology or special education from a program approved by the	25272
state board;	25273
(6) Any other qualified individual as determined by the state	25274
board.	25275
(F) The department shall provide reasonable notice to all	25276
parents of children receiving a scholarship under the autism	25277
scholarship program, alternative public providers, and registered	25278
private providers of any amendment to a rule governing, or change	25279
in the administration of, the autism scholarship program.	25280
<u>Sec. 3310.411. Any registered private provider approved to</u>	25281
<u>participate in the autism scholarship program and any of its</u>	25282

employees shall be subject to a criminal records check as 25283
specified in sections 109.57 and 109.572 of the Revised Code. The 25284
registered private provider shall submit the results of any 25285
records checks to the department of education. The department 25286
shall use the information submitted to enroll the individual for 25287
whom a records check is completed in the retained applicant 25288
fingerprint database, established under section 109.5721 of the 25289
Revised Code, in the same manner as any teacher licensed under 25290
sections 3319.22 to 3319.31 of the Revised Code. 25291

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 25292
Revised Code: 25293

(A) "Alternative public provider" means either of the 25294
following providers that agrees to enroll a child in the 25295
provider's special education program to implement the child's 25296
individualized education program and to which the eligible 25297
applicant owes fees for the services provided to the child: 25298

(1) A school district that is not the school district in 25299
which the child is entitled to attend school or the child's school 25300
district of residence, if different; 25301

(2) A public entity other than a school district. 25302

(B) "Child with a disability" and "individualized education 25303
program" have the same meanings as in section 3323.01 of the 25304
Revised Code. 25305

(C) "Eligible applicant" means any of the following: 25306

(1) Either of the natural or adoptive parents of a qualified 25307
special education child, except as otherwise specified in this 25308
division. When the marriage of the natural or adoptive parents of 25309
the student has been terminated by a divorce, dissolution of 25310
marriage, or annulment, or when the natural or adoptive parents of 25311
the student are living separate and apart under a legal separation 25312

decree, and a court has issued an order allocating the parental 25313
rights and responsibilities with respect to the child, "eligible 25314
applicant" means the residential parent as designated by the 25315
court. If the court issues a shared parenting decree, "eligible 25316
applicant" means either parent. "Eligible applicant" does not mean 25317
a parent whose custodial rights have been terminated. 25318

(2) The custodian of a qualified special education child, 25319
when a court has granted temporary, legal, or permanent custody of 25320
the child to an individual other than either of the natural or 25321
adoptive parents of the child or to a government agency; 25322

(3) The guardian of a qualified special education child, when 25323
a court has appointed a guardian for the child; 25324

(4) The grandparent of a qualified special education child, 25325
when the grandparent is the child's attorney in fact under a power 25326
of attorney executed under sections 3109.51 to 3109.62 of the 25327
Revised Code or when the grandparent has executed a ~~caregiver~~ 25328
caretaker authorization affidavit under sections 3109.65 to 25329
3109.73 of the Revised Code; 25330

(5) The surrogate parent appointed for a qualified special 25331
education child pursuant to division (B) of section 3323.05 and 25332
section 3323.051 of the Revised Code; 25333

(6) A qualified special education child, if the child does 25334
not have a custodian or guardian and the child is at least 25335
eighteen years of age. 25336

(D) "Entitled to attend school" means entitled to attend 25337
school in a school district under sections 3313.64 and 3313.65 of 25338
the Revised Code. 25339

(E) "Formula ADM" ~~and "formula amount"~~ have has the same 25340
~~meanings~~ meaning as in section 3317.02 of the Revised Code. 25341

(F) "Qualified special education child" is a child for whom 25342

all of the following conditions apply: 25343

(1) The child is at least five years of age and less than 25344
twenty-two years of age. 25345

(2) The school district in which the child is entitled to 25346
attend school, or the child's school district of residence if 25347
different, has identified the child as a child with a disability. 25348

(3) The school district in which the child is entitled to 25349
attend school, or the child's school district of residence if 25350
different, has developed an individualized education program under 25351
Chapter 3323. of the Revised Code for the child. 25352

(4) The child either: 25353

(a) Was enrolled in the schools of the school district in 25354
which the child is entitled to attend school in any grade from 25355
kindergarten through twelve in the school year prior to the school 25356
year in which a scholarship is first sought for the child; 25357

(b) Is eligible to enter school in any grade kindergarten 25358
through twelve in the school district in which the child is 25359
entitled to attend school in the school year in which a 25360
scholarship is first sought for the child. 25361

(5) The department of education has not approved a 25362
scholarship for the child under the educational choice scholarship 25363
pilot program, under sections 3310.01 to 3310.17 of the Revised 25364
Code, the autism scholarship program, under section 3310.41 of the 25365
Revised Code, or the pilot project scholarship program, under 25366
sections 3313.974 to 3313.979 of the Revised Code for the same 25367
school year in which a scholarship under the Jon Peterson special 25368
needs scholarship program is sought. 25369

(6) The child and the child's parents are in compliance with 25370
the state compulsory attendance law under Chapter 3321. of the 25371
Revised Code. 25372

(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code.

(H) "Scholarship" means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code.

(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code.

(J) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(K) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

Sec. 3310.52. (A) The Jon Peterson special needs scholarship program is hereby established. Under the program, beginning with the 2012-2013 school year, subject to division (B) of this section, the department of education annually shall pay a scholarship under section 3317.022 of the Revised Code to an eligible applicant for services provided by an alternative public provider or a registered private provider for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program, in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school, and other services agreed to by the

provider and eligible applicant that are not included in the 25404
individualized education program but are associated with educating 25405
the child. Beginning in the 2014-2015 school year, if the child is 25406
~~in category one as that term is defined in division (B)(1) of~~ 25407
~~section 3310.56 of the Revised Code~~ receiving special education 25408
services for a disability specified in division (A) of section 25409
3317.013 of the Revised Code, the scholarship shall be used only 25410
to pay for related services that are included in the child's 25411
individualized education program. Upon agreement with the eligible 25412
applicant, the alternative public provider or registered private 25413
provider may modify the services provided to the child. 25414

(B) The number of scholarships awarded under the program in 25415
any fiscal year shall not exceed five per cent of the total number 25416
of students residing in the state identified as children with 25417
disabilities during the previous fiscal year. 25418

(C) The department shall pay a scholarship under section 25419
3317.022 of the Revised Code to the parent of each qualified 25420
special education child, unless the parent authorizes a direct 25421
payment to the child's provider, upon application of that parent 25422
in the manner prescribed by the department. However, the 25423
department shall not adopt specific dates for application 25424
deadlines for scholarships under the program. 25425

Sec. 3310.54. A qualified special education child in any of 25426
grades kindergarten through twelve for whom a scholarship is 25427
awarded under the Jon Peterson special needs scholarship program 25428
shall be counted in the formula ADM ~~and category one through six~~ 25429
~~special education ADM, as appropriate,~~ of the school district in 25430
which the child is entitled to attend school. A qualified special 25431
education child shall not be counted in the formula ADM ~~or~~ 25432
~~category one through six special education ADM~~ of any other school 25433
district. 25434

~~Sec. 3310.57. The department of education shall make periodic payments to an eligible applicant for services for each qualified special education child for whom a scholarship has been awarded. The total of all payments made to an applicant in each school year shall not exceed the amount calculated for the child under section 3310.56 of the Revised Code.~~

~~The department shall proportionately reduce the scholarship amount in the case of a child who is not enrolled in the special education program of an alternative public provider or a registered private provider for the entire school year.~~

In accordance with division (A) of section 3310.62 of the Revised Code, the department shall make no payments under section 3317.022 of the Revised Code to an applicant for a first-time scholarship for a qualified special education child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.

Sec. 3310.62. (A) A scholarship under the Jon Peterson special needs scholarship program shall not be awarded for the first time to an eligible applicant on behalf of a qualified special education child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or by the child's school district of residence if different, or while any administrative or judicial mediation or proceedings with respect to the content of that individualized education program are pending.

(B) Development of individualized education programs subsequent to the one developed for the child the first time a scholarship was awarded on behalf of the child and the prosecuting, by the eligible applicant on behalf of the child, of

administrative or judicial mediation or proceedings with respect 25465
to any of those subsequent individualized education programs do 25466
not affect the applicant's and the child's continued eligibility 25467
for scholarship payments. 25468

(C) In the case of any child for whom a scholarship has been 25469
awarded, if the school district in which the child is entitled to 25470
attend school has agreed to provide some services for the child 25471
under an agreement entered into with the eligible applicant or 25472
with the alternative public provider or registered private 25473
provider implementing the child's individualized education 25474
program, or if the district is required by law to provide some 25475
services for the child, including transportation services under 25476
sections 3310.60 and 3327.01 of the Revised Code, the district 25477
shall not discontinue the services it is providing pending 25478
completion of any administrative proceedings regarding those 25479
services. The prosecuting, by the eligible applicant on behalf of 25480
the child, of administrative proceedings regarding the services 25481
provided by the district does not affect the applicant's and the 25482
child's continued eligibility for scholarship payments. 25483

(D) The department of education shall continue to make 25484
payments to the eligible applicant under section ~~3310.57~~ 3317.022 25485
of the Revised Code while either of the following are pending: 25486

(1) Administrative or judicial mediation or proceedings with 25487
respect to a subsequent individualized education program for the 25488
child referred to in division (B) of this section; 25489

(2) Administrative proceedings regarding services provided by 25490
the district under division (C) of this section. 25491

Sec. 3311.741. (A) This section applies only to a municipal 25492
school district in existence on July 1, 2012. 25493

(B) Not later than December 1, 2012, the board of education 25494

of each municipal school district to which this section applies 25495
shall submit to the superintendent of public instruction an array 25496
of measures to be used in evaluating the performance of the 25497
district. The measures shall assess at least overall student 25498
achievement, student progress over time, the achievement and 25499
progress over time of each of the applicable categories of 25500
students described in division (F) of section 3302.03 of the 25501
Revised Code, and college and career readiness. The state 25502
superintendent shall approve or disapprove the measures by January 25503
15, 2013. If the measures are disapproved, the state 25504
superintendent shall recommend modifications that will make the 25505
measures acceptable. 25506

(C) Beginning with the 2012-2013 school year, the board 25507
annually shall establish goals for improvement on each of the 25508
measures approved under division (B) of this section. The school 25509
district's performance data for the 2011-2012 school year shall be 25510
used as a baseline for determining improvement. 25511

(D) Not later than October 1, 2013, and by the first day of 25512
October each year thereafter, the board shall issue a report 25513
describing the school district's performance for the previous 25514
school year on each of the measures approved under division (B) of 25515
this section and whether the district has met each of the 25516
improvement goals established for that year under division (C) of 25517
this section. The board shall provide the report to the governor, 25518
the superintendent of public instruction, and, in accordance with 25519
section 101.68 of the Revised Code, the general assembly. 25520

~~(E) Not later than November 15, 2017, the superintendent of 25521
public instruction shall evaluate the school district's 25522
performance based on the measures approved under division (B) of 25523
this section and shall issue a report to the governor and general 25524
assembly. 25525~~

Sec. 3312.01. (A) The educational regional service system is 25526
hereby established. The system shall support state and regional 25527
education initiatives and efforts to improve school effectiveness 25528
and student achievement. Services, including special education and 25529
related services, shall be provided under the system to school 25530
districts, community schools established under Chapter 3314. of 25531
the Revised Code, and chartered nonpublic schools. 25532

It is the intent of the general assembly that the educational 25533
regional service system reduce the unnecessary duplication of 25534
programs and services and provide for a more streamlined and 25535
efficient delivery of educational services without reducing the 25536
availability of the services needed by school districts and 25537
schools. 25538

(B) The educational regional service system shall consist of 25539
the following: 25540

(1) The advisory councils and subcommittees established under 25541
sections 3312.03 and 3312.05 of the Revised Code; 25542

(2) A fiscal agent for each of the regions as configured 25543
under section 3312.02 of the Revised Code; 25544

(3) Educational service centers, information technology 25545
centers established under section 3301.075 of the Revised Code, 25546
and other regional education service providers. 25547

(C) Educational service centers shall provide the services 25548
that they are specifically required to provide by the Revised Code 25549
and may enter into agreements pursuant to section 3313.843, 25550
3313.844, or 3313.845 of the Revised Code for the provision of 25551
other services, which may include any of the following: 25552

(1) Assistance in improving student performance; 25553

(2) Services to enable a school district or school to operate 25554
more efficiently or economically; 25555

(3) Professional development for teachers or administrators;	25556
(4) Assistance in the recruitment and retention of teachers and administrators;	25557 25558
(5) Applying for any state or federal grant on behalf of a school district;	25559 25560
(6) Any other educational, administrative, or operational services.	25561 25562
In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.	25563 25564 25565 25566 25567 25568
Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.	25569 25570 25571 25572
(D) An educational service center shall be considered a school district <u>or a local education agency</u> for the purposes of eligibility in applying for any state or <u>competitive</u> federal grant.	25573 25574 25575 25576
(E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.	25577 25578 25579
(F) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to	25580 25581 25582 25583 25584 25585

the local school districts in its territory from the educational 25586
service center in whose territory the district is located. 25587

Sec. 3313.411. (A) As used in this section: 25588

(1) "College-preparatory boarding school" means a 25589
college-preparatory boarding school established under Chapter 25590
3328. of the Revised Code. 25591

(2) "Community school" means a community school established 25592
under Chapter 3314. of the Revised Code. 25593

(3) "High-performing community school" has the same meaning 25594
as in section 3313.413 of the Revised Code. 25595

(4) "STEM school" means a science, technology, engineering, 25596
and mathematics school established under Chapter 3326. of the 25597
Revised Code. 25598

(5) "Unused school facilities" means ~~any~~ either: 25599

(a) Any real property that has been used by a school district 25600
for school operations, including, but not limited to, academic 25601
instruction or administration, since July 1, 1998, but has not 25602
been used in that capacity for one year; 25603

(b) Any school building that has been used for direct 25604
academic instruction but less than sixty per cent of the building 25605
was used for that purpose in the preceding school year. 25606

(B)(1) Except as provided in section 3313.412 of the Revised 25607
Code, on and after June 30, 2011, any school district board of 25608
education shall offer any unused school facilities it owns in its 25609
corporate capacity for lease or sale to the governing authorities 25610
of community schools, the boards of trustees of any 25611
college-preparatory boarding schools, and the governing bodies of 25612
any STEM schools, that are located within the territory of the 25613
district. Not later than sixty days after the district board makes 25614
the offer, interested governing authorities, boards of trustees, 25615

and governing bodies shall notify the district treasurer in 25616
writing of the intention to lease or purchase the property. 25617

The district board shall give priority to the governing 25618
authorities of high-performing community schools that are located 25619
within the territory of the district. 25620

(2) At the same time that a district board makes the offer 25621
required under division (B)(1) of this section, the board also 25622
may, but shall not be required to, offer that property for sale or 25623
lease to the governing authorities of community schools with 25624
plans, stipulated in their contracts entered into under section 25625
3314.03 of the Revised Code, either to relocate their operations 25626
to the territory of the district or to add facilities, as 25627
authorized by division (B)(3) or (4) of section 3314.05 of the 25628
Revised Code, to be located within the territory of the district. 25629

(C)(1) If, not later than sixty days after the district board 25630
makes the offer, only one governing authority of a high-performing 25631
community school offered the property under division (B) of this 25632
section notifies the district treasurer in writing of the 25633
intention to purchase the property pursuant to that division, the 25634
district board shall sell the property to that party for the 25635
appraised fair market value of the property as determined in an 25636
appraisal of the property that is not more than one year old. 25637

If, not later than sixty days after the district board makes 25638
the offer, more than one governing authority of a high-performing 25639
community school offered the property under division (B) of this 25640
section notifies the district treasurer in writing of the 25641
intention to purchase the property pursuant to that division, the 25642
board shall conduct a public auction in the manner required for 25643
auctions of district property under division (A) of section 25644
3313.41 of the Revised Code. Only the governing authorities of 25645
high-performing community schools that notified the district 25646
treasurer of the intention to purchase the property pursuant to 25647

division (B) of this section are eligible to bid at the auction. 25648
The district board is not obligated to accept any bid for the 25649
property that is lower than the appraised fair market value of the 25650
property as determined in an appraisal that is not more than one 25651
year old. 25652

(2) If, not later than sixty days after the district board 25653
makes the offer, no governing authority of a high-performing 25654
community school notifies the district treasurer of its intention 25655
to purchase the property pursuant to division (B) of this section, 25656
the board shall then proceed with the offers from all other 25657
start-up community schools, college-preparatory boarding schools, 25658
and STEM schools made pursuant to that division. 25659

If more than one such entity notifies the district treasurer 25660
of its intention to purchase the property pursuant to division (B) 25661
of this section, the board shall conduct a public auction in the 25662
manner required for auctions of district property under division 25663
(A) of section 3313.41 of the Revised Code. Only the entities that 25664
notified the district treasurer pursuant to division (B) of this 25665
section are eligible to bid at the auction. 25666

(3) If more than one governing authority of a high-performing 25667
community school notifies the district treasurer in writing of the 25668
intention to lease the property pursuant to division (B) of this 25669
section, the district board shall conduct a lottery to select from 25670
among those governing authorities the one qualified governing 25671
authority to which the district board shall lease the property. 25672

If no such governing authority of a high-performing community 25673
school notifies the district treasurer of its intention to lease 25674
the property pursuant to division (B) of this section, the board 25675
shall then proceed with the offers from all other start-up 25676
community schools, college-preparatory boarding schools, and STEM 25677
schools made pursuant to that division. If more than one other 25678
start-up community school, college-preparatory boarding school, or 25679

STEM school notified the district treasurer of its intention to 25680
lease the property pursuant to division (B) of this section, the 25681
district board shall conduct a lottery to select from among those 25682
parties the one qualified party to which the district board shall 25683
lease the property. 25684

(4) The lease price offered by a district board to a 25685
community school, college-preparatory boarding school, or STEM 25686
school under this section shall not be higher than the fair market 25687
value for such a leasehold as determined in an appraisal that is 25688
not more than one year old. 25689

(5) If no qualified party offered the property under division 25690
(B) of this section accepts the offer to lease or buy the property 25691
within sixty days after the offer is made, the district board may 25692
offer the property to any other entity in accordance with 25693
divisions (A) to (F) of section 3313.41 of the Revised Code. 25694

(D) Notwithstanding division (B) of this section, a school 25695
district board may renew any agreement it originally entered into 25696
prior to June 30, 2011, to lease real property to an entity other 25697
than a community school, college-preparatory boarding school, or 25698
STEM school. Nothing in this section shall affect the leasehold 25699
arrangements between the district board and that other entity. 25700

(E)(1) Except as provided in division (E)(2) of this section, 25701
the governing authority of a community school, board of trustees 25702
of a college-preparatory boarding school, or governing body of a 25703
STEM school shall not sell any property purchased under division 25704
(B) of this section within five years of purchasing that property. 25705

(2) The governing authority, board of trustees, or governing 25706
body may sell a property purchased under division (B) of this 25707
section within five years of the purchase, only if the governing 25708
authority, board of trustees, or governing body sells or transfers 25709
that property to another entity described in that division. 25710

Sec. 3313.48. (A) The board of education of each city, 25711
exempted village, local, and joint vocational school district 25712
shall provide for the free education of the youth of school age 25713
within the district under its jurisdiction, at such places as will 25714
be most convenient for the attendance of the largest number 25715
thereof. Each school so provided and each chartered nonpublic 25716
school shall be open for instruction with pupils in attendance, 25717
including scheduled classes, supervised activities, and approved 25718
education options but excluding lunch and breakfast periods and 25719
extracurricular activities, for not less than four hundred 25720
fifty-five hours in the case of pupils in kindergarten unless such 25721
pupils are provided all-day kindergarten, as defined in section 25722
3321.05 of the Revised Code, in which case the pupils shall be in 25723
attendance for nine hundred ten hours; nine hundred ten hours in 25724
the case of pupils in grades one through six; and one thousand one 25725
hours in the case of pupils in grades seven through twelve in each 25726
school year, which may include all of the following: 25727

(1) Up to the equivalent of two school days per year during 25728
which pupils would otherwise be in attendance but are not required 25729
to attend for the purpose of individualized parent-teacher 25730
conferences and reporting periods; 25731

(2) Up to the equivalent of two school days per year during 25732
which pupils would otherwise be in attendance but are not required 25733
to attend for professional meetings of teachers; 25734

(3) Morning and afternoon recess periods of not more than 25735
fifteen minutes duration per period for pupils in grades 25736
kindergarten through six. 25737

(B) Not later than thirty days prior to adopting a school 25738
calendar, the board of education of each city, exempted village, 25739
and local school district shall hold a public hearing on the 25740
school calendar, addressing topics that include, but are not 25741

limited to, the total number of hours in a school year, length of 25742
school day, and beginning and end dates of instruction. 25743

(C) No school operated by a city, exempted village, local, or 25744
joint vocational school district shall reduce the number of hours 25745
in each school year that the school is scheduled to be open for 25746
instruction from the number of hours per year the school was open 25747
for instruction during the previous school year unless the 25748
reduction is approved by a resolution adopted by the district 25749
board of education. Any reduction so approved shall not result in 25750
fewer hours of instruction per school year than the applicable 25751
number of hours required under division (A) of this section. 25752

(D) Prior to making any change in the hours or days in which 25753
a high school under its jurisdiction is open for instruction, the 25754
board of education of each city, exempted village, and local 25755
school district shall consider the compatibility of the proposed 25756
change with the scheduling needs of any joint vocational school 25757
district in which any of the high school's students are also 25758
enrolled. The board shall consider the impact of the proposed 25759
change on student access to the instructional programs offered by 25760
the joint vocational school district, incentives for students to 25761
participate in career-technical education, transportation, and the 25762
timing of graduation. The board shall provide the joint vocational 25763
school district board with advance notice of the proposed change 25764
and the two boards shall enter into a written agreement 25765
prescribing reasonable accommodations to meet the scheduling needs 25766
of the joint vocational school district prior to implementation of 25767
the change. 25768

(E) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 25769
prior to making any change in the hours or days in which a school 25770
under its jurisdiction is open for instruction, the board of 25771
education of each city, exempted village, and local school 25772
district shall consider the compatibility of the proposed change 25773

with the scheduling needs of any community school established 25774
under Chapter 3314. of the Revised Code to which the district is 25775
required to transport students under sections 3314.09 and 3327.01 25776
of the Revised Code. The board shall consider the impact of the 25777
proposed change on student access to the instructional programs 25778
offered by the community school, transportation, and the timing of 25779
graduation. The board shall provide the sponsor, governing 25780
authority, and operator of the community school with advance 25781
notice of the proposed change, and the board and the governing 25782
authority, or operator if such authority is delegated to the 25783
operator, shall enter into a written agreement prescribing 25784
reasonable accommodations to meet the scheduling needs of the 25785
community school prior to implementation of the change. 25786

(F) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 25787
prior to making any change in the hours or days in which the 25788
schools under its jurisdiction are open for instruction, the board 25789
of education of each city, exempted village, and local school 25790
district shall consult with the chartered nonpublic schools to 25791
which the district is required to transport students under section 25792
3327.01 of the Revised Code and shall consider the effect of the 25793
proposed change on the schedule for transportation of those 25794
students to their nonpublic schools. The governing authority of a 25795
chartered nonpublic school shall consult with each school district 25796
board of education that transports students to the chartered 25797
nonpublic school under section 3327.01 of the Revised Code prior 25798
to making any change in the hours or days in which the nonpublic 25799
school is open for instruction. 25800

(G) The state board of education shall not adopt or enforce 25801
any rule or standard that imposes on chartered nonpublic schools 25802
the procedural requirements imposed on school districts by 25803
divisions (B), (C), (D), and (E) of this section. 25804

Sec. 3313.488. (A) Within fifteen days after the date the 25805
state board of education issues an order under section 3313.487 of 25806
the Revised Code making a school district subject to this section, 25807
the district's board of education shall prepare a fiscal statement 25808
of expenses and expenditures for the remainder of the current 25809
fiscal year. The fiscal statement shall be submitted to the 25810
superintendent of public instruction and shall set forth all 25811
revenues to be received by the district during the remainder of 25812
the fiscal year and their sources, the expenses to be incurred by 25813
the district during the remainder of the fiscal year, the 25814
outstanding and unpaid expenses at the time the fiscal statement 25815
is prepared and the date or dates by which such expenses must be 25816
paid, and such other information as the superintendent requires to 25817
enable the superintendent to ensure that during the remainder of 25818
the fiscal year, the district will not incur any expenses that 25819
will further impair its ability to operate an instructional 25820
program that meets or exceeds the minimum standards of the state 25821
board of education and requirements of the Revised Code during the 25822
current and ensuing fiscal years with the revenue available to it 25823
from existing revenue sources. The fiscal statement shall be 25824
presented in such detail and form as the superintendent 25825
prescribes. Beginning the tenth day after the fiscal statement is 25826
submitted and for the remainder of the fiscal year, the board 25827
shall not make any expenditure of money, make any employment, 25828
purchase, or rental contract, give any order involving the 25829
expenditure of money, or increase any wage or salary schedule 25830
unless the superintendent of public instruction has approved the 25831
fiscal statement in writing and the expenditure, contract, order, 25832
or schedule has been approved in writing by the superintendent as 25833
being in conformity with the fiscal statement. 25834

Any contract or expenditure made, order given, or schedule 25835
adopted or put into effect without the written approval of the 25836

superintendent of public instruction is void, and no warrant shall 25837
be issued in payment of any amount due thereon. 25838

(B) A board of education subject to division (A) of this 25839
section shall prepare a fiscal statement of expenses and 25840
expenditures for the ensuing fiscal year. The fiscal statement 25841
shall be submitted to the superintendent of public instruction and 25842
shall set forth all revenues to be received by the district during 25843
such year and their source, the expenses to be incurred by the 25844
district during such year, the outstanding and unpaid expenses on 25845
the first day of such fiscal year, the date or dates by which such 25846
expenses must be paid, and such other information as the 25847
superintendent requires to enable the superintendent to ensure 25848
that during such year, the district will not incur any expenses 25849
that will further impair its ability to operate an instructional 25850
program that meets or exceeds the minimum standards of the state 25851
board of education and requirements of the Revised Code during 25852
such year with the revenue available to it from existing revenue 25853
sources. The fiscal statement shall be presented at the time and 25854
in such detail and form as the superintendent prescribes. During 25855
the fiscal year following the year in which a board of education 25856
first becomes subject to division (A) of this section it shall not 25857
make any expenditure of money, make any employment, purchase, or 25858
rental contract, give any order involving the expenditure of 25859
money, or increase any wage or salary schedule unless the 25860
superintendent of public instruction has approved the fiscal 25861
statement submitted under this division in writing and has 25862
approved the expenditure, contract, order, or schedule in writing 25863
as being in conformity with the fiscal statement. 25864

Any contract or expenditure made, order given, or schedule 25865
adopted or put into effect without the written approval of the 25866
superintendent of public instruction is void, and no warrant shall 25867
be issued in payment of any amount due thereon. 25868

(C) The state board of education shall examine any fiscal statement presented to and approved by the superintendent of public instruction under division (B) of this section and shall determine whether the data set forth in the fiscal statement are factual and based upon assumptions that in its judgment are reasonable expectations consistent with acceptable governmental budget and accounting practices. If the state board so determines and finds that the revenues and expenditures in the fiscal statement are in balance for the fiscal year and the fiscal statement will enable the district to operate during such year without interrupting its school calendar, it shall certify its determination and finding to the district at least thirty days prior to the beginning of the fiscal year, and the district shall thereupon cease to be subject to this section. If the state board does not make such a determination and finding, the board of education and school district are subject to this division and division (B) of this section in the ensuing fiscal year and each fiscal year thereafter until the state board makes a determination, finding, and certification under this division.

(D) Any officer, employee, or other person who knowingly expends or authorizes the expenditure of any public funds or knowingly authorizes or executes any contract, order, or schedule contrary to division (A) or (B) of this section or who knowingly expends or authorizes the expenditure of any public funds on any such void contract, order, or schedule is jointly and severally liable in person and upon any official bond that the officer, employee, or other person has given to such school district to the extent of any payments on the void claim, not to exceed twenty thousand dollars. The attorney general at the written request of the superintendent of public instruction shall enforce this liability by civil action brought in any court of appropriate jurisdiction in the name of and on behalf of the school district.

~~(E) During each month that a board of education is subject to division (A), (B), or (C) of this section, the superintendent of public instruction shall submit a report to the speaker of the house of representatives and the president of the senate on the financial condition of the school district. The report shall contain the date by which the superintendent anticipates the district will cease to be subject to such divisions, the district's plans for becoming exempt from such section, and such other information the superintendent determines appropriate or the speaker of the house of representatives or president of the senate requests.~~

~~In addition to the other reports required under this division, on the thirty first day of each school district fiscal year following a fiscal year in which a school district first becomes subject to this section, the superintendent shall submit a written report to the speaker of the house of representatives and the president of the senate. The report shall include recommendations to the general assembly for strengthening the financial condition of school districts based upon the experiences of the superintendent and the state board in exercising their powers under this section and sections 3313.483 and 3313.487 of the Revised Code.~~

~~(F) This section does not apply to a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code.~~

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city, exempted village,

and local school district and the board of each cooperative 25932
education school district established, pursuant to section 25933
3311.521 of the Revised Code, shall prescribe a curriculum for all 25934
schools under its control. Except as provided in division (E) of 25935
this section, in any such curriculum there shall be included the 25936
study of the following subjects: 25937

(1) The language arts, including reading, writing, spelling, 25938
oral and written English, and literature; 25939

(2) Geography, the history of the United States and of Ohio, 25940
and national, state, and local government in the United States, 25941
including a balanced presentation of the relevant contributions to 25942
society of men and women of African, Mexican, Puerto Rican, and 25943
American Indian descent as well as other ethnic and racial groups 25944
in Ohio and the United States; 25945

(3) Mathematics; 25946

(4) Natural science, including instruction in the 25947
conservation of natural resources; 25948

(5) Health education, which shall include instruction in: 25949

(a) The nutritive value of foods, including natural and 25950
organically produced foods, the relation of nutrition to health, 25951
and the use and effects of food additives; 25952

(b) The harmful effects of and legal restrictions against the 25953
use of drugs of abuse, alcoholic beverages, and tobacco, including 25954
electronic smoking devices; 25955

(c) Venereal disease education, except that upon written 25956
request of the student's parent or guardian, a student shall be 25957
excused from taking instruction in venereal disease education; 25958

(d) In grades kindergarten through six, instruction in 25959
personal safety and assault prevention, except that upon written 25960
request of the student's parent or guardian, a student shall be 25961

excused from taking instruction in personal safety and assault prevention; 25962
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(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships. 25964
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In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention. 25968
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If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school. 25972
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(f) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin; 25978
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(g) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation; 25982
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(h) Beginning with the first day of the next school year that begins at least two years after ~~the effective date of this amendment~~ March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based suicide awareness and prevention and at least one hour or one standard class period per school year of safety training and violence prevention, except that upon written request of the student's parent or guardian, a student shall be excused 25985
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from taking instruction in suicide awareness and prevention or 25993
safety training and violence prevention; 25994

(i) Beginning with the first day of the next school year that 25995
begins at least two years after ~~the effective date of this~~ 25996
~~amendment~~ March 24, 2021, in grades six through twelve, at least 25997
one hour or one standard class period per school year of 25998
evidence-based social inclusion instruction, except that upon 25999
written request of the student's parent or guardian, a student 26000
shall be excused from taking instruction in social inclusion. 26001

For the instruction required under divisions (A)(5)(h) and 26002
(i) of this section, the board shall use a training program 26003
approved by the department of education under section 3301.221 of 26004
the Revised Code. 26005

Schools may use student assemblies, digital learning, and 26006
homework to satisfy the instruction requirements under divisions 26007
(A)(5)(h) and (i) of this section. 26008

(6) Physical education; 26009

(7) The fine arts, including music; 26010

(8) First aid, including a training program in 26011
cardiopulmonary resuscitation, which shall comply with section 26012
3313.6021 of the Revised Code when offered in any of grades nine 26013
through twelve, safety, and fire prevention. However, upon written 26014
request of the student's parent or guardian, a student shall be 26015
excused from taking instruction in cardiopulmonary resuscitation. 26016

(B) Except as provided in division (E) of this section, every 26017
school or school district shall include in the requirements for 26018
promotion from the eighth grade to the ninth grade one year's 26019
course of study of American history. A board may waive this 26020
requirement for academically accelerated students who, in 26021
accordance with procedures adopted by the board, are able to 26022
demonstrate mastery of essential concepts and skills of the eighth 26023

grade American history course of study. 26024

(C) As specified in divisions (B)(6) and (C)(6) of section 26025
3313.603 of the Revised Code, except as provided in division (E) 26026
of this section, every high school shall include in the 26027
requirements for graduation from any curriculum one-half unit each 26028
of American history and government. 26029

(D) Except as provided in division (E) of this section, basic 26030
instruction or demonstrated mastery in geography, United States 26031
history, the government of the United States, the government of 26032
the state of Ohio, local government in Ohio, the Declaration of 26033
Independence, the United States Constitution, and the Constitution 26034
of the state of Ohio shall be required before pupils may 26035
participate in courses involving the study of social problems, 26036
economics, foreign affairs, United Nations, world government, 26037
socialism, and communism. 26038

(E) For each cooperative education school district 26039
established pursuant to section 3311.521 of the Revised Code and 26040
each city, exempted village, and local school district that has 26041
territory within such a cooperative district, the curriculum 26042
adopted pursuant to divisions (A) to (D) of this section shall 26043
only include the study of the subjects that apply to the grades 26044
operated by each such school district. The ~~curriculum~~ curricula 26045
for such schools, when combined, shall provide to each student of 26046
these districts all of the subjects required under divisions (A) 26047
to (D) of this section. 26048

(F) The board of education of any cooperative education 26049
school district established pursuant to divisions (A) to (C) of 26050
section 3311.52 of the Revised Code shall prescribe a curriculum 26051
for the subject areas and grade levels offered in any school under 26052
its control. 26053

(G) Upon the request of any parent or legal guardian of a 26054

student, the board of education of any school district shall 26055
permit the parent or guardian to promptly examine, with respect to 26056
the parent's or guardian's own child: 26057

(1) Any survey or questionnaire, prior to its administration 26058
to the child; 26059

(2) Any textbook, workbook, software, video, or other 26060
instructional materials being used by the district in connection 26061
with the instruction of the child; 26062

(3) Any completed and graded test taken or survey or 26063
questionnaire filled out by the child; 26064

(4) Copies of the statewide academic standards and each model 26065
curriculum developed pursuant to section 3301.079 of the Revised 26066
Code, which copies shall be available at all times during school 26067
hours in each district school building. 26068

Sec. 3313.603. (A) As used in this section: 26069

(1) "One unit" means a minimum of one hundred twenty hours of 26070
course instruction, except that for a laboratory course, "one 26071
unit" means a minimum of one hundred fifty hours of course 26072
instruction. 26073

(2) "One-half unit" means a minimum of sixty hours of course 26074
instruction, except that for physical education courses, "one-half 26075
unit" means a minimum of one hundred twenty hours of course 26076
instruction. 26077

(B) Beginning September 15, 2001, except as required in 26078
division (C) of this section and division (C) of section 3313.614 26079
of the Revised Code, the requirements for graduation from every 26080
high school shall include twenty units earned in grades nine 26081
through twelve and shall be distributed as follows: 26082

(1) English language arts, four units; 26083

(2) Health, one-half unit;	26084
(3) Mathematics, three units;	26085
(4) Physical education, one-half unit;	26086
(5) Science, two units until September 15, 2003, and three	26087
units thereafter, which at all times shall include both of the	26088
following:	26089
(a) Biological sciences, one unit;	26090
(b) Physical sciences, one unit.	26091
(6) History and government, one unit, which shall comply with	26092
division (M) of this section and shall include both of the	26093
following:	26094
(a) American history, one-half unit;	26095
(b) American government, one-half unit.	26096
(7) Social studies, two units.	26097
Beginning with students who enter ninth grade for the first	26098
time on or after July 1, 2017, the two units of instruction	26099
prescribed by division (B)(7) of this section shall include at	26100
least one-half unit of instruction in the study of world history	26101
and civilizations.	26102
(8) Elective units, seven units until September 15, 2003, and	26103
six units thereafter.	26104
Each student's electives shall include at least one unit, or	26105
two half units, chosen from among the areas of	26106
business/technology, fine arts, and/or foreign language.	26107
(C) Beginning with students who enter ninth grade for the	26108
first time on or after July 1, 2010, except as provided in	26109
divisions (D) to (F) of this section, the requirements for	26110
graduation from every public and chartered nonpublic high school	26111
shall include twenty units that are designed to prepare students	26112

for the workforce and college. The units shall be distributed as follows: 26113
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(1) English language arts, four units; 26115

(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health; 26116
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(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative. 26119
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For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions. 26129
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(4) Physical education, one-half unit; 26138

(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent: 26139
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(a) Physical sciences, one unit; 26143

(b) Life sciences, one unit;	26144
(c) Advanced study in one or more of the following sciences, one unit:	26145 26146
(i) Chemistry, physics, or other physical science;	26147
(ii) Advanced biology or other life science;	26148
(iii) Astronomy, physical geology, or other earth or space science;	26149 26150
(iv) Computer science.	26151
No student shall substitute a computer science course for a life sciences or biology course under division (C)(5) of this section.	26152 26153 26154
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	26155 26156 26157
(a) American history, one-half unit;	26158
(b) American government, one-half unit.	26159
(7) Social studies, two units.	26160
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of	26161 26162 26163 26164 26165 26166 26167 26168 26169 26170 26171 26172 26173

higher education in the state. 26174

Beginning with students who enter ninth grade for the first 26175
time on or after July 1, 2017, the two units of instruction 26176
prescribed by division (C)(7) of this section shall include at 26177
least one-half unit of instruction in the study of world history 26178
and civilizations. 26179

(8) Five units consisting of one or any combination of 26180
foreign language, fine arts, business, career-technical education, 26181
family and consumer sciences, technology which may include 26182
computer science, agricultural education, a junior reserve officer 26183
training corps (JROTC) program approved by the congress of the 26184
United States under title 10 of the United States Code, or English 26185
language arts, mathematics, science, or social studies courses not 26186
otherwise required under division (C) of this section. 26187

Ohioans must be prepared to apply increased knowledge and 26188
skills in the workplace and to adapt their knowledge and skills 26189
quickly to meet the rapidly changing conditions of the 26190
twenty-first century. National studies indicate that all high 26191
school graduates need the same academic foundation, regardless of 26192
the opportunities they pursue after graduation. The goal of Ohio's 26193
system of elementary and secondary education is to prepare all 26194
students for and seamlessly connect all students to success in 26195
life beyond high school graduation, regardless of whether the next 26196
step is entering the workforce, beginning an apprenticeship, 26197
engaging in post-secondary training, serving in the military, or 26198
pursuing a college degree. 26199

The requirements for graduation prescribed in division (C) of 26200
this section are the standard expectation for all students 26201
entering ninth grade for the first time at a public or chartered 26202
nonpublic high school on or after July 1, 2010. A student may 26203
satisfy this expectation through a variety of methods, including, 26204
but not limited to, integrated, applied, career-technical, and 26205

traditional coursework. 26206

Stronger coordination between high schools and institutions 26207
of higher education is necessary to prepare students for more 26208
challenging academic endeavors and to lessen the need for academic 26209
remediation in college, thereby reducing the costs of higher 26210
education for Ohio's students, families, and the state. The state 26211
board and the chancellor of higher education shall develop 26212
policies to ensure that only in rare instances will students who 26213
complete the requirements for graduation prescribed in division 26214
(C) of this section require academic remediation after high 26215
school. 26216

School districts, community schools, and chartered nonpublic 26217
schools shall integrate technology into learning experiences 26218
across the curriculum in order to maximize efficiency, enhance 26219
learning, and prepare students for success in the 26220
technology-driven twenty-first century. Districts and schools 26221
shall use distance and web-based course delivery as a method of 26222
providing or augmenting all instruction required under this 26223
division, including laboratory experience in science. Districts 26224
and schools shall utilize technology access and electronic 26225
learning opportunities provided by the broadcast educational media 26226
commission, chancellor, the Ohio learning network, education 26227
technology centers, public television stations, and other public 26228
and private providers. 26229

(D) Except as provided in division (E) of this section, a 26230
student who enters ninth grade on or after July 1, 2010, and 26231
before July 1, 2016, may qualify for graduation from a public or 26232
chartered nonpublic high school even though the student has not 26233
completed the requirements for graduation prescribed in division 26234
(C) of this section if all of the following conditions are 26235
satisfied: 26236

(1) During the student's third year of attending high school, 26237

as determined by the school, the student and the student's parent, 26238
guardian, or custodian sign and file with the school a written 26239
statement asserting the parent's, guardian's, or custodian's 26240
consent to the student's graduating without completing the 26241
requirements for graduation prescribed in division (C) of this 26242
section and acknowledging that one consequence of not completing 26243
those requirements is ineligibility to enroll in most state 26244
universities in Ohio without further coursework. 26245

(2) The student and parent, guardian, or custodian fulfill 26246
any procedural requirements the school stipulates to ensure the 26247
student's and parent's, guardian's, or custodian's informed 26248
consent and to facilitate orderly filing of statements under 26249
division (D)(1) of this section. Annually, each district or school 26250
shall notify the department of the number of students who choose 26251
to qualify for graduation under division (D) of this section and 26252
the number of students who complete the student's success plan and 26253
graduate from high school. 26254

(3) The student and the student's parent, guardian, or 26255
custodian and a representative of the student's high school 26256
jointly develop a student success plan for the student in the 26257
manner described in division (C)(1) of section 3313.6020 of the 26258
Revised Code that specifies the student matriculating to a 26259
two-year degree program, acquiring a business and 26260
industry-recognized credential, or entering an apprenticeship. 26261

(4) The student's high school provides counseling and support 26262
for the student related to the plan developed under division 26263
(D)(3) of this section during the remainder of the student's high 26264
school experience. 26265

(5)(a) Except as provided in division (D)(5)(b) of this 26266
section, the student successfully completes, at a minimum, the 26267
curriculum prescribed in division (B) of this section. 26268

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows:

(i) Mathematics, four units, one unit which shall be one of the following:

(I) Probability and statistics;

(II) Computer science;

(III) Applied mathematics or quantitative reasoning;

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.

(ii) Elective units, five units;

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.

~~The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.~~

(E) Each school district and chartered nonpublic school

retains the authority to require an even more challenging minimum 26299
curriculum for high school graduation than specified in division 26300
(B) or (C) of this section. A school district board of education, 26301
through the adoption of a resolution, or the governing authority 26302
of a chartered nonpublic school may stipulate any of the 26303
following: 26304

(1) A minimum high school curriculum that requires more than 26305
twenty units of academic credit to graduate; 26306

(2) An exception to the district's or school's minimum high 26307
school curriculum that is comparable to the exception provided in 26308
division (D) of this section but with additional requirements, 26309
which may include a requirement that the student successfully 26310
complete more than the minimum curriculum prescribed in division 26311
(B) of this section; 26312

(3) That no exception comparable to that provided in division 26313
(D) of this section is available. 26314

If a school district or chartered nonpublic school requires a 26315
foreign language as an additional graduation requirement under 26316
division (E) of this section, a student may apply one unit of 26317
instruction in computer coding to satisfy one unit of foreign 26318
language. If a student applies more than one computer coding 26319
course to satisfy the foreign language requirement, the courses 26320
shall be sequential and progressively more difficult. 26321

(F) A student enrolled in a dropout prevention and recovery 26322
program, which program has received a waiver from the department, 26323
may qualify for graduation from high school by successfully 26324
completing a competency-based instructional program administered 26325
by the dropout prevention and recovery program in lieu of 26326
completing the requirements for graduation prescribed in division 26327
(C) of this section. The department shall grant a waiver to a 26328
dropout prevention and recovery program, within sixty days after 26329

the program applies for the waiver, if the program meets all of 26330
the following conditions: 26331

(1) The program serves only students not younger than sixteen 26332
years of age and not older than twenty-one years of age. 26333

(2) The program enrolls students who, at the time of their 26334
initial enrollment, either, or both, are at least one grade level 26335
behind their cohort age groups or experience crises that 26336
significantly interfere with their academic progress such that 26337
they are prevented from continuing their traditional programs. 26338

(3) The program requires students to attain at least the 26339
applicable score designated for each of the assessments prescribed 26340
under division (B)(1) of section 3301.0710 of the Revised Code or, 26341
to the extent prescribed by rule of the state board under division 26342
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 26343
of that section. 26344

(4) The program develops a student success plan for the 26345
student in the manner described in division (C)(1) of section 26346
3313.6020 of the Revised Code that specifies the student's 26347
matriculating to a two-year degree program, acquiring a business 26348
and industry-recognized credential, or entering an apprenticeship. 26349

(5) The program provides counseling and support for the 26350
student related to the plan developed under division (F)(4) of 26351
this section during the remainder of the student's high school 26352
experience. 26353

(6) The program requires the student and the student's 26354
parent, guardian, or custodian to sign and file, in accordance 26355
with procedural requirements stipulated by the program, a written 26356
statement asserting the parent's, guardian's, or custodian's 26357
consent to the student's graduating without completing the 26358
requirements for graduation prescribed in division (C) of this 26359
section and acknowledging that one consequence of not completing 26360

those requirements is ineligibility to enroll in most state 26361
universities in Ohio without further coursework. 26362

(7) Prior to receiving the waiver, the program has submitted 26363
to the department an instructional plan that demonstrates how the 26364
academic content standards adopted by the state board under 26365
section 3301.079 of the Revised Code will be taught and assessed. 26366

(8) Prior to receiving the waiver, the program has submitted 26367
to the department a policy on career advising that satisfies the 26368
requirements of section 3313.6020 of the Revised Code, with an 26369
emphasis on how every student will receive career advising. 26370

(9) Prior to receiving the waiver, the program has submitted 26371
to the department a written agreement outlining the future 26372
cooperation between the program and any combination of local job 26373
training, postsecondary education, nonprofit, and health and 26374
social service organizations to provide services for students in 26375
the program and their families. 26376

Divisions (F)(8) and (9) of this section apply only to 26377
waivers granted on or after July 1, 2015. 26378

If the department does not act either to grant the waiver or 26379
to reject the program application for the waiver within sixty days 26380
as required under this section, the waiver shall be considered to 26381
be granted. 26382

(G) Every high school may permit students below the ninth 26383
grade to take advanced work. If a high school so permits, it shall 26384
award high school credit for successful completion of the advanced 26385
work and shall count such advanced work toward the graduation 26386
requirements of division (B) or (C) of this section if the 26387
advanced work was both: 26388

(1) Taught by a person who possesses a license or certificate 26389
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 26390
Code that is valid for teaching high school; 26391

(2) Designated by the board of education of the city, local, 26392
or exempted village school district, the board of the cooperative 26393
education school district, or the governing authority of the 26394
chartered nonpublic school as meeting the high school curriculum 26395
requirements. 26396

Each high school shall record on the student's high school 26397
transcript all high school credit awarded under division (G) of 26398
this section. In addition, if the student completed a seventh- or 26399
eighth-grade fine arts course described in division (K) of this 26400
section and the course qualified for high school credit under that 26401
division, the high school shall record that course on the 26402
student's high school transcript. 26403

(H) The department shall make its individual academic career 26404
plan available through its Ohio career information system web site 26405
for districts and schools to use as a tool for communicating with 26406
and providing guidance to students and families in selecting high 26407
school courses. 26408

(I) A school district or chartered nonpublic school may 26409
integrate academic content in a subject area for which the state 26410
board has adopted standards under section 3301.079 of the Revised 26411
Code into a course in a different subject area, including a 26412
career-technical education course, in accordance with guidance for 26413
integrated coursework developed by the department. Upon successful 26414
completion of an integrated course, a student may receive credit 26415
for both subject areas that were integrated into the course. Units 26416
earned for subject area content delivered through integrated 26417
academic and career-technical instruction are eligible to meet the 26418
graduation requirements of division (B) or (C) of this section. 26419

For purposes of meeting graduation requirements, if an 26420
end-of-course examination has been prescribed under section 26421
3301.0712 of the Revised Code for the subject area delivered 26422
through integrated instruction, the school district or school may 26423

administer the related subject area examinations upon the 26424
student's completion of the integrated course. 26425

Nothing in division (I) of this section shall be construed to 26426
excuse any school district, chartered nonpublic school, or student 26427
from any requirement in the Revised Code related to curriculum, 26428
assessments, or the awarding of a high school diploma. 26429

(J)(1) The state board, in consultation with the chancellor, 26430
shall adopt a statewide plan implementing methods for students to 26431
earn units of high school credit based on a demonstration of 26432
subject area competency, instead of or in combination with 26433
completing hours of classroom instruction. The state board shall 26434
adopt the plan not later than March 31, 2009, and commence phasing 26435
in the plan during the 2009-2010 school year. The plan shall 26436
include a standard method for recording demonstrated proficiency 26437
on high school transcripts. Each school district and community 26438
school shall comply with the state board's plan adopted under this 26439
division and award units of high school credit in accordance with 26440
the plan. The state board may adopt existing methods for earning 26441
high school credit based on a demonstration of subject area 26442
competency as necessary prior to the 2009-2010 school year. 26443

(2) Not later than December 31, 2015, the state board shall 26444
update the statewide plan adopted pursuant to division (J)(1) of 26445
this section to also include methods for students enrolled in 26446
seventh and eighth grade to meet curriculum requirements based on 26447
a demonstration of subject area competency, instead of or in 26448
combination with completing hours of classroom instruction. 26449
Beginning with the 2017-2018 school year, each school district and 26450
community school also shall comply with the updated plan adopted 26451
pursuant to this division and permit students enrolled in seventh 26452
and eighth grade to meet curriculum requirements based on subject 26453
area competency in accordance with the plan. 26454

(3) Not later than December 31, 2017, the department shall 26455

develop a framework for school districts and community schools to 26456
use in granting units of high school credit to students who 26457
demonstrate subject area competency through work-based learning 26458
experiences, internships, or cooperative education. Beginning with 26459
the 2018-2019 school year, each district and community school 26460
shall comply with the framework. Each district and community 26461
school also shall review any policy it has adopted regarding the 26462
demonstration of subject area competency to identify ways to 26463
incorporate work-based learning experiences, internships, and 26464
cooperative education into the policy in order to increase student 26465
engagement and opportunities to earn units of high school credit. 26466

(K) This division does not apply to students who qualify for 26467
graduation from high school under division (D) or (F) of this 26468
section, or to students pursuing a career-technical instructional 26469
track as determined by the school district board of education or 26470
the chartered nonpublic school's governing authority. 26471
Nevertheless, the general assembly encourages such students to 26472
consider enrolling in a fine arts course as an elective. 26473

Beginning with students who enter ninth grade for the first 26474
time on or after July 1, 2010, each student enrolled in a public 26475
or chartered nonpublic high school shall complete two semesters or 26476
the equivalent of fine arts to graduate from high school. The 26477
coursework may be completed in any of grades seven to twelve. Each 26478
student who completes a fine arts course in grade seven or eight 26479
may elect to count that course toward the five units of electives 26480
required for graduation under division (C)(8) of this section, if 26481
the course satisfied the requirements of division (G) of this 26482
section. In that case, the high school shall award the student 26483
high school credit for the course and count the course toward the 26484
five units required under division (C)(8) of this section. If the 26485
course in grade seven or eight did not satisfy the requirements of 26486
division (G) of this section, the high school shall not award the 26487

student high school credit for the course but shall count the 26488
course toward the two semesters or the equivalent of fine arts 26489
required by this division. 26490

(L) Notwithstanding anything to the contrary in this section, 26491
the board of education of each school district and the governing 26492
authority of each chartered nonpublic school may adopt a policy to 26493
excuse from the high school physical education requirement each 26494
student who, during high school, has participated in 26495
interscholastic athletics, marching band, show choir, or 26496
cheerleading for at least two full seasons or in the junior 26497
reserve officer training corps for at least two full school years. 26498
If the board or authority adopts such a policy, the board or 26499
authority shall not require the student to complete any physical 26500
education course as a condition to graduate. However, the student 26501
shall be required to complete one-half unit, consisting of at 26502
least sixty hours of instruction, in another course of study. In 26503
the case of a student who has participated in the junior reserve 26504
officer training corps for at least two full school years, credit 26505
received for that participation may be used to satisfy the 26506
requirement to complete one-half unit in another course of study. 26507

(M) It is important that high school students learn and 26508
understand United States history and the governments of both the 26509
United States and the state of Ohio. Therefore, beginning with 26510
students who enter ninth grade for the first time on or after July 26511
1, 2012, the study of American history and American government 26512
required by divisions (B)(6) and (C)(6) of this section shall 26513
include the study of all of the following documents: 26514

(1) The Declaration of Independence; 26515

(2) The Northwest Ordinance; 26516

(3) The Constitution of the United States with emphasis on 26517
the Bill of Rights; 26518

(4) The Ohio Constitution. 26519

The study of each of the documents prescribed in divisions 26520
(M)(1) to (4) of this section shall include study of that document 26521
in its original context. 26522

The study of American history and government required by 26523
divisions (B)(6) and (C)(6) of this section shall include the 26524
historical evidence of the role of documents such as the 26525
Federalist Papers and the Anti-Federalist Papers to firmly 26526
establish the historical background leading to the establishment 26527
of the provisions of the Constitution and Bill of Rights. 26528

(N) A student may apply one unit of instruction in computer 26529
science to satisfy one unit of mathematics or one unit of science 26530
under division (C) of this section as the student chooses, 26531
regardless of the field of certification of the teacher who 26532
teaches the course, so long as that teacher meets the licensure 26533
requirements prescribed by section 3319.236 of the Revised Code 26534
and, prior to teaching the course, completes a professional 26535
development program determined to be appropriate by the district 26536
board. 26537

If a student applies more than one computer science course to 26538
satisfy curriculum requirements under that division, the courses 26539
shall be sequential and progressively more difficult or cover 26540
different subject areas within computer science. 26541

Sec. 3313.608. (A)(1) Beginning with students who enter third 26542
grade in the school year that starts July 1, 2009, and until June 26543
30, 2013, unless the student is excused under division (C) of 26544
section 3301.0711 of the Revised Code from taking the assessment 26545
described in this section, for any student who does not attain at 26546
least the equivalent level of achievement designated under 26547
division (A)(3) of section 3301.0710 of the Revised Code on the 26548
assessment prescribed under that section to measure skill in 26549

English language arts expected at the end of third grade, each 26550
school district, in accordance with the policy adopted under 26551
section 3313.609 of the Revised Code, shall do one of the 26552
following: 26553

(a) Promote the student to fourth grade if the student's 26554
principal and reading teacher agree that other evaluations of the 26555
student's skill in reading demonstrate that the student is 26556
academically prepared to be promoted to fourth grade; 26557

(b) Promote the student to fourth grade but provide the 26558
student with intensive intervention services in fourth grade; 26559

(c) Retain the student in third grade. 26560

(2) Beginning with students who enter third grade in the 26561
2013-2014 school year, unless the student is excused under 26562
division (C) of section 3301.0711 of the Revised Code from taking 26563
the assessment described in this section, no school district shall 26564
promote to fourth grade any student who does not attain at least 26565
the equivalent level of achievement designated under division 26566
(A)(3) of section 3301.0710 of the Revised Code on the assessment 26567
prescribed under that section to measure skill in English language 26568
arts expected at the end of third grade, unless one of the 26569
following applies: 26570

(a) The student is an English learner who has been enrolled 26571
in United States schools for less than three full school years and 26572
has had less than three years of instruction in an English as a 26573
second language program. 26574

(b) The student is a child with a disability entitled to 26575
special education and related services under Chapter 3323. of the 26576
Revised Code and the student's individualized education program 26577
exempts the student from retention under this division. 26578

(c) The student demonstrates an acceptable level of 26579
performance on an alternative standardized reading assessment as 26580

determined by the department of education. 26581

(d) All of the following apply: 26582

(i) The student is a child with a disability entitled to 26583
special education and related services under Chapter 3323. of the 26584
Revised Code. 26585

(ii) The student has taken the third grade English language 26586
arts achievement assessment prescribed under section 3301.0710 of 26587
the Revised Code. 26588

(iii) The student's individualized education program or plan 26589
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 26590
355, 29 U.S.C. 794, as amended, shows that the student has 26591
received intensive remediation in reading for two school years but 26592
still demonstrates a deficiency in reading. 26593

(iv) The student previously was retained in any of grades 26594
kindergarten to three. 26595

(e)(i) The student received intensive remediation for reading 26596
for two school years but still demonstrates a deficiency in 26597
reading and was previously retained in any of grades kindergarten 26598
to three. 26599

(ii) A student who is promoted under division (A)(2)(e)(i) of 26600
this section shall continue to receive intensive reading 26601
instruction in grade four. The instruction shall include an 26602
altered instructional day that includes specialized diagnostic 26603
information and specific research-based reading strategies for the 26604
student that have been successful in improving reading among 26605
low-performing readers. 26606

~~(B)(1)~~(B)(1)(a) Beginning in the 2012-2013 school year, to 26607
assist students in meeting the third grade guarantee established 26608
by this section, each school district board of education shall 26609
adopt policies and procedures with which it annually shall assess 26610

the reading skills of each student, except those students with 26611
significant cognitive disabilities or other disabilities as 26612
authorized by the department on a case-by-case basis, enrolled in 26613
kindergarten to third grade and shall identify students who are 26614
reading below their grade level. The reading skills assessment 26615
shall be completed by the thirtieth day of September for students 26616
in grades one to three, and by the ~~first day of November~~ twentieth 26617
day of instruction of the school year for students in 26618
kindergarten. Each district shall use the diagnostic assessment to 26619
measure reading ability for the appropriate grade level adopted 26620
under section 3301.079 of the Revised Code, or a comparable tool 26621
approved by the department of education, to identify such 26622
students. The 26623

(b) The policies and procedures shall require the students' 26624
classroom teachers to be involved in the assessment and the 26625
identification of students reading below grade level. The 26626
assessment may be administered electronically using live, two-way 26627
video and audio connections whereby the teacher administering the 26628
assessment may be in a separate location from the student. 26629

(c) Except for the kindergarten readiness assessment 26630
described in section 3301.0715 of the Revised Code, any comparable 26631
tool approved by the department for grades kindergarten through 26632
three shall include a sufficient number of items related to 26633
phonological awareness, phonemic awareness, rapid naming skills, 26634
nonsense word fluency, and correspondence between sounds and 26635
letters to identify students who may need further measures to 26636
determine if the students have dyslexia, as defined in section 26637
3319.80 of the Revised Code. 26638

(d) For each comparable tool approved under this section, the 26639
department shall require that the test vendor share information 26640
with the school regarding student performance on identification 26641
items related to dyslexia as described under division (B)(1)(c) of 26642

this section. The department also shall require the vendor to 26643
provide a summary of such information to the department, in the 26644
manner prescribed by the department. 26645

(2) For each student identified by the diagnostic assessment 26646
prescribed under this section as having reading skills below grade 26647
level, the district shall do both of the following: 26648

(a) Provide to the student's parent or guardian, in writing, 26649
all of the following: 26650

(i) Notification that the student has been identified as 26651
having a substantial deficiency in reading; 26652

(ii) A description of the current services that are provided 26653
to the student; 26654

(iii) A description of the proposed supplemental 26655
instructional services and supports that will be provided to the 26656
student that are designed to remediate the identified areas of 26657
reading deficiency; 26658

(iv) Notification that if the student attains a score in the 26659
range designated under division (A)(3) of section 3301.0710 of the 26660
Revised Code on the assessment prescribed under that section to 26661
measure skill in English language arts expected at the end of 26662
third grade, the student shall be retained unless the student is 26663
exempt under division (A) of this section. The notification shall 26664
specify that the assessment under section 3301.0710 of the Revised 26665
Code is not the sole determinant of promotion and that additional 26666
evaluations and assessments are available to the student to assist 26667
parents and the district in knowing when a student is reading at 26668
or above grade level and ready for promotion. 26669

(b) Provide intensive reading instruction services and 26670
regular diagnostic assessments to the student immediately 26671
following identification of a reading deficiency until the 26672
development of the reading improvement and monitoring plan 26673

required by division (C) of this section. These intervention 26674
services shall include research-based reading strategies that have 26675
been shown to be successful in improving reading among 26676
low-performing readers and instruction targeted at the student's 26677
identified reading deficiencies. 26678

(3) For each student retained under division (A) of this 26679
section, the district shall do all of the following: 26680

(a) Provide intense remediation services until the student is 26681
able to read at grade level. The remediation services shall 26682
include intensive interventions in reading that address the areas 26683
of deficiencies identified under this section including, but not 26684
limited to, not less than ninety minutes of reading instruction 26685
per day, and may include any of the following: 26686

(i) Small group instruction; 26687

(ii) Reduced teacher-student ratios; 26688

(iii) More frequent progress monitoring; 26689

(iv) Tutoring or mentoring; 26690

(v) Transition classes containing third and fourth grade 26691
students; 26692

(vi) Extended school day, week, or year; 26693

(vii) Summer reading camps. 26694

(b) Establish a policy for the mid-year promotion of a 26695
student retained under division (A) of this section who 26696
demonstrates that the student is reading at or above grade level; 26697

(c) Provide each student with a teacher who satisfies one or 26698
more of the criteria set forth in division (H) of this section. 26699

The district shall offer the option for students to receive 26700
applicable services from one or more providers other than the 26701
district. Providers shall be screened and approved by the district 26702

or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(5) Any tool approved by the department under division (B) of this section, other than the kindergarten readiness assessment, may be used to meet the requirement to administer a tier one dyslexia screening under section 3323.251 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in

division (C)(2) of this section; 26734

(4) A process for monitoring the extent to which the student 26735
receives the instructional services and support described in 26736
division (C)(2) of this section; 26737

(5) A reading curriculum during regular school hours that 26738
does all of the following: 26739

(a) Assists students to read at grade level; 26740

(b) Provides scientifically based and reliable assessment; 26741

(c) Provides initial and ongoing analysis of each student's 26742
reading progress. 26743

(6) A statement that if the student does not attain at least 26744
the equivalent level of achievement designated under division 26745
(A)(3) of section 3301.0710 of the Revised Code on the assessment 26746
prescribed under that section to measure skill in English language 26747
arts expected by the end of third grade, the student may be 26748
retained in third grade. 26749

Each student with a reading improvement and monitoring plan 26750
under this division who enters third grade after July 1, 2013, 26751
shall be assigned to a teacher who satisfies one or more of the 26752
criteria set forth in division (H) of this section. 26753

The district shall report any information requested by the 26754
department about the reading improvement monitoring plans 26755
developed under this division in the manner required by the 26756
department. 26757

(D) Each school district shall report annually to the 26758
department on its implementation and compliance with this section 26759
using guidelines prescribed by the superintendent of public 26760
instruction. The superintendent of public instruction annually 26761
shall report to the governor and general assembly the number and 26762
percentage of students in grades kindergarten through four reading 26763

below grade level based on the diagnostic assessments administered 26764
under division (B) of this section and the achievement assessments 26765
administered under divisions (A)(1)(a) and (b) of section 26766
3301.0710 of the Revised Code in English language arts, aggregated 26767
by school district and building; the types of intervention 26768
services provided to students; and, if available, an evaluation of 26769
the efficacy of the intervention services provided. 26770

(E) Any summer remediation services funded in whole or in 26771
part by the state and offered by school districts to students 26772
under this section shall meet the following conditions: 26773

(1) The remediation methods are based on reliable educational 26774
research. 26775

(2) The school districts conduct assessment before and after 26776
students participate in the program to facilitate monitoring 26777
results of the remediation services. 26778

(3) The parents of participating students are involved in 26779
programming decisions. 26780

(F) Any intervention or remediation services required by this 26781
section shall include intensive, explicit, and systematic 26782
instruction. 26783

(G) This section does not create a new cause of action or a 26784
substantive legal right for any person. 26785

(H)(1) Except as provided under divisions (H)(2), (3), and 26786
(4) of this section, each student described in division (B)(3) or 26787
(C) of this section who enters third grade for the first time on 26788
or after July 1, 2013, shall be assigned a teacher who has at 26789
least one year of teaching experience and who satisfies one or 26790
more of the following criteria: 26791

(a) The teacher holds a reading endorsement on the teacher's 26792
license and has attained a passing score on the corresponding 26793

assessment for that endorsement, as applicable. 26794

(b) The teacher has completed a master's degree program with 26795
a major in reading. 26796

(c) The teacher was rated "most effective" for reading 26797
instruction consecutively for the most recent two years based on 26798
assessments of student growth measures developed by a vendor and 26799
that is on the list of student assessments approved by the state 26800
board under division (B)(2) of section 3319.112 of the Revised 26801
Code. 26802

(d) The teacher was rated "above expected value added," in 26803
reading instruction, as determined by criteria established by the 26804
department, for the most recent, consecutive two years. 26805

(e) The teacher has earned a passing score on a rigorous test 26806
of principles of scientifically research-based reading instruction 26807
as approved by the state board. 26808

(f) The teacher holds an educator license for teaching grades 26809
pre-kindergarten through three or four through nine issued on or 26810
after July 1, 2017. 26811

(2) Notwithstanding division (H)(1) of this section, a 26812
student described in division (B)(3) or (C) of this section who 26813
enters third grade for the first time on or after July 1, 2013, 26814
may be assigned to a teacher with less than one year of teaching 26815
experience provided that the teacher meets one or more of the 26816
criteria described in divisions (H)(1)(a) to (f) of this section 26817
and that teacher is assigned a teacher mentor who meets the 26818
qualifications of division (H)(1) of this section. 26819

(3) Notwithstanding division (H)(1) of this section, a 26820
student described in division (B)(3) or (C) of this section who 26821
enters third grade for the first time on or after July 1, 2013, 26822
but prior to July 1, 2016, may be assigned to a teacher who holds 26823
an alternative credential approved by the department or who has 26824

successfully completed training that is based on principles of 26825
scientifically research-based reading instruction that has been 26826
approved by the department. Beginning on July 1, 2014, the 26827
alternative credentials and training described in division (H)(3) 26828
of this section shall be aligned with the reading competencies 26829
adopted by the state board of education under section 3301.077 of 26830
the Revised Code. 26831

(4) Notwithstanding division (H)(1) of this section, a 26832
student described in division (B)(3) or (C) of this section who 26833
enters third grade for the first time on or after July 1, 2013, 26834
may receive reading intervention or remediation services under 26835
this section from an individual employed as a speech-language 26836
pathologist who holds a license issued by the state speech and 26837
hearing professionals board under Chapter 4753. of the Revised 26838
Code and a professional pupil services license as a school 26839
speech-language pathologist issued by the state board of 26840
education. 26841

(5) A teacher, other than a student's teacher of record, may 26842
provide any services required under this section, so long as that 26843
other teacher meets the requirements of division (H) of this 26844
section and the teacher of record and the school principal agree 26845
to the assignment. Any such assignment shall be documented in the 26846
student's reading improvement and monitoring plan. 26847

As used in this division, "teacher of record" means the 26848
classroom teacher to whom a student is assigned. 26849

(I) Notwithstanding division (H) of this section, a teacher 26850
may teach reading to any student who is an English language 26851
learner, and has been in the United States for three years or 26852
less, or to a student who has an individualized education program 26853
developed under Chapter 3323. of the Revised Code if that teacher 26854
holds an alternative credential approved by the department or has 26855
successfully completed training that is based on principles of 26856

scientifically research-based reading instruction that has been 26857
approved by the department. Beginning on July 1, 2014, the 26858
alternative credentials and training described in this division 26859
shall be aligned with the reading competencies adopted by the 26860
state board of education under section 3301.077 of the Revised 26861
Code. 26862

(J) If, on or after June 4, 2013, a school district or 26863
community school cannot furnish the number of teachers needed who 26864
satisfy one or more of the criteria set forth in division (H) of 26865
this section for the 2013-2014 school year, the school district or 26866
community school shall develop and submit a staffing plan by June 26867
30, 2013. The staffing plan shall include criteria that will be 26868
used to assign a student described in division (B)(3) or (C) of 26869
this section to a teacher, credentials or training held by 26870
teachers currently teaching at the school, and how the school 26871
district or community school will meet the requirements of this 26872
section. The school district or community school shall post the 26873
staffing plan on its web site for the applicable school year. 26874

Not later than March 1, 2014, and on the first day of March 26875
in each year thereafter, a school district or community school 26876
that has submitted a plan under this division shall submit to the 26877
department a detailed report of the progress the district or 26878
school has made in meeting the requirements under this section. 26879

A school district or community school may request an 26880
extension of a staffing plan beyond the 2013-2014 school year. 26881
Extension requests must be submitted to the department not later 26882
than the thirtieth day of April prior to the start of the 26883
applicable school year. The department may grant extensions valid 26884
through the 2015-2016 school year. 26885

Until June 30, 2015, the department annually shall review all 26886
staffing plans and report to the state board not later than the 26887
thirtieth day of June of each year the progress of school 26888

districts and community schools in meeting the requirements of 26889
this section. 26890

(K) The department of education shall designate one or more 26891
staff members to provide guidance and assistance to school 26892
districts and community schools in implementing the third grade 26893
guarantee established by this section, including any standards or 26894
requirements adopted to implement the guarantee and to provide 26895
information and support for reading instruction and achievement. 26896

Sec. 3313.6026. (A) As used in this section, "school 26897
governing authority" means any of the following: 26898

(1) The governing authority of a community school established 26899
under Chapter 3314. of the Revised Code; 26900

(2) The governing body of a STEM school established under 26901
Chapter 3326. of the Revised Code; 26902

(3) The board of trustees of a college-preparatory boarding 26903
school established under Chapter 3328. of the Revised Code; 26904

(4) The governing authority of a chartered nonpublic school. 26905

(B) Each school district board of education and each school 26906
governing authority that operates a high school shall enter into a 26907
data sharing agreement with the chancellor of higher education for 26908
the purposes of operating the free application for federal student 26909
aid data system established under section 3333.301 of the Revised 26910
Code. Each school district or school shall provide principals and 26911
school counselors with access to the data system to assist with 26912
efforts to support and encourage students to complete the free 26913
application for federal student aid form. 26914

Sec. 3313.61. (A) A diploma shall be granted by the board of 26915
education of any city, exempted village, or local school district 26916
that operates a high school to any person to whom all of the 26917

following apply: 26918

(1) The person has successfully completed the curriculum in 26919
any high school or the individualized education program developed 26920
for the person by any high school pursuant to section 3323.08 of 26921
the Revised Code, or has qualified under division (D) or (F) of 26922
section 3313.603 of the Revised Code, provided that no school 26923
district shall require a student to remain in school for any 26924
specific number of semesters or other terms if the student 26925
completes the required curriculum early; 26926

(2) Subject to section 3313.614 of the Revised Code, the 26927
person has met the assessment requirements of division (A)(2)(a) 26928
or (b) of this section, as applicable. 26929

(a) If the person entered the ninth grade prior to July 1, 26930
2014, the person either: 26931

(i) Has attained at least the applicable scores designated 26932
under division (B)(1) of section 3301.0710 of the Revised Code on 26933
all the assessments required by that division unless the person 26934
was excused from taking any such assessment pursuant to section 26935
3313.532 of the Revised Code or unless division (H) or (L) of this 26936
section applies to the person; 26937

(ii) Has satisfied the alternative conditions prescribed in 26938
section 3313.615 of the Revised Code. 26939

(b) If the person entered the ninth grade on or after July 1, 26940
2014, the person has met the requirement prescribed by section 26941
3313.618 of the Revised Code, except to the extent that the person 26942
is excused from an assessment prescribed by that section pursuant 26943
to section 3313.532 of the Revised Code or division (H) or (L) of 26944
this section. 26945

(3) The person is not eligible to receive an honors diploma 26946
granted pursuant to division (B) of this section. 26947

Except as provided in divisions (C), (E), (J), and (L) of
this section, no diploma shall be granted under this division to
anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this
section, an honors diploma shall be granted, in accordance with
rules of the state board, by any such district board to anyone who
accomplishes all of the following:

(1) Successfully completes the curriculum in any high school
or the individualized education program developed for the person
by any high school pursuant to section 3323.08 of the Revised
Code;

(2) Subject to section 3313.614 of the Revised Code, has met
the assessment requirements of division (B)(2)(a) or (b) of this
section, as applicable.

(a) If the person entered the ninth grade prior to July 1,
2014, the person either:

(i) Has attained at least the applicable scores designated
under division (B)(1) of section 3301.0710 of the Revised Code on
all the assessments required by that division;

(ii) Has satisfied the alternative conditions prescribed in
section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1,
2014, the person has met the requirement prescribed under section
3313.618 of the Revised Code.

(3) Has met additional criteria established by the state
board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is
subject to the requirements prescribed in division (C) of section
3313.603 of the Revised Code but elects the option of division (D)
or (F) of that section. Except as provided in divisions (C), (E),

and (J) of this section, no honors diploma shall be granted to 26978
anyone failing to comply with this division and no more than one 26979
honors diploma shall be granted to any student under this 26980
division. 26981

The state board shall adopt rules prescribing the granting of 26982
honors diplomas under this division. These rules may prescribe the 26983
granting of honors diplomas that recognize a student's achievement 26984
as a whole or that recognize a student's achievement in one or 26985
more specific subjects or both. The rules may prescribe the 26986
granting of an honors diploma recognizing technical expertise for 26987
a career-technical student. In any case, the rules shall designate 26988
two or more criteria for the granting of each type of honors 26989
diploma the board establishes under this division and the number 26990
of such criteria that must be met for the granting of that type of 26991
diploma. The number of such criteria for any type of honors 26992
diploma shall be at least one less than the total number of 26993
criteria designated for that type and no one or more particular 26994
criteria shall be required of all persons who are to be granted 26995
that type of diploma. 26996

(C) Any district board administering any of the assessments 26997
required by section 3301.0710 of the Revised Code to any person 26998
requesting to take such assessment pursuant to division (B)(8)(b) 26999
of section 3301.0711 of the Revised Code shall award a diploma to 27000
such person if the person attains at least the applicable scores 27001
designated under division (B)(1) of section 3301.0710 of the 27002
Revised Code on all the assessments administered and if the person 27003
has previously attained the applicable scores on all the other 27004
assessments required by division (B)(1) of that section or has 27005
been exempted or excused from attaining the applicable score on 27006
any such assessment pursuant to division (H) or (L) of this 27007
section or from taking any such assessment pursuant to section 27008
3313.532 of the Revised Code. 27009

(D) Each diploma awarded under this section shall be signed 27010
by the president and treasurer of the issuing board, the 27011
superintendent of schools, and the principal of the high school. 27012
Each diploma shall bear the date of its issue, be in such form as 27013
the district board prescribes, and be paid for out of the 27014
district's general fund. 27015

(E) A person who is a resident of Ohio and is eligible under 27016
state board of education minimum standards to receive a high 27017
school diploma based in whole or in part on credits earned while 27018
an inmate of a correctional institution operated by the state or 27019
any political subdivision thereof, shall be granted such diploma 27020
by the correctional institution operating the programs in which 27021
such credits were earned, and by the board of education of the 27022
school district in which the inmate resided immediately prior to 27023
the inmate's placement in the institution. The diploma granted by 27024
the correctional institution shall be signed by the director of 27025
the institution, and by the person serving as principal of the 27026
institution's high school and shall bear the date of issue. 27027

(F) Persons who are not residents of Ohio but who are inmates 27028
of correctional institutions operated by the state or any 27029
political subdivision thereof, and who are eligible under state 27030
board of education minimum standards to receive a high school 27031
diploma based in whole or in part on credits earned while an 27032
inmate of the correctional institution, shall be granted a diploma 27033
by the correctional institution offering the program in which the 27034
credits were earned. The diploma granted by the correctional 27035
institution shall be signed by the director of the institution and 27036
by the person serving as principal of the institution's high 27037
school and shall bear the date of issue. 27038

(G) The state board of education shall provide by rule for 27039
the administration of the assessments required by sections 27040
3301.0710 and 3301.0712 of the Revised Code to inmates of 27041

correctional institutions. 27042

(H) Any person to whom all of the following apply shall be 27043
exempted from attaining the applicable score on the assessment in 27044
social studies designated under division (B)(1) of section 27045
3301.0710 of the Revised Code, any American history end-of-course 27046
examination and any American government end-of-course examination 27047
required under division (B) of section 3301.0712 of the Revised 27048
Code if such an exemption is prescribed by rule of the state board 27049
under division (D)(3) of section 3301.0712 of the Revised Code, or 27050
the test in citizenship designated under former division (B) of 27051
section 3301.0710 of the Revised Code as it existed prior to 27052
September 11, 2001: 27053

(1) The person is not a citizen of the United States; 27054

(2) The person is not a permanent resident of the United 27055
States; 27056

(3) The person indicates no intention to reside in the United 27057
States after the completion of high school. 27058

(I) Notwithstanding division (D) of section 3311.19 and 27059
division (D) of section 3311.52 of the Revised Code, this section 27060
and section 3313.611 of the Revised Code do not apply to the board 27061
of education of any joint vocational school district or any 27062
cooperative education school district established pursuant to 27063
divisions (A) to (C) of section 3311.52 of the Revised Code. 27064

(J) Upon receipt of a notice under division (D) of section 27065
3325.08 or division (D) of section 3328.25 of the Revised Code 27066
that a student has received a diploma under either section, the 27067
board of education receiving the notice may grant a high school 27068
diploma under this section to the student, except that such board 27069
shall grant the student a diploma if the student meets the 27070
graduation requirements that the student would otherwise have had 27071
to meet to receive a diploma from the district. The diploma 27072

granted under this section shall be of the same type the notice 27073
indicates the student received under section 3325.08 or 3328.25 of 27074
the Revised Code. 27075

(K) As used in this division, "English learner" has the same 27076
meaning as in division (C)(3) of section 3301.0711 of the Revised 27077
Code. 27078

Notwithstanding division (C)(3) of section 3301.0711 of the 27079
Revised Code, no English learner who has not either attained the 27080
applicable scores designated under division (B)(1) of section 27081
3301.0710 of the Revised Code on all the assessments required by 27082
that division, or met the requirement prescribed by section 27083
3313.618 of the Revised Code, shall be awarded a diploma under 27084
this section. 27085

~~(L)~~(L)(1) Any student described by division (A)(1) of this 27086
section who is subject to divisions (A)(1) to (3) of section 27087
3313.618 of the Revised Code may be awarded a diploma without 27088
meeting the ~~requirement~~requirements prescribed by ~~section 3313.618~~ 27089
~~of the Revised Code~~ those divisions provided an individualized 27090
education program specifically exempts the student from meeting 27091
such requirement. This division does not negate the requirement 27092
for a student to take the assessments prescribed by section 27093
3301.0710 or under division (B) of section 3301.0712 of the 27094
Revised Code, or alternate assessments required by division (C)(1) 27095
of section 3301.0711 of the Revised Code, for the purpose of 27096
assessing student progress as required by federal law. 27097

(2) Any student described by division (A)(1) of this section 27098
who is subject to division (B) of section 3313.618 of the Revised 27099
Code may be awarded a diploma without meeting the requirement 27100
prescribed by division (B)(1) of that section provided the 27101
student's individualized education program specifically exempts 27102
the student from meeting that requirement and either division 27103
(L)(2)(a) or (b) of this section applies to the student, as 27104

<u>follows:</u>	27105
<u>(a)(i) The student took an alternate assessment in</u>	27106
<u>mathematics and English language arts administered to the student</u>	27107
<u>in accordance with division (C)(1) of section 3301.0711 of the</u>	27108
<u>Revised Code and failed to attain a score established by the state</u>	27109
<u>board on one or both assessments.</u>	27110
<u>(ii) The school district offered remedial support to the</u>	27111
<u>student in each subject area in which the student did not attain</u>	27112
<u>the established score and the student received that support.</u>	27113
<u>(iii) The student retook each alternate assessment in which</u>	27114
<u>the student did not attain the established score and the student</u>	27115
<u>did not attain the established score on the retake assessment.</u>	27116
<u>(b)(i) The student took the Algebra I and English language</u>	27117
<u>arts II end-of-course examinations and failed to attain the</u>	27118
<u>competency score as determined under division (B)(10) of section</u>	27119
<u>3301.0712 of the Revised Code on one or both examinations.</u>	27120
<u>(ii) The school district offered remedial support to the</u>	27121
<u>student in each subject area in which the student did not attain</u>	27122
<u>the competency score and the student received that support.</u>	27123
<u>(iii) The student retook each examination in which the</u>	27124
<u>student did not attain the competency score and the student did</u>	27125
<u>not attain the competency score on the retake examination.</u>	27126
Sec. 3313.618. (A) In addition to the curriculum requirements	27127
specified by the board of education of a school district or	27128
governing authority of a chartered nonpublic school, each student	27129
entering ninth grade for the first time on or after July 1, 2014,	27130
but prior to July 1, 2019, shall satisfy at least one of the	27131
following conditions or the conditions prescribed under division	27132
(B) of this section in order to qualify for a high school diploma:	27133
	27134

(1) Be remediation-free, in accordance with standards adopted 27135
under division (F) of section 3345.061 of the Revised Code, on 27136
each of the nationally standardized assessments in English, 27137
mathematics, and reading; 27138

(2) Attain a score specified under division (B)(5)(c) of 27139
section 3301.0712 of the Revised Code on the end-of-course 27140
examinations prescribed under division (B) of section 3301.0712 of 27141
the Revised Code. 27142

(3) Attain a score that demonstrates workforce readiness and 27143
employability on a nationally recognized job skills assessment 27144
selected by the state board of education under division (G) of 27145
section 3301.0712 of the Revised Code and obtain either an 27146
industry-recognized credential or a license issued by a state 27147
agency or board for practice in a vocation that requires an 27148
examination for issuance of that license. 27149

For the purposes of this division, the industry-recognized 27150
credentials and licenses shall be as approved under section 27151
3313.6113 of the Revised Code. 27152

A student may choose to qualify for a high school diploma by 27153
satisfying any of the separate requirements prescribed by 27154
divisions (A)(1) to (3) of this section. If the student's school 27155
district or school does not administer the examination prescribed 27156
by one of those divisions that the student chooses to take to 27157
satisfy the requirements of this section, the school district or 27158
school may require that student to arrange for the applicable 27159
scores to be sent directly to the district or school by the 27160
company or organization that administers the examination. 27161

(B) In addition to the curriculum requirements specified by 27162
the district board or school governing authority, each student 27163
entering ninth grade for the first time on or after July 1, 2019, 27164
shall satisfy the following conditions in order to qualify for a 27165

high school diploma: 27166

(1) ~~Attain~~ Except as otherwise provided in division (D) of 27167
this section, attain a competency score as determined under 27168
division (B)(10) of section 3301.0712 of the Revised Code on each 27169
of the Algebra I and English language arts II end-of-course 27170
examinations prescribed under division (B)(2) of section 3301.0712 27171
of the Revised Code. 27172

School districts and chartered nonpublic schools shall offer 27173
remedial support to any student who fails to attain a competency 27174
score on one or both of the Algebra I and English language arts II 27175
end-of-course examinations. 27176

Following the first administration of the exam, if a student 27177
fails to attain a competency score on one or both of the Algebra I 27178
and English language arts II end-of-course examinations that 27179
student must retake the respective examination at least once. 27180

If a student fails to attain a competency score on a retake 27181
examination, the student may demonstrate competency in the failed 27182
subject area through one of the following options: 27183

(a) Earn course credit taken through the college credit plus 27184
program established under Chapter 3365. of the Revised Code in the 27185
failed subject area; 27186

(b) Complete two of the following options, one of which must 27187
be foundational: 27188

(i) Foundational options to demonstrate competency, which 27189
include earning a cumulative score of proficient or higher on 27190
three or more state technical assessments aligned with section 27191
3313.903 of the Revised Code in a single career pathway, obtaining 27192
an industry-recognized credential, or group of credentials, 27193
approved under section 3313.6113 of the Revised Code that is at 27194
least equal to the total number of points established under that 27195
section to qualify for a high school diploma, obtaining a license 27196

approved under section 3313.6113 of the Revised Code that is 27197
issued by a state agency or board for practice in a vocation that 27198
requires an examination for issuance of that license, completing a 27199
pre-apprenticeship ~~or~~ aligned with options established under 27200
section 3313.904 of the Revised Code in the student's chosen 27201
career field, completing an apprenticeship registered with the 27202
apprenticeship council established under section 4139.02 of the 27203
Revised Code in the student's chosen career field, or providing 27204
evidence of acceptance into an apprenticeship program after high 27205
school that is restricted to participants eighteen years of age or 27206
older; 27207

(ii) Supporting options to demonstrate competency, which 27208
include completing two hundred fifty hours of a work-based 27209
learning experience with evidence of positive evaluations, 27210
obtaining an OhioMeansJobs-readiness seal under section 3313.6112 27211
of the Revised Code, or attaining a workforce readiness score, as 27212
determined by the department of education, on the nationally 27213
recognized job skills assessment selected by the state board under 27214
division (G) of section 3301.0712 of the Revised Code. 27215

(c) Provide evidence that the student has enlisted in a 27216
branch of the armed services of the United States as defined in 27217
section 5910.01 of the Revised Code. 27218

(d) Be remediation-free, in accordance with standards adopted 27219
under division (F) of section 3345.061 of the Revised Code, in the 27220
failed subject area on a nationally standardized assessment 27221
prescribed under division (B)(1) of section 3301.0712 of the 27222
Revised Code. For English language arts II, a student must be 27223
remediation-free in the subjects of English and reading on the 27224
nationally standardized assessment. 27225

~~For~~ Subject to division (L)(2) of section 3313.61 of the 27226
Revised Code, for any students receiving special education and 27227
related services under Chapter 3323. of the Revised Code, the 27228

individualized education program developed for the student under 27229
that chapter shall specify the manner in which the student will 27230
participate in the assessments administered under this division or 27231
an alternate assessment in accordance with division (C)(1) of 27232
section 3301.0711 of the Revised Code. 27233

(2) Earn at least two of the state diploma seals prescribed 27234
under division (A) of section 3313.6114 of the Revised Code, at 27235
least one of which shall be any of the following: 27236

(a) The state seal of biliteracy established under section 27237
3313.6111 of the Revised Code; 27238

(b) The OhioMeansJobs-readiness seal established under 27239
section 3313.6112 of the Revised Code; 27240

(c) One of the state diploma seals established under 27241
divisions (C)(1) to (7) of section 3313.6114 of the Revised Code. 27242

(C) A student who transfers into an Ohio public or chartered 27243
nonpublic high school from another state or enrolls in such a high 27244
school after receiving home instruction or attending a 27245
nonchartered, nontax-supported school in the previous school year 27246
shall meet the requirements of division (B) of this section in 27247
order to qualify for a high school diploma under that division. 27248
However, any such student who transfers or enrolls after the start 27249
of the student's twelfth grade year and fails to attain a 27250
competency score on the Algebra I or English language arts II 27251
end-of-course examination shall not be required to retake the 27252
applicable examination prior to demonstrating competency in the 27253
failed subject area under the options prescribed in divisions 27254
(B)(1)(a) to (d) of this section. 27255

(D) A chartered nonpublic school student subject to division 27256
(L)(3)(a)(ii) of section 3301.0711 of the Revised Code shall be 27257
considered to have demonstrated competency for the purposes of 27258
division (B)(1) of this section if the student earns a 27259

remediation-free score in the areas of English, mathematics, and 27260
reading, in accordance with standards adopted under division (F) 27261
of section 3345.061 of the Revised Code, on a nationally 27262
standardized assessment prescribed under division (B)(1) of 27263
section 3301.0712 of the Revised Code. No such student shall be 27264
required to take the Algebra I or English language arts II 27265
end-of-course examination under this section. 27266

(E) The state board of education shall not create or require 27267
any additional assessment for the granting of any type of high 27268
school diploma other than as prescribed by this section. Except as 27269
provided in sections 3313.6111, 3313.6112, and 3313.6114 of the 27270
Revised Code, the state board or the superintendent of public 27271
instruction shall not create any endorsement or designation that 27272
may be affiliated with a high school diploma. 27273

Sec. 3313.619. (A) In lieu of the ~~requirement~~ assessment 27274
requirements prescribed by division (A) of section 3313.618 of the 27275
Revised Code or the requirements to demonstrate competency and 27276
earn diploma seals prescribed by division (B) of that section, a 27277
chartered nonpublic school may grant a high school diploma to a 27278
student who attains at least the designated score on an assessment 27279
approved by the department of education under division (B) of this 27280
section and selected by the school's governing authority. 27281

(B) For purposes of division (A) of this section, the 27282
department shall approve assessments that meet the conditions 27283
specified under division (C) of this section and shall designate 27284
passing scores for each of those assessments. 27285

(C) Each assessment approved under division (B) of this 27286
section shall be nationally norm-referenced, have internal 27287
consistency reliability coefficients of at least "0.8," be 27288
standardized, have specific evidence of content, concurrent, or 27289
criterion validity, have evidence of norming studies in the 27290

previous ten years, have a measure of student achievement in core 27291
academic areas, and have high validity evidenced by the alignment 27292
of the assessment with nationally recognized content. 27293

(D) Nothing in this section shall prohibit a chartered 27294
nonpublic school from granting a high school diploma to a student 27295
if the student satisfies the ~~requirement~~ applicable requirements 27296
prescribed by section 3313.618 of the Revised Code. 27297

Sec. 3313.6113. (A) The superintendent of public instruction, 27298
in collaboration with the governor's office of workforce 27299
transformation and representatives of business organizations, 27300
shall establish a committee to develop a list of 27301
industry-recognized credentials and licenses that may be used to 27302
qualify for a high school diploma under ~~division (A)(3)~~ of section 27303
3313.618 of the Revised Code and shall be used for state report 27304
card purposes under section 3302.03 of the Revised Code. The state 27305
superintendent shall appoint the members of the committee not 27306
later than January 1, 2018. 27307

(B) The committee shall do the following: 27308

(1) Establish criteria for acceptable industry-recognized 27309
credentials and licenses aligned with the in-demand jobs list 27310
published by the department of job and family services; 27311

(2) Review the list of industry-recognized credentials and 27312
licenses that was in existence on January 1, 2018, and update the 27313
list as it considers necessary; 27314

(3) Review and update the list of industry-recognized 27315
credentials and licenses at least biennially; 27316

(4) Assign a point value for each industry-recognized 27317
credential and establish the total number of points for 27318
industry-recognized credentials that a student must earn to 27319
qualify for a high school diploma under sections 3313.618 and 27320

3313.6114 of the Revised Code. 27321

(C) For the purposes of calculating the percentage of 27322
students prescribed under divisions (B)(2)(d) and (C)(2)(e) of 27323
section 3302.03 of the Revised Code, the department of education 27324
shall include only those students who earn an industry-recognized 27325
credential, or group of credentials, at least equal to the total 27326
number of points established by the committee under this section 27327
to qualify for a high school diploma. 27328

Sec. 3313.6114. (A) The state board of education shall 27329
establish a system of state diploma seals for the purposes of 27330
allowing a student to qualify for graduation under section 27331
3313.618 of the Revised Code. State diploma seals may be attached 27332
or affixed to the high school diploma of a student enrolled in a 27333
public or chartered nonpublic school. The system of state diploma 27334
seals shall consist of all of the following: 27335

(1) The state seal of biliteracy established under section 27336
3313.6111 of the Revised Code; 27337

(2) The OhioMeansJobs-readiness seal established under 27338
section 3313.6112 of the Revised Code; 27339

(3) The state diploma seals prescribed under division (C) of 27340
this section. 27341

(B) A school district, community school established under 27342
Chapter 3314. of the Revised Code, STEM school established under 27343
Chapter 3326. of the Revised Code, college-preparatory boarding 27344
school established under Chapter 3328. of the Revised Code, or 27345
chartered nonpublic school shall attach or affix the state seals 27346
prescribed under division (C) of this section to the diploma and 27347
transcript of a student enrolled in the district or school who 27348
meets the requirements established under that division. 27349

(C) The state board shall establish all of the following 27350

state diploma seals: 27351

(1) An industry-recognized credential seal. A student shall 27352
meet the requirement for this seal by ~~earning~~ doing either of the 27353
following: 27354

(a) Earning an industry-recognized credential, or group of 27355
credentials, approved under section 3313.6113 of the Revised Code 27356
that is ~~aligned~~ both of the following: 27357

(i) At least equal to the total number of points established 27358
under section 3313.6113 of the Revised Code to qualify for a high 27359
school diploma; 27360

(ii) Aligned to a job that is determined to be in demand in 27361
this state and its regions under section 6301.11 of the Revised 27362
Code. 27363

(b) Obtaining a license approved under section 3313.6113 of 27364
the Revised Code that is issued by a state agency or board for 27365
practice in a vocation that requires an examination for issuance 27366
of that license. 27367

(2) A college-ready seal. A student shall meet the 27368
requirement for this seal by attaining a score that is 27369
remediation-free, in accordance with standards adopted under 27370
division (F) of section 3345.061 of the Revised Code, on a 27371
nationally standardized assessment prescribed under division 27372
(B)(1) of section 3301.0712 of the Revised Code. 27373

(3) A military enlistment seal. A student shall meet the 27374
requirement for this seal by doing either of the following: 27375

(a) Providing evidence that the student has enlisted in a 27376
branch of the armed services of the United States as defined in 27377
section 5910.01 of the Revised Code; 27378

(b) Participating in a junior reserve officer training 27379
program approved by the congress of the United States under title 27380

10 of the United States Code. 27381

(4) A citizenship seal. A student shall meet the requirement 27382
for this seal by doing any of the following: 27383

(a) Demonstrating at least a proficient level of skill as 27384
prescribed under division (B)(5)(a) of section 3301.0712 of the 27385
Revised Code on both the American history and American government 27386
end-of-course examinations prescribed under division (B)(2) of 27387
section 3301.0712 of the Revised Code; 27388

(b) Attaining a score level prescribed under division 27389
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 27390
least the equivalent of a proficient level of skill in appropriate 27391
advanced placement or international baccalaureate examinations in 27392
lieu of the American history and American government end-of-course 27393
examinations; 27394

(c) ~~Attaining~~ In lieu of the American history and American 27395
government end-of-course examinations, attaining a final course 27396
grade that is the equivalent of a "B" or higher in appropriate 27397
either: 27398

(i) An American history course and an American government 27399
course that are offered by the student's high school; 27400

(ii) Appropriate courses taken through the college credit 27401
plus program established under Chapter 3365. of the Revised Code 27402
~~in lieu of the American history and American government~~ 27403
~~end-of-course examinations.~~ 27404

(d) In the case of a student who takes an alternate 27405
assessment in accordance with division (C)(1) of section 3301.0711 27406
of the Revised Code, attaining a score established by the state 27407
board on the alternate assessment in social studies; 27408

(e) In the case of a student who transfers into an Ohio 27409
public or chartered nonpublic high school from another state or 27410

who enrolls in an Ohio public or chartered nonpublic high school 27411
after receiving home instruction or attending a nonchartered, 27412
nontax-supported school in the previous school year, attaining a 27413
final course grade that is the equivalent of a "B" or higher in 27414
courses that correspond with the American history and American 27415
government end-of-course examinations and that the student 27416
completed in the state from which the student transferred or 27417
completed while receiving home instruction or attending a 27418
nonchartered, nontax-supported school. Division (C)(4)(e) of this 27419
section does not apply to any such student with respect to an 27420
American history or American government course for which an 27421
end-of-course examination is associated that the student takes 27422
after enrolling in the high school. 27423

(5) A science seal. A student shall meet the requirement for 27424
this seal by doing any of the following: 27425

(a) Demonstrating at least a proficient level of skill as 27426
prescribed under division (B)(5)(a) of section 3301.0712 of the 27427
Revised Code on the science end-of-course examination prescribed 27428
under division (B)(2) of section 3301.0712 of the Revised Code; 27429

(b) Attaining a score level prescribed under division 27430
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 27431
least the equivalent of a proficient level of skill in an 27432
appropriate advanced placement or international baccalaureate 27433
examination in lieu of the science end-of-course examination; 27434

(c) ~~Attaining~~ In lieu of the science end-of-course 27435
examination, attaining a final course grade that is the equivalent 27436
of a "B" or higher in ~~an~~ either: 27437

(i) A science course listed in divisions (C)(5)(c)(i) to 27438
(iii) of section 3313.603 of the Revised Code that is offered by 27439
the student's high school; 27440

(ii) An appropriate course taken through the college credit 27441

plus program established under Chapter 3365. of the Revised Code 27442
~~in lieu of the science end-of-course examination.~~ 27443

(d) In the case of a student who takes an alternate 27444
assessment in accordance with division (C)(1) of section 3301.0711 27445
of the Revised Code, attaining a score established by the state 27446
board on the alternate assessment in science; 27447

(e) In the case of a student who transfers into an Ohio 27448
public or chartered nonpublic high school from another state or 27449
enrolls in an Ohio public or chartered nonpublic high school after 27450
receiving home instruction or attending a nonchartered, 27451
nontax-supported school in the previous school year, attaining a 27452
final course grade that is the equivalent of a "B" or higher in a 27453
course that corresponds with the science end-of-course examination 27454
and that the student completed in the state from which the student 27455
transferred or completed while receiving home instruction or 27456
attending a nonchartered, nontax-supported school. Division 27457
(C)(5)(e) of this section does not apply to any such student who 27458
takes a science course for which an end-of-course examination is 27459
associated after enrolling in the high school. 27460

(6) An honors diploma seal. A student shall meet the 27461
requirement for this seal by meeting the additional criteria for 27462
an honors diploma under division (B) of section 3313.61 of the 27463
Revised Code. 27464

(7) A technology seal. A student shall meet the requirement 27465
for this seal by doing any of the following: 27466

(a) Subject to division (B)(5)(d) of section 3301.0712 of the 27467
Revised Code, attaining a score level that is at least the 27468
equivalent of a proficient level of skill in an appropriate 27469
advanced placement or international baccalaureate examination; 27470

(b) Attaining a final course grade that is the equivalent of 27471
a "B" or higher in an appropriate course taken through the college 27472

credit plus program established under Chapter 3365. of the Revised Code; 27473
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(c) Completing a course offered through the student's district or school that meets guidelines developed by the department of education. However, a district or school shall not be required to offer a course that meets guidelines developed by the department. 27475
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(d) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course, as determined by the district or school, that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. 27480
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(8) A community service seal. A student shall meet the requirement for this seal by completing a community service project that is aligned with guidelines adopted by the student's district board or school governing authority. 27490
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(9) A fine and performing arts seal. A student shall meet the requirement for this seal by demonstrating skill in the fine or performing arts according to an evaluation that is aligned with guidelines adopted by the student's district board or school governing authority. 27494
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(10) A student engagement seal. A student shall meet the requirement for this seal by participating in extracurricular activities such as athletics, clubs, or student government to a meaningful extent, as determined by guidelines adopted by the student's district board or school governing authority. 27499
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~~(D)~~(D)(1) Each district or school shall develop guidelines 27504
for at least one of the state seals prescribed under divisions 27505
(C)(8) to (10) of this section. 27506

(2) For the purposes of determining whether a student who 27507
transfers to a district or school has satisfied the state diploma 27508
seal requirement under division (B)(2) of section 3313.618 of the 27509
Revised Code, each district or school shall recognize a state 27510
diploma seal prescribed under divisions (C)(8) to (10) of this 27511
section and earned by a student at another district or a different 27512
public or chartered nonpublic school regardless of whether the 27513
district or school to which the student transfers has developed 27514
guidelines under this section for that state seal. 27515

(3) In guidelines developed for a state diploma seal 27516
prescribed under divisions (C)(8) to (10) of this section, each 27517
district or school shall include a method to give, to the extent 27518
feasible, a student who transfers into the district or school a 27519
proportional amount of credit for any progress the student was 27520
making toward earning that state seal at the school district or 27521
different public or chartered nonpublic school from which the 27522
student transfers. 27523

(E) Each district or school shall maintain appropriate 27524
records to identify students who have met the requirements 27525
prescribed under division (C) of this section for earning the 27526
state seals established under that division. 27527

(F) The department shall prepare and deliver to each district 27528
or school an appropriate mechanism for assigning a state diploma 27529
seal established under division (C) of this section. 27530

(G) A student shall not be charged a fee to be assigned a 27531
state seal prescribed under division (C) of this section on the 27532
student's diploma and transcript. 27533

Sec. 3313.6412. Notwithstanding anything to the contrary in 27534
section 3313.6410 of the Revised Code, no student enrolled in an 27535
internet- or computer-based school shall be subject to automatic 27536
withdrawal who, in any school year prior to the 2020-2021 school 27537
year, failed to participate in the spring administration of any 27538
assessment prescribed under section 3301.0710 or 3301.0712 of the 27539
Revised Code for the student's grade level and was not excused 27540
from the assessment pursuant to division (C)(1) or (3) of section 27541
3301.0711 of the Revised Code, regardless of whether a waiver was 27542
granted for the student under division (E) of section 3317.03 of 27543
the Revised Code. 27544

Sec. 3313.713. (A) As used in this section: 27545

(1) "Drug" means a drug, as defined in section 4729.01 of the 27546
Revised Code, that is to be administered pursuant to the 27547
instructions of the prescriber, whether or not required by law to 27548
be sold only upon a prescription. 27549

(2) "Federal law" means the "Individuals with Disabilities 27550
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 27551

(3) "Prescriber" has the same meaning as in section 4729.01 27552
of the Revised Code. 27553

(B) The board of education of each city, local, exempted 27554
village, and joint vocational school district and the governing 27555
authority of each chartered nonpublic school shall adopt a policy 27556
on the authority of its employees, when acting in situations other 27557
than those governed by sections 2305.23, 2305.231, 3313.712, 27558
3313.7110, 3313.7112, 3313.7113, and 3313.7115 of the Revised 27559
Code, to administer drugs prescribed to students enrolled in the 27560
schools of the district or the chartered nonpublic school. The 27561
policy shall provide either that: 27562

(1) Except as otherwise required by federal law, no person 27563

employed by the board or governing authority shall, in the course 27564
of such employment, administer any drug prescribed to any student 27565
enrolled in the schools of the district or the chartered nonpublic 27566
school. 27567

(2) Designated persons employed by the board or governing 27568
authority are authorized to administer to a student a drug 27569
prescribed for the student. Effective July 1, 2011, only employees 27570
of the board or governing authority who are licensed health 27571
professionals, or who have completed a drug administration 27572
training program conducted by a licensed health professional and 27573
considered appropriate by the board or governing authority, may 27574
administer to a student a drug prescribed for the student. Except 27575
as otherwise provided by federal law, the board's or governing 27576
authority's policy may provide that certain drugs or types of 27577
drugs shall not be administered or that no employee shall use 27578
certain procedures, such as injection, to administer a drug to a 27579
student. 27580

(C) No drug prescribed for a student shall be administered 27581
pursuant to federal law or a policy adopted under division (B) of 27582
this section until the following occur: 27583

(1) The board or governing authority, or a person designated 27584
by the board or governing authority, receives a written request, 27585
signed by the parent, guardian, or other person having care or 27586
charge of the student, that the drug be administered to the 27587
student. 27588

(2) The board or governing authority, or a person designated 27589
by the board or governing authority, receives a statement, signed 27590
by the prescriber, that includes all of the following information: 27591

(a) The name and address of the student; 27592

(b) The school and class in which the student is enrolled; 27593

(c) The name of the drug and the dosage to be administered; 27594

(d) The times or intervals at which each dosage of the drug is to be administered;	27595 27596
(e) The date the administration of the drug is to begin;	27597
(f) The date the administration of the drug is to cease;	27598
(g) Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency;	27599 27600 27601
(h) Special instructions for administration of the drug, including sterile conditions and storage.	27602 27603
(3) The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the prescriber to the board <u>or governing authority</u> or a person designated by the board <u>or governing authority</u> if any of the information provided by the prescriber pursuant to division (C)(2) of this section changes.	27604 27605 27606 27607 27608 27609
(4) The person authorized by the board <u>or governing authority</u> to administer the drug receives a copy of the statement required by division (C)(2) or (3) of this section.	27610 27611 27612
(5) The drug is received by the person authorized to administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist.	27613 27614 27615 27616
(6) Any other procedures required by the board <u>or governing authority</u> are followed.	27617 27618
(D) If a drug is administered to a student, the board of education <u>or governing authority of the chartered nonpublic school</u> shall acquire and retain copies of the written requests required by division (C)(1) and the statements required by divisions (C)(2) and (3) of this section and shall ensure that by the next school day following the receipt of any such statement a copy is given to	27619 27620 27621 27622 27623 27624

the person authorized to administer drugs to the student for whom 27625
the statement has been received. The board or governing authority, 27626
or a person designated by the board or governing authority, shall 27627
establish a location in each school building for the storage of 27628
drugs to be administered under this section and federal law. All 27629
such drugs shall be stored in that location in a locked storage 27630
place, except that drugs that require refrigeration may be kept in 27631
a refrigerator in a place not commonly used by students. 27632

(E) No person who has been authorized by a board of education 27633
or governing authority of a chartered nonpublic school to 27634
administer a drug and has a copy of the most recent statement 27635
required by division (C)(2) or (3) of this section given to the 27636
person in accordance with division (D) of this section prior to 27637
administering the drug is liable in civil damages for 27638
administering or failing to administer the drug, unless such 27639
person acts in a manner that constitutes gross negligence or 27640
wanton or reckless misconduct. 27641

(F) A board of education or governing authority of a 27642
chartered nonpublic school may designate a person or persons to 27643
perform any function or functions in connection with a drug policy 27644
adopted under this section either by name or by position, 27645
training, qualifications, or similar distinguishing factors. 27646

(G) A policy adopted by a board of education or governing 27647
authority of a chartered nonpublic school pursuant to this section 27648
may be changed, modified, or revised by action of the board or the 27649
governing authority. 27650

(H) Nothing in this section shall be construed to require a 27651
person employed by a board of education or governing authority of 27652
a chartered nonpublic school to administer a drug to a student 27653
unless the board's or governing authority's policy adopted in 27654
compliance with this section establishes such a requirement. A 27655
board or governing authority shall not require an employee to 27656

administer a drug to a student if the employee objects, on the 27657
basis of religious convictions, to administering the drug. 27658

Nothing in this section affects the application of section 27659
2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, or 27660
3313.7115 of the Revised Code to the administration of emergency 27661
care or treatment to a student. 27662

Nothing in this section affects the ability of a public or 27663
nonpublic school to participate in a school-based fluoride mouth 27664
rinse program established by the director of health pursuant to 27665
section 3701.136 of the Revised Code. Nothing in this section 27666
affects the ability of a person who is employed by, or who 27667
volunteers for, a school that participates in such a program to 27668
administer fluoride mouth rinse to a student in accordance with 27669
section 3701.136 of the Revised Code and any rules adopted by the 27670
director under that section. 27671

(I) Nothing in this section shall be construed to require a 27672
school district or chartered nonpublic school to obtain written 27673
authorization or instructions from a health care provider to apply 27674
nonprescription topical ointments designed to prevent sunburn. 27675
Furthermore, nothing in this section shall be construed to 27676
prohibit a student to possess and self-apply nonprescription 27677
topical ointment designed to prevent sunburn while on school 27678
property or at a school-sponsored event without written 27679
authorization or instructions from a healthcare provider. The 27680
policy adopted by a school district or chartered nonpublic school 27681
pursuant to this section shall not require written authorization 27682
from a health care provider, but may require parental 27683
authorization, for the possession or application of such 27684
sunscreen. A designated person employed by the board of education 27685
of a school district or governing authority of a chartered 27686
nonpublic school shall apply sunscreen to a student in accordance 27687
with the school district's or governing authority's policy upon 27688

request. 27689

Sec. 3313.842. (A) The boards of education or governing 27690
authorities of any two or more school districts or community 27691
schools may enter into an agreement for joint or cooperative 27692
establishment and operation of any educational program including 27693
any class, course, or program that may be included in a school 27694
district's or community school's graded course of study and staff 27695
development programs for teaching and nonteaching school 27696
employees. Each school district or community school that is party 27697
to such an agreement may contribute funds of the district or 27698
school in support of the agreement and for the establishment and 27699
operation of any educational program established under the 27700
agreement. The agreement shall designate one of the districts or 27701
community schools as responsible for receiving and disbursing the 27702
funds contributed by the parties to the agreement. 27703

(B) Notwithstanding sections 3313.48 and 3313.64 of the 27704
Revised Code, any school district that is party to an agreement 27705
for joint or cooperative establishment and operation of an 27706
educational program may charge fees or tuition for students who 27707
participate in the program and are entitled to attend school in 27708
the district under section 3313.64 or 3313.65 of the Revised Code. 27709
Except as otherwise provided in division (G) of section 3321.01 of 27710
the Revised Code, no community school that is party to the 27711
agreement shall charge fees or tuition for students who 27712
participate in the program and are reported by the school under 27713
division ~~(B)~~(2)(B) of section 3314.08 of the Revised Code. 27714

Sec. 3313.902. (A) As used in this section: 27715

(1) "Approved industry credential or certificate" means a 27716
credential or certificate that is approved by the chancellor of 27717
higher education. 27718

- (2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section. 27719
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- (3) "Approved program of study" means a program of study offered by an approved institution that satisfies the requirements of division (B) of this section. 27722
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- (4) An eligible student's "career pathway training program amount" means the following: 27725
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- (a) If the student is enrolled in a tier one career pathway training program, \$4,800; 27727
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- (b) If the student is enrolled in a tier two career pathway training program, \$3,200; 27729
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- (c) If the student is enrolled in a tier three career pathway training program, \$1,600. 27731
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- (5) "Eligible institution" means any of the following: 27733
- (a) A community college established under Chapter 3354. of the Revised Code; 27734
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- (b) A technical college established under Chapter 3357. of the Revised Code; 27736
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- (c) A state community college established under Chapter 3358. of the Revised Code; 27738
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- (d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education. 27740
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- (6) "Eligible student" means an individual who is at least ~~twenty-two~~ twenty years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code. 27742
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- (7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours 27746
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of technical training, as determined by the department of 27748
education. 27749

(8) A "tier two career pathway training program" is a career 27750
pathway training program that requires more than three hundred 27751
hours of technical training but less than six hundred hours of 27752
technical training, as determined by the department. 27753

(9) A "tier three career pathway training program" is a 27754
career pathway training program that requires three hundred hours 27755
or less of technical training, as determined by the department. 27756

(10) An eligible student's "work readiness training amount" 27757
means the following: 27758

(a) If the student's grade level upon initial enrollment in 27759
an approved program of study at an approved institution is below 27760
the ninth grade, as determined in accordance with rules adopted 27761
under division (E) of this section, \$1,500. 27762

(b) If the student's grade level upon initial enrollment in 27763
an approved program of study at an approved institution is at or 27764
above the ninth grade, as determined in accordance with rules 27765
adopted under division (E) of this section, \$750. 27766

(B) The adult diploma pilot program is hereby established to 27767
permit an eligible institution to obtain approval from the 27768
superintendent of public instruction and the chancellor to develop 27769
and offer a program of study that allows an eligible student to 27770
obtain a high school diploma. A program shall be eligible for this 27771
approval if it satisfies all of the following requirements: 27772

(1) The program allows an eligible student to complete the 27773
requirements for obtaining a high school diploma that are 27774
specified in rules adopted by the superintendent under division 27775
(E) of this section while also completing requirements for an 27776
approved industry credential or certificate. 27777

(2) The program includes career advising and outreach.	27778
(3) The program includes opportunities for students to receive a competency-based education.	27779 27780
(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.	27781 27782 27783 27784 27785 27786 27787
(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:	27788 27789 27790
(The student's career pathway training program amount + the student's work readiness training amount) X 1.2	27791 27792
(2) Except as provided in division (D)(4) of this section, the department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:	27793 27794 27795 27796 27797
(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;	27798 27799 27800 27801 27802
(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;	27803 27804 27805 27806 27807
(c) Fifty per cent of the amount calculated under division	27808

(D)(1) of this section shall be paid to the approved institution 27809
after the student successfully completes the final third of the 27810
approved program of study, as determined by the department. 27811

(3) Of the amount paid to an approved institution under 27812
division (D)(2) of this section, the institution may use the 27813
amount that is in addition to the student's career pathway 27814
training amount and the student's work readiness training amount 27815
for the associated services of the approved program of study. 27816
These services include counseling, advising, assessment, and other 27817
services as determined or required by the department. 27818

(4) If the superintendent and the chancellor determine that 27819
is it appropriate for an entity other than the department to make 27820
full or partial payments for an eligible student under division 27821
(D)(2) of this section, that entity shall make those payments and 27822
the department shall not make those payments. 27823

(E) The superintendent, in consultation with the chancellor, 27824
shall adopt rules for the implementation of the adult diploma 27825
pilot program, including all of the following: 27826

(1) The requirements for applying for program approval; 27827

(2) The requirements for obtaining a high school diploma 27828
through the program, including the requirement to obtain a passing 27829
score on an assessment that is appropriate for the career pathway 27830
training program that is being completed by the eligible student, 27831
and the date on which these requirements take effect; 27832

(3) The assessment or assessments that may be used to 27833
complete the assessment requirement for each career pathway 27834
training program under division (E)(2) of this section and the 27835
score that must be obtained on each assessment in order to pass 27836
the assessment; 27837

(4) Guidelines regarding the funding of the program under 27838
division (D) of this section, including a method of funding for 27839

students who transfer from one approved institution to another 27840
approved institution prior to completing an approved program of 27841
study; 27842

(5) Circumstances under which an eligible student may be 27843
charged for tuition, supplies, or associated fees while enrolled 27844
in an approved institution's approved program of study; 27845

(6) A requirement that an eligible student may not be charged 27846
for tuition, supplies, or associated fees while enrolled in an 27847
approved institution's approved program of study except in the 27848
circumstances described under division (E)(5) of this section; 27849

(7) The payment of federal funds that are to be used by 27850
approved programs of study at approved institutions. 27851

Sec. 3313.974. As used in this section and in sections 27852
3313.975 to 3313.979 of the Revised Code: 27853

(A) "Individualized education program" and "child with a 27854
disability" have the same meanings as in section 3323.01 of the 27855
Revised Code. 27856

~~(B) "Mainstreamed student with a disability" means a child 27857
with a disability who has an individualized education program 27858
providing for the student to spend more than half of each school 27859
day in a regular school setting with nondisabled students. 27860~~

~~(C) "Separately educated student with a disability" means a 27861
child with a disability who has an individualized education 27862
program providing for the student to spend at least half of each 27863
school day in a class or setting separated from nondisabled 27864
students. 27865~~

~~(D)~~(C) "Low-income family" means a family whose income is 27866
below the level which the superintendent of public instruction 27867
shall establish. 27868

~~(E)~~(D) "Parent" has the same meaning as in section 3313.98 of 27869

the Revised Code. 27870

~~(F)~~(E) "Registered private school" means a school registered 27871
with the superintendent of public instruction pursuant to section 27872
3313.976 of the Revised Code. 27873

~~(G)~~(F) "Alternative school" means a registered private school 27874
located in a school district or a public school located in an 27875
adjacent school district. 27876

~~(H)~~(G) "Tutorial assistance" means instructional services 27877
provided to a student outside of regular school hours approved by 27878
the commission on school choice pursuant to section 3313.976 of 27879
the Revised Code. 27880

Sec. 3313.975. As used in this section and in sections 27881
3313.976 to 3313.979 of the Revised Code, "the pilot project 27882
school district" or "the district" means any school district 27883
included in the pilot project scholarship program pursuant to this 27884
section. 27885

(A) The superintendent of public instruction shall establish 27886
a pilot project scholarship program and shall include in such 27887
program any school districts that are or have ever been under 27888
federal court order requiring supervision and operational 27889
management of the district by the state superintendent. The 27890
program shall provide for a number of students residing in any 27891
such district to receive scholarships to attend alternative 27892
schools, and for an equal number of students to receive tutorial 27893
assistance grants while attending public school in any such 27894
district. 27895

(B) The state superintendent shall establish an application 27896
process and deadline for accepting applications from students 27897
residing in the district to participate in the scholarship 27898
program. In the initial year of the program students may only use 27899

a scholarship to attend school in grades kindergarten through 27900
third. 27901

The state superintendent shall award as many scholarships and 27902
tutorial assistance grants as can be funded given the amount 27903
appropriated for the program. 27904

(C)(1) The pilot project program shall continue in effect 27905
each year that the general assembly has appropriated sufficient 27906
money to fund scholarships and tutorial assistance grants. In each 27907
year the program continues, new students may receive scholarships 27908
in grades kindergarten to twelve. A student who has received a 27909
scholarship may continue to receive one until the student has 27910
completed grade twelve. 27911

(2) If the general assembly discontinues the scholarship 27912
program, all students who are attending an alternative school 27913
under the pilot project shall be entitled to continued admittance 27914
to that specific school through all grades that are provided in 27915
such school, under the same conditions as when they were 27916
participating in the pilot project. The state superintendent shall 27917
continue to make scholarship payments in accordance with ~~division~~ 27918
~~(A) or (B) of section 3313.979~~ 3317.022 of the Revised Code for 27919
students who remain enrolled in an alternative school under this 27920
provision in any year that funds have been appropriated for this 27921
purpose. 27922

If funds are not appropriated, the tuition charged to the 27923
parents of a student who remains enrolled in an alternative school 27924
under this provision shall not be increased beyond the amount 27925
equal to the amount of the scholarship plus any additional amount 27926
charged that student's parent in the most recent year of 27927
attendance as a participant in the pilot project, except that 27928
tuition for all the students enrolled in such school may be 27929
increased by the same percentage. 27930

(D) Notwithstanding sections 124.39 and 3311.83 of the Revised Code, if the pilot project school district experiences a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section ~~3313.979~~ 3317.022 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the following requirements:

(1) The school offers any of grades kindergarten through twelve and either:

(a) ~~Offers any of grades kindergarten through twelve and is~~ located within the boundaries of the pilot project school district;

(b) ~~Offers any of grades nine through twelve and is~~ located within the boundaries of a city, local, or exempted village school district that is both:

(i) Located in a municipal corporation with a population of fifteen thousand or more;

(ii) Located within five miles of the border of the pilot project school district.

(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;

(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division;

(4) The school does not discriminate on the basis of race, religion, or ethnic background;

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;

(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;

(7) The school does not provide false or misleading information about the school to parents, students, or the general public;

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division ~~(C)(1)(A)(17)(a)~~ of section ~~3313.978~~ 3317.022 of the Revised Code, excluding any increase described in that division ~~(C)(2)~~ of ~~that~~ ~~section~~.

(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual

tuition charge of the school, the school agrees not to charge any 27992
tuition in excess of the difference between the actual tuition 27993
charge of the school and the scholarship amount established 27994
pursuant to division ~~(C)(1)(A)(17)(a)~~ of section ~~3313.978~~ 3317.022 27995
of the Revised Code, excluding any increase described in that 27996
division ~~(C)(2) of that section~~. The school shall permit such 27997
tuition, at the discretion of the parent, to be satisfied by the 27998
family's provision of in-kind contributions or services. 27999

(10) The school agrees not to charge any tuition to families 28000
of students in grades nine through twelve receiving a scholarship 28001
in excess of the actual tuition charge of the school less the 28002
scholarship amount established pursuant to division 28003
~~(C)(1)(A)(17)(a)~~ of section ~~3313.978~~ 3317.022 of the Revised Code, 28004
excluding any increase described in that division ~~(C)(2) of that~~ 28005
~~section~~. 28006

(11) It annually administers the applicable assessments 28007
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 28008
Revised Code to each scholarship student enrolled in the school in 28009
accordance with section 3301.0711 or 3301.0712 of the Revised Code 28010
and reports to the department of education the results of each 28011
such assessment administered to each scholarship student, unless 28012
one of the following applies to the student: 28013

(a) The student is excused from taking that assessment under 28014
federal law, the student's individualized education program, or 28015
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 28016

(b) The student is enrolled in a chartered nonpublic school 28017
that meets the conditions specified in division (K)(2) or (L)(4) 28018
of section 3301.0711 of the Revised Code. 28019

(c) The student is enrolled in any of grades three to eight 28020
and takes an alternative standardized assessment under division 28021
(K)(1) of section 3301.0711 of the Revised Code. 28022

(d) The student is excused from taking the assessment 28023
prescribed under division (B)(1) of section 3301.0712 of the 28024
Revised Code pursuant to division (C)(1)(c)(ii) of section 28025
3301.0711 of the Revised Code. 28026

(B) The state superintendent shall revoke the registration of 28027
any school if, after a hearing, the superintendent determines that 28028
the school is in violation of any of the provisions of division 28029
(A) of this section. 28030

(C) Any public school located in a school district adjacent 28031
to the pilot project district may receive scholarship payments on 28032
behalf of parents pursuant to section ~~3313.979~~ 3317.022 of the 28033
Revised Code if the superintendent of the district in which such 28034
public school is located notifies the state superintendent prior 28035
to the first day of March that the district intends to admit 28036
students from the pilot project district for the ensuing school 28037
year pursuant to section 3327.06 of the Revised Code. 28038

(D) Any parent wishing to purchase tutorial assistance from 28039
any person or governmental entity pursuant to the pilot project 28040
program under sections 3313.974 to 3313.979 of the Revised Code 28041
shall apply to the state superintendent. The state superintendent 28042
shall approve providers who appear to possess the capability of 28043
furnishing the instructional services they are offering to 28044
provide. 28045

Sec. 3313.974. As used in this section and in sections 28046
3313.975 to 3313.979 of the Revised Code: 28047

(A) "Individualized education program" and "child with a 28048
disability" have the same meanings as in section 3323.01 of the 28049
Revised Code. 28050

(B) ~~"Mainstreamed student with a disability" means a child 28051
with a disability who has an individualized education program 28052~~

~~providing for the student to spend more than half of each school day in a regular school setting with nondisabled students.~~ 28053
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~~(C)~~ "Separately educated student with a disability" means a child with a disability who has an individualized education program providing for the student to spend at least half of each school day in a class or setting separated from nondisabled students. 28055
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~~(D)~~(C) "Low-income family" means a family whose income is below the level which the superintendent of public instruction shall establish. 28060
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~~(E)~~(D) "Parent" has the same meaning as in section 3313.98 of the Revised Code. 28063
28064

~~(F)~~(E) "Registered private school" means a school registered with the superintendent of public instruction pursuant to section 3313.976 of the Revised Code. 28065
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~~(G)~~(F) "Alternative school" means a registered private school located in a school district or a public school located in an adjacent school district. 28068
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~~(H)~~(G) "Tutorial assistance" means instructional services provided to a student outside of regular school hours approved by the commission on school choice pursuant to section 3313.976 of the Revised Code. 28071
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Sec. 3313.975. As used in this section and in sections 3313.976 to 3313.979 of the Revised Code, "the pilot project school district" or "the district" means any school district included in the pilot project scholarship program pursuant to this section. 28075
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(A) The superintendent of public instruction shall establish a pilot project scholarship program and shall include in such program any school districts that are or have ever been under 28080
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28082

federal court order requiring supervision and operational 28083
management of the district by the state superintendent. The 28084
program shall provide for a number of students residing in any 28085
such district to receive scholarships to attend alternative 28086
schools, and for an equal number of students to receive tutorial 28087
assistance grants while attending public school in any such 28088
district. 28089

(B) The state superintendent shall establish an application 28090
process and deadline for accepting applications from students 28091
residing in the district to participate in the scholarship 28092
program. In the initial year of the program students may only use 28093
a scholarship to attend school in grades kindergarten through 28094
third. 28095

The state superintendent shall award as many scholarships and 28096
tutorial assistance grants as can be funded given the amount 28097
appropriated for the program. 28098

(C)(1) The pilot project program shall continue in effect 28099
each year that the general assembly has appropriated sufficient 28100
money to fund scholarships and tutorial assistance grants. In each 28101
year the program continues, new students may receive scholarships 28102
in grades kindergarten to twelve. A student who has received a 28103
scholarship may continue to receive one until the student has 28104
completed grade twelve. 28105

(2) If the general assembly discontinues the scholarship 28106
program, all students who are attending an alternative school 28107
under the pilot project shall be entitled to continued admittance 28108
to that specific school through all grades that are provided in 28109
such school, under the same conditions as when they were 28110
participating in the pilot project. The state superintendent shall 28111
continue to make scholarship payments in accordance with ~~division~~ 28112
~~(A) or (B) of section 3313.979~~ 3317.022 of the Revised Code for 28113
students who remain enrolled in an alternative school under this 28114

provision in any year that funds have been appropriated for this 28115
purpose. 28116

If funds are not appropriated, the tuition charged to the 28117
parents of a student who remains enrolled in an alternative school 28118
under this provision shall not be increased beyond the amount 28119
equal to the amount of the scholarship plus any additional amount 28120
charged that student's parent in the most recent year of 28121
attendance as a participant in the pilot project, except that 28122
tuition for all the students enrolled in such school may be 28123
increased by the same percentage. 28124

(D) Notwithstanding sections 124.39 and 3311.83 of the 28125
Revised Code, if the pilot project school district experiences a 28126
decrease in enrollment due to participation in a state-sponsored 28127
scholarship program pursuant to sections 3313.974 to 3313.979 of 28128
the Revised Code, the district board of education may enter into 28129
an agreement with any teacher it employs to provide to that 28130
teacher severance pay or early retirement incentives, or both, if 28131
the teacher agrees to terminate the employment contract with the 28132
district board, provided any collective bargaining agreement in 28133
force pursuant to Chapter 4117. of the Revised Code does not 28134
prohibit such an agreement for termination of a teacher's 28135
employment contract. 28136

Sec. 3313.978. (A) Annually by the first day of November, the 28137
superintendent of public instruction shall notify the pilot 28138
project school district of the number of initial scholarships that 28139
the state superintendent will be awarding in each of grades 28140
kindergarten through twelve. 28141

The state superintendent shall provide information about the 28142
scholarship program to all students residing in the district, 28143
shall accept applications from any such students during the 28144
application periods established under division (H) of this 28145

section, and shall establish criteria for the selection of 28146
students to receive scholarships from among all those applying 28147
prior to the deadline, which criteria shall give preference to 28148
students from low-income families. The state superintendent shall 28149
notify students of their selection prior to a date established by 28150
the state superintendent. 28151

(1) A student receiving a pilot project scholarship may 28152
utilize it at an alternative public school by notifying the 28153
district superintendent, at any time before the beginning of the 28154
school year, of the name of the public school in an adjacent 28155
school district to which the student has been accepted pursuant to 28156
section 3327.06 of the Revised Code. 28157

(2) A student may decide to utilize a pilot project 28158
scholarship at a registered private school in the district if all 28159
of the following conditions are met: 28160

(a) By the fifteenth day of February of the preceding school 28161
year, or at any time prior to the start of the school year, the 28162
parent makes an application on behalf of the student to a 28163
registered private school. 28164

(b) The registered private school notifies the parent and the 28165
state superintendent as follows that the student has been 28166
admitted: 28167

(i) By the fifteenth day of March of the preceding school 28168
year if the student filed an application by the fifteenth day of 28169
February and was admitted by the school pursuant to division (A) 28170
of section 3313.977 of the Revised Code; 28171

(ii) Within one week of the decision to admit the student if 28172
the student is admitted pursuant to division (C) of section 28173
3313.977 of the Revised Code. 28174

(c) The student actually enrolls in the registered private 28175
school to which the student was first admitted or in another 28176

registered private school in the district or in a public school in 28177
an adjacent school district. 28178

(B) The state superintendent shall also award in any school 28179
year tutorial assistance grants to a number of students equal to 28180
the number of students who receive scholarships under division (A) 28181
of this section. Tutorial assistance grants shall be awarded 28182
solely to students who are enrolled in the public schools of the 28183
district in a grade level covered by the pilot project. Tutorial 28184
assistance grants may be used solely to obtain tutorial assistance 28185
from a provider approved pursuant to division (D) of section 28186
3313.976 of the Revised Code. 28187

All students wishing to obtain tutorial assistance grants 28188
shall make application to the state superintendent by the first 28189
day of the school year in which the assistance will be used. The 28190
state superintendent shall award assistance grants in accordance 28191
with criteria the superintendent shall establish. 28192

~~(C)(1) In the case of basic scholarships for students in 28193
grades kindergarten through eight, the scholarship amount shall 28194
not exceed the lesser of the net tuition charges of the 28195
alternative school the scholarship recipient attends or four 28196
thousand six hundred fifty dollars. 28197~~

~~In the case of basic scholarships for students in grades nine 28198
through twelve, the scholarship amount shall not exceed the lesser 28199
of the net tuition charges of the alternative school the 28200
scholarship recipient attends or six thousand dollars. 28201~~

~~The net tuition and fees charged to a student shall be the 28202
tuition amount specified by the alternative school minus all other 28203
financial aid, discounts, and adjustments received for the 28204
student. In cases where discounts are offered for multiple 28205
students from the same family, and not all students in the same 28206
family are scholarship recipients, the net tuition amount 28207~~

~~attributable to the scholarship recipient shall be the lowest net 28208
tuition to which the family is entitled. 28209~~

~~(2) The state superintendent shall provide for an increase in 28210
the basic scholarship amount in the case of any student who is a 28211
mainstreamed student with a disability and shall further increase 28212
such amount in the case of any separately educated student with a 28213
disability. Such increases shall take into account the 28214
instruction, related services, and transportation costs of 28215
educating such students. 28216~~

~~(3) In the case of tutorial assistance grants, the grant 28217
amount shall not exceed the lesser of the provider's actual 28218
charges for such assistance or: 28219~~

~~(a)(1) Before fiscal year 2007, a percentage established by 28220
the state superintendent, not to exceed twenty per cent, of the 28221
amount of the pilot project school district's average basic 28222
scholarship amount; 28223~~

~~(b)(2) In fiscal year 2007 and thereafter, four hundred 28224
dollars. 28225~~

~~(D)(1) Annually by the first day of November, the state 28226
superintendent shall estimate the maximum per-pupil scholarship 28227
amounts for the ensuing school year. The state superintendent 28228
shall make this estimate available to the general public at the 28229
offices of the district board of education together with the forms 28230
required by division (D)(2) of this section. 28231~~

~~(2) Annually by the fifteenth day of January, the chief 28232
administrator of each registered private school located in the 28233
pilot project district and the principal of each public school in 28234
such district shall complete a parental information form and 28235
forward it to the president of the board of education. The 28236
parental information form shall be prescribed by the department of 28237
education and shall provide information about the grade levels 28238~~

offered, the numbers of students, tuition amounts, achievement 28239
test results, and any sectarian or other organizational 28240
affiliations. 28241

(E)(1) Only for the purpose of administering the pilot 28242
project scholarship program, the department may request from any 28243
of the following entities the data verification code assigned 28244
under division (D)(2) of section 3301.0714 of the Revised Code to 28245
any student who is seeking a scholarship under the program: 28246

(a) The school district in which the student is entitled to 28247
attend school under section 3313.64 or 3313.65 of the Revised 28248
Code; 28249

(b) If applicable, the community school in which the student 28250
is enrolled; 28251

(c) The independent contractor engaged to create and maintain 28252
data verification codes. 28253

(2) Upon a request by the department under division (E)(1) of 28254
this section for the data verification code of a student seeking a 28255
scholarship or a request by the student's parent for that code, 28256
the school district or community school shall submit that code to 28257
the department or parent in the manner specified by the 28258
department. If the student has not been assigned a code, because 28259
the student will be entering kindergarten during the school year 28260
for which the scholarship is sought, the district shall assign a 28261
code to that student and submit the code to the department or 28262
parent by a date specified by the department. If the district does 28263
not assign a code to the student by the specified date, the 28264
department shall assign a code to the student. 28265

The department annually shall submit to each school district 28266
the name and data verification code of each student residing in 28267
the district who is entering kindergarten, who has been awarded a 28268
scholarship under the program, and for whom the department has 28269

assigned a code under this division.	28270
(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law.	28271 28272 28273
(F) Any document relative to the pilot project scholarship program 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.	28274 28275 28276 28277 28278
(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:	28279 28280 28281 28282 28283
(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code;	28284 28285 28286 28287 28288
(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.	28289 28290 28291 28292
(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:	28293 28294 28295
(a) Grade level;	28296
(b) Race and ethnicity;	28297
(c) Gender;	28298
(d) Students who have participated in the scholarship program	28299

for three or more years; 28300

(e) Students who have participated in the scholarship program 28301
for more than one year and less than three years; 28302

(f) Students who have participated in the scholarship program 28303
for one year or less; 28304

(g) Economically disadvantaged students. 28305

(3) The department shall post the student performance data 28306
required under divisions (G)(1) and (2) of this section on its web 28307
site and shall include that data in the information about the 28308
scholarship program provided to students under division (A) of 28309
this section. In reporting student performance data under this 28310
division, the department shall not include any data that is 28311
statistically unreliable or that could result in the 28312
identification of individual students. For this purpose, the 28313
department shall not report performance data for any group that 28314
contains less than ten students. 28315

(4) The department shall provide the parent of each 28316
scholarship student enrolled in a registered private school with 28317
information comparing the student's performance on the assessments 28318
administered pursuant to division (A)(11) of section 3313.976 of 28319
the Revised Code with the average performance of similar students 28320
enrolled in the building operated by the pilot project school 28321
district that the scholarship student would otherwise attend. In 28322
calculating the performance of similar students, the department 28323
shall consider age, grade, race and ethnicity, gender, and 28324
socioeconomic status. 28325

(H)(1) Except as provided in division (H)(2) of this section, 28326
for scholarships awarded the 2020-2021 school year and for each 28327
school year thereafter, the department shall conduct two 28328
application periods each year for the pilot project scholarship 28329
program, as follows: 28330

(a) The first application period shall open not sooner than 28331
the first day of February prior to the first day of July of the 28332
school year for which a scholarship is sought and run not less 28333
than seventy-five days. 28334

(b) The second application period shall open not sooner than 28335
the first day of July of the school year for which the scholarship 28336
is sought and run not less than thirty days. 28337

(2) If the pilot scholarships awarded in the first 28338
application period for any school year use the entirety of the 28339
amount appropriated by the general assembly for such scholarships 28340
for that school year, the department need not conduct a second 28341
application period for scholarships. If, after the first 28342
application period, there are funds remaining to award, the 28343
department shall conduct a second application period in accordance 28344
with division (H)(1)(b) of this section. 28345

(3) Not later than the thirty-first day of May of each school 28346
year, the department shall determine whether funds remain 28347
available for scholarships under the pilot project scholarship 28348
program after the first application period. 28349

(4) For scholarships awarded for any school year prior to the 28350
2020-2021 school year, the state superintendent shall establish a 28351
deadline for a single application period. 28352

~~Sec. 3313.979. Each scholarship to be used for payments to a 28353
registered private school is payable to the parents of the student 28354
entitled to the scholarship. Each scholarship to be used for 28355
payments to a public school in an adjacent school district is 28356
payable to the school district of attendance by the superintendent 28357
of public instruction. Each grant to be used for payments to an 28358
approved tutorial assistance provider is payable to the approved 28359
tutorial assistance provider. 28360~~

(A)~~(1)~~ By the fifteenth day of each month of the school year 28361
that any scholarship students are enrolled in a registered private 28362
school, the chief administrator of that school shall notify the 28363
state superintendent of: 28364

~~(a)~~(1) The number of scholarship students who were reported 28365
to the school district as having been admitted by that private 28366
school pursuant to division (A)(2)(b) of section 3313.978 of the 28367
Revised Code and who were still enrolled in the private school as 28368
of the first day of such month; 28369

~~(b)~~(2) The number of scholarship students who were reported 28370
to the school district as having been admitted by another private 28371
school pursuant to division (A)(2)(b) of section 3313.978 of the 28372
Revised Code and since the date of admission have transferred to 28373
the school providing the notification under division ~~(A)(1)~~(A) of 28374
this section. 28375

~~(2) From time to time, the state superintendent shall make a 28376
payment to the parent of each student entitled to a scholarship. 28377
Each payment shall include for each student reported under 28378
division (A)(1) of this section a portion of the scholarship 28379
amount specified in divisions (C)(1) and (2) of section 3313.978 28380
of the Revised Code. This amount shall be proportionately reduced 28381
in the case of any such student who is not enrolled in a 28382
registered private school for the entire school year. 28383~~

~~(3) The first payment under this division shall be made by 28384
the last day of November and shall equal one third of the 28385
estimated total amount that will be due to the parent for the 28386
school year pursuant to division (A)(2) of this section. 28387~~

~~(B) The state superintendent, on behalf of the parents of a 28388
scholarship student enrolled in a public school in an adjacent 28389
school district pursuant to section 3327.06 of the Revised Code, 28390
shall make the tuition payments required by that section to the 28391~~

~~school district admitting the student, except that, 28392
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 28393
Revised Code, the total payments in any school year shall not 28394
exceed the scholarship amount provided in divisions (C)(1) and (2) 28395
of section 3313.978 of the Revised Code. 28396~~

~~(C) Whenever an approved provider provides tutorial 28397
assistance to a student, the state superintendent shall pay the 28398
approved provider for such costs upon receipt of a statement 28399
specifying the services provided and the costs of the services, 28400
which statement shall be signed by the provider and verified by 28401
the chief administrator having supervisory control over the 28402
tutoring site. The total payments to any approved provider under 28403
this division for all provider services to any individual student 28404
in any school year shall not exceed the grant amount provided in 28405
division ~~(C)(3)~~(C) of section 3313.978 of the Revised Code. 28406~~

Sec. 3314.013. (A) ~~Until the sixty first day after the 28407
effective date of this amendment May 22, 2013, no internet- or 28408
computer-based community school shall operate unless the school 28409
was open for instruction as of May 1, 2005. No entity described in 28410
division (C)(1) of section 3314.02 of the Revised Code shall enter 28411
into a contract to sponsor an internet- or computer-based 28412
community school, including a conversion school, between May 1, 28413
2005, and ~~the sixty first day after the effective date of this 28414
amendment May 22, 2013, except as follows: 28415~~~~

(1) The entity may renew a contract that the entity entered 28416
into with an internet- or computer-based community school prior to 28417
May 1, 2005, if the school was open for operation as of that date. 28418

(2) The entity may assume sponsorship of an existing 28419
internet- or computer-based community school that was formerly 28420
sponsored by another entity and may enter into a contract with 28421
that community school in accordance with section 3314.03 of the 28422

Revised Code. 28423

If a sponsor entered into a contract with an internet- or 28424
computer-based community school, including a conversion school, 28425
but the school was not open for operation as of May 1, 2005, the 28426
contract shall be void and the entity shall not enter into another 28427
contract with the school until ~~the sixty first day after the~~ 28428
~~effective date of this amendment~~ May 22, 2013. 28429

(B)(1) Beginning on ~~the later of~~ July 1, 2013, ~~or the~~ 28430
~~sixty first day after the effective date of this amendment~~, up to 28431
five new internet- or computer-based community schools may open 28432
each year, subject to approval of the superintendent of public 28433
instruction under division (B)(2) of this section. 28434

(2) The superintendent of public instruction shall approve 28435
applications for new internet- or computer-based community schools 28436
from only those applicants demonstrating experience and quality. 28437

The state board of education shall adopt rules prescribing 28438
measures to determine experience and quality of applicants in 28439
accordance with Chapter 119. of the Revised Code. The measures 28440
shall include, but not be limited to, the following 28441
considerations: 28442

(a) The sponsor's experience with online schools; 28443

(b) The operator's experience with online schools; 28444

(c) The sponsor's and operator's previous record for student 28445
performance; 28446

(d) A preference for operators with previous experience in 28447
Ohio. 28448

The state board shall adopt the rules so that they are 28449
effective ~~not later than the sixty first day after the effective~~ 28450
~~date of this amendment~~ May 22, 2013. 28451

(3) The department of education shall notify any new 28452

internet- or computer-based community school governed by division 28453
(B) of this section of whether the superintendent has approved or 28454
disapproved the school's application to open for the 2013-2014 28455
school year not later than July 1, 2013, ~~or the sixty first day~~ 28456
~~after the effective date of this amendment , if such date occurs~~ 28457
~~after July 1, 2013.~~ Notwithstanding the dates prescribed for 28458
adoption and signing on sponsor contracts in division (D) of 28459
section 3314.02 of the Revised Code, or the date for opening a 28460
school for instruction required by division (A)(25) of section 28461
3314.03 of the Revised Code, a new internet- or computer-based 28462
community school approved for opening for the 2013-2014 school 28463
year under division (B) of this section may open and operate in 28464
that school year regardless of whether it has complied with those 28465
contract and opening dates. For each school year thereafter, the 28466
school shall comply with all applicable provisions of this 28467
chapter. 28468

(C) Nothing in ~~divisions~~ division (A) or (B) of this section 28469
prohibits an internet- or computer-based community school from 28470
increasing the number of grade levels it offers. 28471

~~(D) Not later than July 1, 2012, the director of the~~ 28472
~~governor's office of 21st century education and the superintendent~~ 28473
~~of public instruction shall develop standards for the operation of~~ 28474
~~internet or computer based community schools. The director shall~~ 28475
~~submit those standards to the speaker of the house of~~ 28476
~~representatives and the president of the senate for consideration~~ 28477
~~of enactment by the general assembly.~~ 28478

Sec. 3314.016. This section applies to any entity that 28479
sponsors a community school, regardless of whether section 28480
3314.021 or 3314.027 of the Revised Code exempts the entity from 28481
the requirement to be approved for sponsorship under divisions 28482
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 28483

office of Ohio school sponsorship established under section 28484
3314.029 of the Revised Code shall be rated under division (B) of 28485
this section, but divisions (A) and (C) of this section do not 28486
apply to the office. 28487

(A) An entity that sponsors a community school shall be 28488
permitted to enter into contracts under section 3314.03 of the 28489
Revised Code to sponsor additional community schools only if the 28490
entity meets all of the following criteria: 28491

(1) The entity is in compliance with all provisions of this 28492
chapter requiring sponsors of community schools to report data or 28493
information to the department of education. 28494

(2) The entity is not rated as "ineffective" under division 28495
(B)(6) of this section. 28496

(3) Except as set forth in sections 3314.021 and 3314.027 of 28497
the Revised Code, the entity has received approval from and 28498
entered into an agreement with the department of education 28499
pursuant to section 3314.015 of the Revised Code. 28500

(B)(1) The department shall develop and implement an 28501
evaluation system that annually rates and assigns an overall 28502
rating to each entity that sponsors a community school. The 28503
department, not later than the first day of February of each year, 28504
shall post on the department's web site the framework for the 28505
evaluation system, including technical documentation that the 28506
department intends to use to rate sponsors for the next school 28507
year. The department shall solicit public comment on the 28508
evaluation system for thirty consecutive days. Not later than the 28509
first day of April of each year, the department shall compile and 28510
post on the department's web site all public comments that were 28511
received during the public comment period. The evaluation system 28512
shall be posted on the department's web site by the fifteenth day 28513
of July of each school year. Any changes to the evaluation system 28514

after that date shall take effect the following year. The 28515
evaluation system shall be based on the following components: 28516

(a) Academic performance of students enrolled in community 28517
schools sponsored by the same entity. The academic performance 28518
component shall be derived from the performance measures 28519
prescribed for the state report cards under section 3302.03 or 28520
3314.017 of the Revised Code, and shall be based on the 28521
performance of the schools for the school year for which the 28522
evaluation is conducted. In addition to the academic performance 28523
for a specific school year, the academic performance component 28524
shall also include year-to-year changes in the overall sponsor 28525
portfolio. For a community school for which no graded performance 28526
measures are applicable or available, the department shall use 28527
nonreport card performance measures specified in the contract 28528
between the community school and the sponsor under division (A)(4) 28529
of section 3314.03 of the Revised Code. 28530

(b) Adherence by a sponsor to the quality practices 28531
prescribed by the department under division (B)(3) of this 28532
section. For a sponsor that was rated "effective" or "exemplary" 28533
on its most recent rating, the department may evaluate that 28534
sponsor's adherence to quality practices once over a period of 28535
three years. If the department elects to evaluate a sponsor once 28536
over a period of three years, the most recent rating for a 28537
sponsor's adherence to quality practices shall be used when 28538
determining an annual overall rating conducted under this section. 28539

(c) Compliance with all applicable laws and administrative 28540
rules by an entity that sponsors a community school. 28541

(2) In calculating an academic performance component, the 28542
department shall exclude all community schools that have been in 28543
operation for not more than two full school years and all 28544
community schools described in division (A)(4)(b) of section 28545
3314.35 of the Revised Code. However, the academic performance of 28546

the community schools described in division (A)(4)(b) of section 28547
3314.35 of the Revised Code shall be reported, but shall not be 28548
used as a factor when determining a sponsoring entity's rating 28549
under this section. 28550

(3) The department, in consultation with entities that 28551
sponsor community schools, shall prescribe quality practices for 28552
community school sponsors and develop an instrument to measure 28553
adherence to those quality practices. The quality practices shall 28554
be based on standards developed by the national association of 28555
charter school authorizers or any other nationally organized 28556
community school organization. 28557

(4)(a) The department may permit peer review of a sponsor's 28558
adherence to the quality practices prescribed under division 28559
(B)(3) of this section. Peer reviewers shall be limited to 28560
individuals employed by sponsors rated "effective" or "exemplary" 28561
on the most recent ratings conducted under this section. 28562

(b) The department shall require individuals participating in 28563
peer review under division (B)(4)(a) of this section to complete 28564
training approved or established by the department. 28565

(c) The department may enter into an agreement with another 28566
entity to provide training to individuals conducting peer review 28567
of sponsors. Prior to entering into an agreement with an entity, 28568
the department shall review and approve of the entity's training 28569
program. 28570

(5) Not later than July 1, 2013, the state board of education 28571
shall adopt rules in accordance with Chapter 119. of the Revised 28572
Code prescribing standards for measuring compliance with 28573
applicable laws and rules under division (B)(1)(c) of this 28574
section. 28575

(6) The department annually shall rate all entities that 28576
sponsor community schools as either "exemplary," "effective," 28577

"ineffective," or "poor," based on the components prescribed by 28578
division (B) of this section, where each component is weighted 28579
equally. A separate rating shall be given by the department for 28580
each component of the evaluation system. 28581

The department shall publish the ratings between the first 28582
day of October and the fifteenth day of November. 28583

Prior to the publication of the final ratings, the department 28584
shall designate and provide notice of a period of at least ten 28585
business days during which each sponsor may review the information 28586
used by the department to determine the sponsor's rating on the 28587
components prescribed by division (B)(1) of this section. If the 28588
sponsor believes there is an error in the department's evaluation, 28589
the sponsor may request adjustments to the rating of any of those 28590
components based on documentation previously submitted as part of 28591
an evaluation. The sponsor shall provide to the department any 28592
necessary evidence or information to support the requested 28593
adjustments. The department shall review the evidence and 28594
information, determine whether an adjustment is valid, and 28595
promptly notify the sponsor of its determination and reasons. If 28596
any adjustments to the data could result in a change to the rating 28597
on the applicable component or to the overall rating, the 28598
department shall recalculate the ratings prior to publication. 28599

The department shall provide training on an annual basis 28600
regarding the evaluation system prescribed under this section. The 28601
training shall, at a minimum, describe methodology, timelines, and 28602
data required for the evaluation system. The first training 28603
session shall occur not later than March 2, 2016. Beginning in 28604
2018, the training shall be made available to each entity that 28605
sponsors a community school by the fifteenth day of July of each 28606
year and shall include guidance on any changes made to the 28607
evaluation system. 28608

(7)(a) Entities with an overall rating of "exemplary" for ~~at~~ 28609

~~least the two consecutive most recent years in which the entity~~ 28610
~~was evaluated~~ may take advantage of the following incentives: 28611

(i) Renewal of the written agreement with the department, not 28612
to exceed ten years, provided that the entity consents to 28613
continued evaluation of adherence to quality practices as 28614
described in division (B)(1)(b) of this section; 28615

(ii) The ability to extend the term of the contract between 28616
the sponsoring entity and the community school beyond the term 28617
described in the written agreement with the department; 28618

(iii) An exemption from the preliminary agreement and 28619
contract adoption and execution deadline requirements prescribed 28620
in division (D) of section 3314.02 of the Revised Code; 28621

(iv) An exemption from the automatic contract expiration 28622
requirement, should a new community school fail to open by the 28623
thirtieth day of September of the calendar year in which the 28624
community school contract is executed; 28625

(v) No limit on the number of community schools the entity 28626
may sponsor; 28627

(vi) No territorial restrictions on sponsorship. 28628

An entity may continue to sponsor any community schools with 28629
which it entered into agreements under division (B)(7)(a)(v) or 28630
(vi) of this section while rated "exemplary," notwithstanding the 28631
fact that the entity later receives a lower overall rating. 28632

(b) Entities with an overall rating of "exemplary" or 28633
"effective" for ~~at least the three consecutive most recent~~ years 28634
in which the entity was evaluated shall be evaluated by the 28635
department once every three years. 28636

(c)(i) Entities that receive an overall rating of 28637
"ineffective" shall be prohibited from sponsoring any new or 28638
additional community schools during the time in which the sponsor 28639

is rated as "ineffective" and shall be subject to a quality 28640
improvement plan based on correcting the deficiencies that led to 28641
the "ineffective" rating, with timelines and benchmarks that have 28642
been established by the department. 28643

(ii) Entities that receive an overall rating of "ineffective" 28644
on their three most recent ratings shall have all sponsorship 28645
authority revoked. Within thirty days after receiving its third 28646
rating of "ineffective," the entity may appeal the revocation of 28647
its sponsorship authority to the superintendent of public 28648
instruction, who shall appoint an independent hearing officer to 28649
conduct a hearing in accordance with Chapter 119. of the Revised 28650
Code. The hearing shall be conducted within thirty days after 28651
receipt of the notice of appeal. Within forty-five days after the 28652
hearing is completed, the state board of education shall determine 28653
whether the revocation is appropriate based on the hearing 28654
conducted by the independent hearing officer, and if determined 28655
appropriate, the revocation shall be confirmed. 28656

(d) Entities that receive an overall rating of "poor" shall 28657
have all sponsorship authority revoked. Within thirty days after 28658
receiving a rating of "poor," the entity may appeal the revocation 28659
of its sponsorship authority to the superintendent of public 28660
instruction, who shall appoint an independent hearing officer to 28661
conduct a hearing in accordance with Chapter 119. of the Revised 28662
Code. The hearing shall be conducted within thirty days after 28663
receipt of the notice of appeal. Within forty-five days after the 28664
hearing is completed, the state board of education shall determine 28665
whether the revocation is appropriate based on the hearing 28666
conducted by the independent hearing officer, and if determined 28667
appropriate, the revocation shall be confirmed. 28668

(8) For the 2014-2015 school year and each school year 28669
thereafter, student academic performance prescribed under division 28670
(B)(1)(a) of this section shall include student academic 28671

performance data from community schools that primarily serve 28672
students enrolled in a dropout prevention and recovery program. 28673

(C) If the governing authority of a community school enters 28674
into a contract with a sponsor prior to the date on which the 28675
sponsor is prohibited from sponsoring additional schools under 28676
division (A) of this section and the school has not opened for 28677
operation as of that date, that contract shall be void and the 28678
school shall not open until the governing authority secures a new 28679
sponsor by entering into a contract with the new sponsor under 28680
section 3314.03 of the Revised Code. However, the department's 28681
office of Ohio school sponsorship, established under section 28682
3314.029 of the Revised Code, may assume the sponsorship of the 28683
school until the earlier of the expiration of two school years or 28684
until a new sponsor is secured by the school's governing 28685
authority. A community school sponsored by the department under 28686
this division shall not be included when calculating the maximum 28687
number of directly authorized community schools permitted under 28688
division (A)(3) of section 3314.029 of the Revised Code. 28689

(D) When an entity's authority to sponsor schools is revoked 28690
pursuant to division ~~(B)(7)(b)~~(B)(7)(c) or ~~(e)~~(d) of this section, 28691
the office of Ohio school sponsorship shall assume sponsorship of 28692
any schools with which the original sponsor has contracted for the 28693
remainder of that school year. The office may continue sponsoring 28694
those schools until the earlier of: 28695

(1) The expiration of two school years from the time that 28696
sponsorship is revoked; 28697

(2) When a new sponsor is secured by the governing authority 28698
pursuant to division (C)(1) of section 3314.02 of the Revised 28699
Code. 28700

Any community school sponsored under this division shall not 28701
be counted for purposes of directly authorized community schools 28702

under division (A)(3) of section 3314.029 of the Revised Code. 28703

(E) The department shall recalculate the rating for the 28704
2017-2018 school year for each sponsor of a community school that 28705
receives recalculated ratings pursuant to division (I) of section 28706
3314.017 of the Revised Code. 28707

Sec. 3314.017. (A) The state board of education shall 28708
prescribe by rules, adopted in accordance with Chapter 119. of the 28709
Revised Code, an academic performance rating and report card 28710
system that satisfies the requirements of this section for 28711
community schools that primarily serve students enrolled in 28712
dropout prevention and recovery programs as described in division 28713
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 28714
lieu of the system prescribed under sections 3302.03 and 3314.012 28715
of the Revised Code beginning with the 2012-2013 school year. Each 28716
such school shall comply with the testing and reporting 28717
requirements of the system as prescribed by the state board. 28718

(B) Nothing in this section shall at any time relieve a 28719
school from its obligations under the "No Child Left Behind Act of 28720
2001" to make "adequate yearly progress," as both that act and 28721
that term are defined in section 3302.01 of the Revised Code, or a 28722
school's amenability to the provisions of section 3302.04 or 28723
3302.041 of the Revised Code. The department of education shall 28724
continue to report each school's performance as required by the 28725
act and to enforce applicable sanctions under section 3302.04 or 28726
3302.041 of the Revised Code. 28727

(C) The rules adopted by the state board shall prescribe the 28728
following performance indicators for the rating and report card 28729
system required by this section: 28730

(1) Graduation rate for each of the following student 28731
cohorts: 28732

(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;	28733 28734 28735
(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	28736 28737 28738
(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	28739 28740 28741
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	28742 28743 28744
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	28745 28746 28747
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B)(1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high school achievement assessments or the cumulative performance score on the end-of-course examinations, whichever applies, by their twenty-second birthday;	28748 28749 28750 28751 28752 28753 28754 28755 28756 28757 28758 28759 28760
(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;	28761 28762
(4) Growth in student achievement in reading, or mathematics,	28763

or both as measured by separate nationally norm-referenced 28764
assessments that have developed appropriate standards for students 28765
enrolled in dropout prevention and recovery programs, adopted or 28766
approved by the state board. 28767

(D)(1) The state board's rules shall prescribe the expected 28768
performance levels and benchmarks for each of the indicators 28769
prescribed by division (C) of this section based on the data 28770
gathered by the department under division (G) of this section. 28771
Based on a school's level of attainment or nonattainment of the 28772
expected performance levels and benchmarks for each of the 28773
indicators, the department shall rate each school in one of the 28774
following categories: 28775

(a) Exceeds standards; 28776

(b) Meets standards; 28777

(c) Does not meet standards. 28778

(2) The state board's rules shall establish all of the 28779
following: 28780

(a) Not later than June 30, 2013, performance levels and 28781
benchmarks for the indicators described in divisions (C)(1) to (3) 28782
of this section; 28783

(b) Not later than December 31, 2014, both of the following: 28784

(i) Performance levels and benchmarks for the indicator 28785
described in division (C)(4) of this section; 28786

(ii) Standards for awarding a community school described in 28787
division (A)(4)(a) of section 3314.35 of the Revised Code an 28788
overall designation, which shall be calculated as follows: 28789

(I) Thirty per cent of the score shall be based on the 28790
indicators described in division (C)(1) of this section that are 28791
applicable to the school year for which the overall designation is 28792
granted. 28793

(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section. 28794
28795

(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section. 28796
28797

(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section. 28798
28799

(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards." 28800
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The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school. 28804
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(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code: 28808
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28812
28813

(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section; 28814
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(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section; 28816
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28818
28819

(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section; 28820
28821
28822

(d) Annual measurable objectives described in division (C)(3) 28823

of this section.	28824
(2) For the 2013-2014 school year, the department shall issue	28825
a report card including the following performance measures for	28826
each community school described in division (A)(4)(a) of section	28827
3314.35 of the Revised Code:	28828
(a) The graduation rates described in divisions (C)(1)(a) to	28829
(d) of this section, including a performance rating as described	28830
in divisions (D)(1)(a) to (c) of this section;	28831
(b) The percentage of twelfth-grade students and other	28832
students who have attained a designated passing score on high	28833
school achievement assessments as described in division (C)(2) of	28834
this section, including a performance rating as described in	28835
divisions (D)(1)(a) to (c) of this section;	28836
(c) Annual measurable objectives described in division (C)(3)	28837
of this section, including a performance rating as described in	28838
divisions (D)(1)(a) to (c) of this section;	28839
(d) Both of the following without an assigned rating:	28840
(i) Growth in annual student achievement in reading and	28841
mathematics described in division (C)(4) of this section, if	28842
available;	28843
(ii) Student outcome data, including postsecondary credit	28844
earned, nationally recognized career or technical certification,	28845
military enlistment, job placement, and attendance rate.	28846
(3) Beginning with the 2014-2015 school year, and annually	28847
thereafter, the department shall issue a report card for each	28848
community school described in division (A)(4)(a) of section	28849
3314.35 of the Revised Code that includes all of the following	28850
performance measures, including a performance rating for each	28851
measure as described in divisions (D)(1)(a) to (c) of this	28852
section:	28853

(a) The graduation rates as described in division (C)(1) of this section; 28854
28855

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section; 28856
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(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section; 28860
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(d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section; 28863
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(e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section. 28865
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The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating. 28868
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(F) Not later than the thirty-first day of July of each year, the department shall submit preliminary report card data for overall academic performance for each performance measure prescribed in division (E)(3) of this section for each community school to which this section applies. 28874
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(G) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data 28879
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and administering required assessments, including sample 28885
assessments for purposes of measuring student achievement growth 28886
as described in division (C)(4) of this section. The department 28887
shall consult with stakeholder groups in performing its duties 28888
under this division. 28889

The department shall also identify one or more states that 28890
have established or are in the process of establishing similar 28891
academic performance rating systems for dropout prevention and 28892
recovery programs and consult with the departments of education of 28893
those states in developing the system required by this section. 28894

(H) Not later than December 31, 2014, the state board shall 28895
review the performance levels and benchmarks for performance 28896
indicators in the report card issued under this section and may 28897
revise them based on the data collected under division (G) of this 28898
section. 28899

(I) For the purposes of division (F) of section 3314.351 of 28900
the Revised Code, the department shall recalculate the ratings for 28901
each school under division (E)(3) of this section for the 28902
2017-2018 school year and calculate the ratings under that 28903
division for the 2018-2019 school year using the indicators 28904
prescribed by division (C) of this section, as it exists on and 28905
after ~~the effective date of this amendment~~ July 18, 2019. 28906

~~(J) The state board shall coordinate a study committee 28907
consisting of one member of the Ohio senate appointed by the 28908
president of the senate, one member of the Ohio house of 28909
representatives appointed by the speaker of the house of 28910
representatives, one representative of the governor's office, one 28911
school district superintendent appointed by the state board, and 28912
one chief administrator of a community school appointed by the 28913
state board. This committee shall conduct a study regarding the 28914
classification, authorization, and report card ratings of 28915
community schools that primarily serve students enrolled in 28916~~

~~dropout prevention and recovery programs as described in division 28917
(A)(4)(a) of section 3314.35 of the Revised Code that offer two or 28918
more of the following educational models: 28919~~

~~(1) Blended learning, as that term is defined in section 28920
3301.079 of the Revised Code; 28921~~

~~(2) Portfolio learning, as defined by the members of the 28922
committee; 28923~~

~~(3) Credit flexibility, which permits credits to be awarded 28924
based on a student's demonstration of subject area competency. 28925~~

~~The state board, on behalf of the committee, shall submit the 28926
committee's recommendations to the general assembly in accordance 28927
with section 101.68 of the Revised Code not later than six months 28928
after the effective date of this amendment. 28929~~

Sec. 3314.02. (A) As used in this chapter: 28931

(1) "Sponsor" means the board of education of a school 28932
district or the governing board of an educational service center 28933
that agrees to the conversion of all or part of a school or 28934
building under division (B) of this section, or an entity listed 28935
in division (C)(1) of this section, which has been approved by the 28936
department of education to sponsor community schools or is 28937
exempted by section 3314.021 or 3314.027 of the Revised Code from 28938
obtaining approval, and with which the governing authority of a 28939
community school enters into a contract under section 3314.03 of 28940
the Revised Code. 28941

(2) "Pilot project area" means the school districts included 28942
in the territory of the former community school pilot project 28943
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 28944
the 122nd general assembly. 28945

(3) "Challenged school district" means any of the following: 28946

(a) A school district that is part of the pilot project area; 28947

(b) A school district that meets one of the following conditions:	28948 28949
(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;	28950 28951 28952 28953
(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;	28954 28955 28956 28957 28958
(iii) For the 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section.	28959 28960 28961 28962 28963 28964
(c) A big eight school district;	28965
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.	28966 28967 28968
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	28969 28970
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	28971 28972 28973 28974
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	28975 28976 28977

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code.

A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division.

(8) "Operator" or "management company" means either of the following:

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator or management company and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.

(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised Code, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing

authority for the school, and negotiate a contract with the board. 29040
Provided the proposing person or group adheres to the preliminary 29041
agreement and all provisions of this chapter, the board shall 29042
negotiate in good faith to enter into a contract in accordance 29043
with section 3314.03 of the Revised Code and division (C) of this 29044
section. 29045

(4) The sponsor of a conversion community school proposed to 29046
open in an alliance municipal school district shall be subject to 29047
approval by the department of education for sponsorship of that 29048
school using the criteria established under division (A) of 29049
section 3311.87 of the Revised Code. 29050

Division (B)(4) of this section does not apply to a sponsor 29051
that, on or before September 29, 2015, was exempted under section 29052
3314.021 or 3314.027 of the Revised Code from the requirement to 29053
be approved for sponsorship under divisions (A)(2) and (B)(1) of 29054
section 3314.015 of the Revised Code. 29055

(5) A school established in accordance with division (B) of 29056
this section that later enters into a sponsorship contract with an 29057
entity that is not a school district or educational service center 29058
shall, at the time of entering into the new contract, be deemed a 29059
community school established in accordance with division (C) of 29060
this section. 29061

(C)(1) ~~Any~~ Provided all other conditions of sponsorship and 29062
governance are satisfied, any person or group of individuals may 29063
propose under this division the establishment of a new start-up 29064
school ~~to be located in a challenged school district~~ regardless of 29065
the school's proposed location. The proposal may be made to any of 29066
the following entities: 29067

(a) The board of education of the district in which the 29068
school is proposed to be located; 29069

(b) The board of education of any joint vocational school 29070

district with territory in the county in which is located the 29071
majority of the territory of the district in which the school is 29072
proposed to be located; 29073

(c) The board of education of any other city, local, or 29074
exempted village school district having territory in the same 29075
county where the district in which the school is proposed to be 29076
located has the major portion of its territory; 29077

(d) The governing board of any educational service center, 29078
regardless of the location of the proposed school, may sponsor a 29079
new start-up school ~~in any challenged school district in the state~~ 29080
if all of the following are satisfied: 29081

(i) If applicable, it satisfies the requirements of division 29082
(E) of section 3311.86 of the Revised Code; 29083

(ii) It is approved to do so by the department; 29084

(iii) It enters into an agreement with the department under 29085
section 3314.015 of the Revised Code. 29086

(e) A sponsoring authority designated by the board of 29087
trustees of any of the thirteen state universities listed in 29088
section 3345.011 of the Revised Code or the board of trustees 29089
itself as long as a mission of the proposed school to be specified 29090
in the contract under division (A)(2) of section 3314.03 of the 29091
Revised Code and as approved by the department under division 29092
(B)(3) of section 3314.015 of the Revised Code will be the 29093
practical demonstration of teaching methods, educational 29094
technology, or other teaching practices that are included in the 29095
curriculum of the university's teacher preparation program 29096
approved by the state board of education; 29097

(f) Any qualified tax-exempt entity under section 501(c)(3) 29098
of the Internal Revenue Code as long as all of the following 29099
conditions are satisfied: 29100

(i) The entity has been in operation for at least five years 29101
prior to applying to be a community school sponsor. 29102

(ii) The entity has assets of at least five hundred thousand 29103
dollars and a demonstrated record of financial responsibility. 29104

(iii) The department has determined that the entity is an 29105
education-oriented entity under division (B)(4) of section 29106
3314.015 of the Revised Code and the entity has a demonstrated 29107
record of successful implementation of educational programs. 29108

(iv) The entity is not a community school. 29109

(g) The mayor of a city in which the majority of the 29110
territory of a school district to which section 3311.60 of the 29111
Revised Code applies is located, regardless of whether that 29112
district has created the position of independent auditor as 29113
prescribed by that section. The mayor's sponsorship authority 29114
under this division is limited to community schools that are 29115
located in that school district. Such mayor may sponsor community 29116
schools only with the approval of the city council of that city, 29117
after establishing standards with which community schools 29118
sponsored by the mayor must comply, and after entering into a 29119
sponsor agreement with the department as prescribed under section 29120
3314.015 of the Revised Code. The mayor shall establish the 29121
standards for community schools sponsored by the mayor not later 29122
than one hundred eighty days after July 15, 2013, and shall submit 29123
them to the department upon their establishment. The department 29124
shall approve the mayor to sponsor community schools in the 29125
district, upon receipt of an application by the mayor to do so. 29126
Not later than ninety days after the department's approval of the 29127
mayor as a community school sponsor, the department shall enter 29128
into the sponsor agreement with the mayor. 29129

Any entity described in division (C)(1) of this section may 29130
enter into a preliminary agreement pursuant to division (C)(2) of 29131

this section with the proposing person or group, provided that 29132
entity has been approved by and entered into a written agreement 29133
with the department pursuant to section 3314.015 of the Revised 29134
Code. 29135

(2) A preliminary agreement indicates the intention of an 29136
entity described in division (C)(1) of this section to sponsor the 29137
community school. A proposing person or group that has such a 29138
preliminary agreement may proceed to finalize plans for the 29139
school, establish a governing authority as described in division 29140
(E) of this section for the school, and negotiate a contract with 29141
the entity. Provided the proposing person or group adheres to the 29142
preliminary agreement and all provisions of this chapter, the 29143
entity shall negotiate in good faith to enter into a contract in 29144
accordance with section 3314.03 of the Revised Code. 29145

(3) A new start-up school that is established in a school 29146
district described in either division (A)(3)(b) or (d) of this 29147
section may continue in existence once the school district no 29148
longer meets the conditions described in either division, provided 29149
there is a valid contract between the school and a sponsor. 29150

(4) A copy of every preliminary agreement entered into under 29151
this division shall be filed with the superintendent of public 29152
instruction. 29153

(D) A majority vote of the board of a sponsoring entity and a 29154
majority vote of the members of the governing authority of a 29155
community school shall be required to adopt a contract and convert 29156
the public school or educational service center building to a 29157
community school or establish the new start-up school. Beginning 29158
September 29, 2005, adoption of the contract shall occur not later 29159
than the fifteenth day of March, and signing of the contract shall 29160
occur not later than the fifteenth day of May, prior to the school 29161
year in which the school will open. The governing authority shall 29162
notify the department of education when the contract has been 29163

signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, and siblings, as well as in-laws residing in the same household as the person serving on the governing authority.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

(2)(a) No person shall serve on the governing authority or operate the community school under contract with the governing authority under any of the following circumstances:

(i) The person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(ii) The person would otherwise be subject to division (B) of section 3319.31 of the Revised Code with respect to refusal, limitation, or revocation of a license to teach, if the person were a licensed educator.

(iii) The person has pleaded guilty to or been convicted of theft in office under section 2921.41 of the Revised Code, or has pleaded guilty to or been convicted of a substantially similar offense in another state.

(b) No person shall serve on the governing authority or engage in the financial day-to-day management of the community school under contract with the governing authority unless and until that person has submitted to a criminal records check in the manner prescribed by section 3319.39 of the Revised Code.

(c) Each sponsor of a community school shall annually verify 29194
that a finding for recovery has not been issued by the auditor of 29195
state against any individual or individuals who propose to create 29196
a community school or any member of the governing authority, the 29197
operator, or any employee of each community school with 29198
responsibility for fiscal operations or authorization to expend 29199
money on behalf of the school. 29200

(3) No person shall serve on the governing authorities of 29201
more than five start-up community schools at the same time unless 29202
both of the following apply: 29203

(a) The person serves in a volunteer capacity and receives no 29204
compensation under division (E)(5) of this section from any 29205
governing authority on which the person serves. 29206

(b) For any school that has an operator, the operator is a 29207
nonprofit organization. 29208

(4)(a) For a community school established under this chapter 29209
that is not sponsored by a school district or an educational 29210
service center, no present or former member, or immediate relative 29211
of a present or former member, of the governing authority shall be 29212
an owner, employee, or consultant of the community school's 29213
sponsor or operator, unless at least one year has elapsed since 29214
the conclusion of the person's membership on the governing 29215
authority. 29216

(b) For a community school established under this chapter 29217
that is sponsored by a school district or an educational service 29218
center, no present or former member, or immediate relative of a 29219
present or former member, of the governing authority shall: 29220

(i) Be an officer of the district board or service center 29221
governing board that serves as the community school's sponsor, 29222
unless at least one year has elapsed since the conclusion of the 29223
person's membership on the governing authority; 29224

(ii) Serve as an employee of, or a consultant for, the 29225
department, division, or section of the sponsoring district or 29226
service center that is directly responsible for sponsoring 29227
community schools, or have supervisory authority over such a 29228
department, division, or section, unless at least one year has 29229
elapsed since the conclusion of the person's membership on the 29230
governing authority. 29231

(5) The governing authority of a start-up or conversion 29232
community school may provide by resolution for the compensation of 29233
its members. However, no individual who serves on the governing 29234
authority of a start-up or conversion community school shall be 29235
compensated more than one hundred twenty-five dollars per meeting 29236
of that governing authority and no such individual shall be 29237
compensated more than a total amount of five thousand dollars per 29238
year for all governing authorities upon which the individual 29239
serves. Each member of the governing authority may be paid 29240
compensation for attendance at an approved training program, 29241
provided that such compensation shall not exceed sixty dollars a 29242
day for attendance at a training program three hours or less in 29243
length and one hundred twenty-five dollars a day for attendance at 29244
a training program longer than three hours in length. 29245

(6) No person who is the employee of a school district or 29246
educational service center shall serve on the governing authority 29247
of any community school sponsored by that school district or 29248
service center. 29249

(7) Each member of the governing authority of a community 29250
school shall annually file a disclosure statement setting forth 29251
the names of any immediate relatives or business associates 29252
employed by any of the following within the previous three years: 29253

(a) The sponsor or operator of that community school; 29254

(b) A school district or educational service center that has 29255

contracted with that community school; 29256

(c) A vendor that is or has engaged in business with that 29257
community school. 29258

(8) No person who is a member of a school district board of 29259
education shall serve on the governing authority of any community 29260
school. 29261

(F)(1) A new start-up school that is established prior to 29262
August 15, 2003, in an urban school district that is not also a 29263
big-eight school district may continue to operate after that date 29264
and the contract between the school's governing authority and the 29265
school's sponsor may be renewed, as provided under this chapter, 29266
~~after that date, but no additional new start-up schools may be~~ 29267
~~established in such a district unless the district is a challenged~~ 29268
~~school district as defined in this section as it exists on and~~ 29269
~~after that date.~~ 29270

(2) A community school that was established prior to June 29, 29271
1999, and is located in a county contiguous to the pilot project 29272
area and in a school district that ~~is~~ was not a challenged school 29273
district may continue to operate after that date, provided the 29274
school complies with all provisions of this chapter. The contract 29275
between the school's governing authority and the school's sponsor 29276
may be renewed, ~~but no additional start-up community school may be~~ 29277
~~established in that district unless the district is a challenged~~ 29278
~~school district.~~ 29279

(3) Any educational service center that, on June 30, 2007, 29280
sponsors a community school that is not located in a county within 29281
the territory of the service center or in a county contiguous to 29282
such county may continue to sponsor that community school on and 29283
after June 30, 2007, and may renew its contract with the school. 29284
~~However, the educational service center shall not enter into a~~ 29285
~~contract with any additional community school, unless the~~ 29286

~~governing board of the service center has entered into an 29287
agreement with the department authorizing the service center to 29288
sponsor a community school in any challenged school district in 29289
the state. 29290~~

(4) On and after the effective date of this amendment, the 29291
department of education shall not restrict the establishment of a 29292
new start-up community school to those located in a challenged 29293
school district as required by this section prior to the effective 29294
date of this amendment. 29295

Sec. 3314.021. (A) This section applies to any entity that is 29296
exempt from taxation under section 501(c)(3) of the Internal 29297
Revenue Code and that satisfies the conditions specified in 29298
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 29299
Revised Code but does not satisfy the condition specified in 29300
division (C)(1)(f)(i) of that section. 29301

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 29302
of the Revised Code, and subject to division (D)(2) of this 29303
section, an entity described in division (A) of this section may 29304
do both of the following without obtaining the department of 29305
education's initial approval of its sponsorship under divisions 29306
(A)(2) and (B)(1) of section 3314.015 of the Revised Code: 29307

(1) Succeed the board of trustees of a state university 29308
located in the pilot project area or that board's designee as the 29309
sponsor of a community school established under this chapter; 29310

(2) Continue to sponsor that school in conformance with the 29311
terms of the contract between the board of trustees or its 29312
designee and the governing authority of the community school and 29313
renew that contract as provided in division (E) of section 3314.03 29314
of the Revised Code. 29315

(C) The entity that succeeds the board of trustees or the 29316

board's designee as sponsor of a community school under division 29317
(B) of this section also may enter into contracts to sponsor other 29318
community schools ~~located in any challenged school district~~ 29319
regardless of the proposed school's location, without obtaining 29320
the department's initial approval of its sponsorship of those 29321
schools under divisions (A)(2) and (B)(1) of section 3314.015 of 29322
the Revised Code as long as the contracts conform with and the 29323
entity complies with all other requirements of this chapter. 29324

(D)(1) Regardless of the entity's authority to sponsor 29325
community schools without the initial approval of the department, 29326
the entity is under the continuing oversight of the department in 29327
accordance with rules adopted under section 3314.015 of the 29328
Revised Code. 29329

(2) If an entity described in division (A) of this section 29330
receives a rating below "effective" under division (B) of section 29331
3314.016 of the Revised Code for two or more consecutive years, 29332
that entity shall receive approval from the department of 29333
education to sponsor community schools and enter into a written 29334
agreement with the department in accordance with division (B)(1) 29335
of section 3314.015 of the Revised Code prior to entering into any 29336
further preliminary agreements under division (C)(2) of section 29337
3314.02 of the Revised Code or renewing any existing contract to 29338
sponsor a community school. 29339

Sec. 3314.029. This section establishes the Ohio school 29340
sponsorship program. The department of education shall establish 29341
an office of Ohio school sponsorship to perform the department's 29342
duties prescribed by this section. 29343

(A)(1) Notwithstanding anything to the contrary in this 29344
chapter, any person, group of individuals, or entity may apply to 29345
the department for direct authorization to establish a community 29346
school and, upon approval of the application, may establish the 29347

school. Notwithstanding anything to the contrary in this chapter, 29348
the governing authority of an existing community school, upon the 29349
expiration or termination of its contract with the school's 29350
sponsor entered into under section 3314.03 of the Revised Code, 29351
may apply to the department for direct authorization to continue 29352
operating the school and, upon approval of the application, may 29353
continue to operate the school. The department may establish a 29354
format and deadlines for an application. 29355

Each application submitted to the department shall include 29356
the following: 29357

(a) Evidence that the applicant will be able to comply with 29358
division (C) of this section; 29359

(b) A statement indicating that the applicant agrees to 29360
comply with all applicable provisions of this chapter, including 29361
the requirement to be established as a nonprofit corporation or 29362
public benefit corporation in accordance with division (A)(1) of 29363
section 3314.03 of the Revised Code; 29364

(c) A statement attesting that no unresolved finding of 29365
recovery has been issued by the auditor of state against any 29366
person, group of individuals, or entity that is a party to the 29367
application and that no person who is party to the application has 29368
been a member of the governing authority of any community school 29369
that has permanently closed and against which an unresolved 29370
finding of recovery has been issued by the auditor of state. In 29371
the case of an application submitted by the governing authority of 29372
an existing community school, a person who is party to the 29373
application shall include each individual member of that governing 29374
authority. 29375

~~(d) A statement that the school will be nonsectarian in its 29376
programs, admission policies, employment practices, and all other 29377
operations, and will not be operated by a sectarian school or 29378~~

~~religious institution;~~ 29379

~~(e)~~ A statement of whether the school is to be created by 29380
converting all or part of an existing public school or educational 29381
service center building or is to be a new start-up school. If it 29382
is a converted public school or service center building, the 29383
statement shall include a specification of any duties or 29384
responsibilities of an employer that the board of education or 29385
service center governing board that operated the school or 29386
building before conversion is delegating to the governing 29387
authority of the community school with respect to all or any 29388
specified group of employees, provided the delegation is not 29389
prohibited by a collective bargaining agreement applicable to such 29390
employees. 29391

~~(f)~~(e) A statement that the school's teachers will be 29392
licensed in the manner prescribed by division (A)(10) of section 29393
3314.03 of the Revised Code; 29394

~~(g)~~(f) A statement that the school will comply with all of 29395
the provisions of law enumerated in divisions ~~(A)(11)(d)~~ 29396
(A)(11)(c) and ~~(e)(d)~~ of section 3314.03 of the Revised Code and 29397
of division ~~(A)(11)(h)~~ (A)(11)(g) of that section, if applicable; 29398

~~(h)~~(g) A statement that the school's graduation and 29399
curriculum requirements will comply with division ~~(A)(11)(f)~~ 29400
(A)(11)(e) of section 3314.03 of the Revised Code; 29401

~~(i)~~(h) A description of each of the following: 29402

(i) The school's mission and educational program, the 29403
characteristics of the students the school is expected to attract, 29404
the ages and grade levels of students, and the focus of the 29405
curriculum; 29406

(ii) The school's governing authority, which shall be in 29407
compliance with division (E) of section 3314.02 of the Revised 29408
Code; 29409

(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code; 29410
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(iv) The school's business plan, including a five-year financial forecast; 29413
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(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school; 29415
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(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 29418
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(vii) The facilities to be used by the school and their locations; 29422
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(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code. 29424
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(2) Subject to division (A)(3) of this section, the department may approve or deny an application, taking into consideration the standards for quality authorizing, capacity requirements, financial constraints, or any other criteria it determines necessary and appropriate. The department shall adopt the criteria not later than ~~sixty days after the effective date of this amendment~~ March 31, 2016. The department shall assign each applicant school a rating established for a new start-up community school or an existing community school, as applicable. 29430
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The department of education shall annually publish on its web site the criteria it uses to approve or deny an application 29439
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submitted pursuant to this section. 29441

(3) For each of five school years, beginning with the school 29442
year that begins in the calendar year in which this section takes 29443
effect, the department may approve up to twenty applications for 29444
community schools to be established or to continue operation under 29445
division (A) of this section; however, of the twenty applications 29446
that may be approved each school year, only up to five may be for 29447
the establishment of new schools. 29448

(4) Notwithstanding division (A)(2) of this section, the 29449
department may deny an application submitted by the governing 29450
authority of an existing community school, if a previous sponsor 29451
of that school did not renew its contract or terminated its 29452
contract with the school entered into under section 3314.03 of the 29453
Revised Code. 29454

(5) In the case of a proposed new community school to be 29455
located in an alliance municipal school district, the department 29456
shall not approve the application of that community school unless 29457
both of the following apply: 29458

(a) The department approves the application using the 29459
requirements of divisions (A)(1)(a) to ~~(h)~~(g) of this section and 29460
the criteria developed under division (A)(2) of this section. 29461

(b) The department has determined that the applicant has 29462
requested and received a recommendation from the alliance in the 29463
manner prescribed by divisions (E)(1) and (2) of section 3311.86 29464
of the Revised Code. 29465

As used in this section, "alliance municipal school district" 29466
and "alliance" have the same meanings as in section 3311.86 of the 29467
Revised Code. 29468

(B) The department and the governing authority of each 29469
community school authorized under this section shall enter into a 29470
contract under section 3314.03 of the Revised Code. 29471

Notwithstanding division (A)(13) of that section, the contract 29472
with an existing community school may begin at any time during the 29473
academic year. The length of the initial contract of any community 29474
school under this section may be for any term up to five years. 29475
The contract may be renewed in accordance with division (E) of 29476
that section. The contract may provide for the school's governing 29477
authority to pay a fee for oversight and monitoring of the school 29478
that does not exceed three per cent of the total amount of 29479
payments for operating expenses that the school receives from the 29480
state. 29481

(C) The department may require a community school authorized 29482
under this section to post and file with the superintendent of 29483
public instruction a bond payable to the state or to file with the 29484
state superintendent a guarantee, which shall be used to pay the 29485
state any moneys owed by the community school in the event the 29486
school closes. 29487

(D) Except as otherwise provided in this section, a community 29488
school authorized under this section shall comply with all 29489
applicable provisions of this chapter. The department may take any 29490
action that a sponsor may take under this chapter to enforce the 29491
school's compliance with this division and the terms of the 29492
contract entered into under division (B) of this section. 29493

(E) Not later than December 31, 2012, and annually 29494
thereafter, the department shall issue a report on the program, 29495
including information about the number of community schools 29496
participating in the program and their compliance with the 29497
provisions of this chapter. In its fifth report, the department 29498
shall include a complete evaluation of the program and 29499
recommendations regarding the program's continuation. Each report 29500
shall be provided to the general assembly, in accordance with 29501
section 101.68 of the Revised Code, and to the governor. 29502

Sec. 3314.03. A copy of every contract entered into under 29503
this section shall be filed with the superintendent of public 29504
instruction. The department of education shall make available on 29505
its web site a copy of every approved, executed contract filed 29506
with the superintendent under this section. 29507

(A) Each contract entered into between a sponsor and the 29508
governing authority of a community school shall specify the 29509
following: 29510

(1) That the school shall be established as either of the 29511
following: 29512

(a) A nonprofit corporation established under Chapter 1702. 29513
of the Revised Code, if established prior to April 8, 2003; 29514

(b) A public benefit corporation established under Chapter 29515
1702. of the Revised Code, if established after April 8, 2003. 29516

(2) The education program of the school, including the 29517
school's mission, the characteristics of the students the school 29518
is expected to attract, the ages and grades of students, and the 29519
focus of the curriculum; 29520

(3) The academic goals to be achieved and the method of 29521
measurement that will be used to determine progress toward those 29522
goals, which shall include the statewide achievement assessments; 29523

(4) Performance standards, including but not limited to all 29524
applicable report card measures set forth in section 3302.03 or 29525
3314.017 of the Revised Code, by which the success of the school 29526
will be evaluated by the sponsor; 29527

(5) The admission standards of section 3314.06 of the Revised 29528
Code and, if applicable, section 3314.061 of the Revised Code; 29529

(6)(a) Dismissal procedures; 29530

(b) A requirement that the governing authority adopt an 29531

attendance policy that includes a procedure for automatically 29532
withdrawing a student from the school if the student without a 29533
legitimate excuse fails to participate in seventy-two consecutive 29534
hours of the learning opportunities offered to the student. 29535

(7) The ways by which the school will achieve racial and 29536
ethnic balance reflective of the community it serves; 29537

(8) Requirements for financial audits by the auditor of 29538
state. The contract shall require financial records of the school 29539
to be maintained in the same manner as are financial records of 29540
school districts, pursuant to rules of the auditor of state. 29541
Audits shall be conducted in accordance with section 117.10 of the 29542
Revised Code. 29543

(9) An addendum to the contract outlining the facilities to 29544
be used that contains at least the following information: 29545

(a) A detailed description of each facility used for 29546
instructional purposes; 29547

(b) The annual costs associated with leasing each facility 29548
that are paid by or on behalf of the school; 29549

(c) The annual mortgage principal and interest payments that 29550
are paid by the school; 29551

(d) The name of the lender or landlord, identified as such, 29552
and the lender's or landlord's relationship to the operator, if 29553
any. 29554

(10) Qualifications of teachers, including a requirement that 29555
the school's classroom teachers be licensed in accordance with 29556
sections 3319.22 to 3319.31 of the Revised Code, except that a 29557
community school may engage noncertificated persons to teach up to 29558
twelve hours or forty hours per week pursuant to section 3319.301 29559
of the Revised Code. 29560

(11) That the school will comply with the following 29561

requirements: 29562

(a) The school will provide learning opportunities to a 29563
minimum of twenty-five students for a minimum of nine hundred 29564
twenty hours per school year. 29565

(b) The governing authority will purchase liability 29566
insurance, or otherwise provide for the potential liability of the 29567
school. 29568

~~(c) The school will be nonsectarian in its programs, 29569
admission policies, employment practices, and all other 29570
operations, and will not be operated by a sectarian school or 29571
religious institution. 29572~~

~~(d)~~ The school will comply with sections 9.90, 9.91, 109.65, 29573
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 29574
3301.0712, 3301.0715, 3301.0729, 3301.232, 3301.948, 3313.472, 29575
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 29576
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 29577
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 29578
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 29579
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 29580
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 29581
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 29582
3319.077, 3319.078, 3319.318, 3319.321, 3319.39, 3319.391, 29583
3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 29584
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 29585
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 29586
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 29587
and 4167. of the Revised Code as if it were a school district and 29588
will comply with section 3301.0714 of the Revised Code in the 29589
manner specified in section 3314.17 of the Revised Code. 29590

~~(e)~~(d) The school shall comply with Chapter 102. and section 29591
2921.42 of the Revised Code. 29592

~~(f)~~(e) The school will comply with sections 3313.61, 29593
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 29594
Revised Code, except that for students who enter ninth grade for 29595
the first time before July 1, 2010, the requirement in sections 29596
3313.61 and 3313.611 of the Revised Code that a person must 29597
successfully complete the curriculum in any high school prior to 29598
receiving a high school diploma may be met by completing the 29599
curriculum adopted by the governing authority of the community 29600
school rather than the curriculum specified in Title XXXIII of the 29601
Revised Code or any rules of the state board of education. 29602
Beginning with students who enter ninth grade for the first time 29603
on or after July 1, 2010, the requirement in sections 3313.61 and 29604
3313.611 of the Revised Code that a person must successfully 29605
complete the curriculum of a high school prior to receiving a high 29606
school diploma shall be met by completing the requirements 29607
prescribed in division (C) of section 3313.603 of the Revised 29608
Code, unless the person qualifies under division (D) or (F) of 29609
that section. Each school shall comply with the plan for awarding 29610
high school credit based on demonstration of subject area 29611
competency, and beginning with the 2017-2018 school year, with the 29612
updated plan that permits students enrolled in seventh and eighth 29613
grade to meet curriculum requirements based on subject area 29614
competency adopted by the state board of education under divisions 29615
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 29616
with the 2018-2019 school year, the school shall comply with the 29617
framework for granting units of high school credit to students who 29618
demonstrate subject area competency through work-based learning 29619
experiences, internships, or cooperative education developed by 29620
the department under division (J)(3) of section 3313.603 of the 29621
Revised Code. 29622

~~(g)~~(f) The school governing authority will submit within four 29623
months after the end of each school year a report of its 29624
activities and progress in meeting the goals and standards of 29625

divisions (A)(3) and (4) of this section and its financial status 29626
to the sponsor and the parents of all students enrolled in the 29627
school. 29628

~~(h)~~(g) The school, unless it is an internet- or 29629
computer-based community school, will comply with section 3313.801 29630
of the Revised Code as if it were a school district. 29631

~~(i)~~(h) If the school is the recipient of moneys from a grant 29632
awarded under the federal race to the top program, Division (A), 29633
Title XIV, Sections 14005 and 14006 of the "American Recovery and 29634
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 29635
school will pay teachers based upon performance in accordance with 29636
section 3317.141 and will comply with section 3319.111 of the 29637
Revised Code as if it were a school district. 29638

~~(j)~~(i) If the school operates a preschool program that is 29639
licensed by the department of education under sections 3301.52 to 29640
3301.59 of the Revised Code, the school shall comply with sections 29641
3301.50 to 3301.59 of the Revised Code and the minimum standards 29642
for preschool programs prescribed in rules adopted by the state 29643
board under section 3301.53 of the Revised Code. 29644

~~(k)~~(j) The school will comply with sections 3313.6021 and 29645
3313.6023 of the Revised Code as if it were a school district 29646
unless it is either of the following: 29647

(i) An internet- or computer-based community school; 29648

(ii) A community school in which a majority of the enrolled 29649
students are children with disabilities as described in division 29650
(A)(4)(b) of section 3314.35 of the Revised Code. 29651

~~(l)~~(k) The school will comply with section 3321.191 of the 29652
Revised Code, unless it is an internet- or computer-based 29653
community school that is subject to section 3314.261 of the 29654
Revised Code. 29655

(12) Arrangements for providing health and other benefits to employees;	29656 29657
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	29658 29659 29660 29661
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	29662 29663
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	29664 29665 29666
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	29667 29668 29669
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	29670 29671 29672 29673 29674 29675 29676 29677 29678 29679 29680
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	29681 29682 29683
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply	29684 29685 29686

with the admissions procedures specified in sections 3314.06 and 29687
3314.061 of the Revised Code and, at the sole discretion of the 29688
authority, shall do one of the following: 29689

(a) Prohibit the enrollment of students who reside outside 29690
the district in which the school is located; 29691

(b) Permit the enrollment of students who reside in districts 29692
adjacent to the district in which the school is located; 29693

(c) Permit the enrollment of students who reside in any other 29694
district in the state. 29695

(20) A provision recognizing the authority of the department 29696
of education to take over the sponsorship of the school in 29697
accordance with the provisions of division (C) of section 3314.015 29698
of the Revised Code; 29699

(21) A provision recognizing the sponsor's authority to 29700
assume the operation of a school under the conditions specified in 29701
division (B) of section 3314.073 of the Revised Code; 29702

(22) A provision recognizing both of the following: 29703

(a) The authority of public health and safety officials to 29704
inspect the facilities of the school and to order the facilities 29705
closed if those officials find that the facilities are not in 29706
compliance with health and safety laws and regulations; 29707

(b) The authority of the department of education as the 29708
community school oversight body to suspend the operation of the 29709
school under section 3314.072 of the Revised Code if the 29710
department has evidence of conditions or violations of law at the 29711
school that pose an imminent danger to the health and safety of 29712
the school's students and employees and the sponsor refuses to 29713
take such action. 29714

(23) A description of the learning opportunities that will be 29715
offered to students including both classroom-based and 29716

non-classroom-based learning opportunities that is in compliance 29717
with criteria for student participation established by the 29718
department under division (H)(2) of section 3314.08 of the Revised 29719
Code; 29720

(24) The school will comply with sections 3302.04 and 29721
3302.041 of the Revised Code, except that any action required to 29722
be taken by a school district pursuant to those sections shall be 29723
taken by the sponsor of the school. However, the sponsor shall not 29724
be required to take any action described in division (F) of 29725
section 3302.04 of the Revised Code. 29726

(25) Beginning in the 2006-2007 school year, the school will 29727
open for operation not later than the thirtieth day of September 29728
each school year, unless the mission of the school as specified 29729
under division (A)(2) of this section is solely to serve dropouts. 29730
In its initial year of operation, if the school fails to open by 29731
the thirtieth day of September, or within one year after the 29732
adoption of the contract pursuant to division (D) of section 29733
3314.02 of the Revised Code if the mission of the school is solely 29734
to serve dropouts, the contract shall be void. 29735

(26) Whether the school's governing authority is planning to 29736
seek designation for the school as a STEM school equivalent under 29737
section 3326.032 of the Revised Code; 29738

(27) That the school's attendance and participation policies 29739
will be available for public inspection; 29740

(28) That the school's attendance and participation records 29741
shall be made available to the department of education, auditor of 29742
state, and school's sponsor to the extent permitted under and in 29743
accordance with the "Family Educational Rights and Privacy Act of 29744
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 29745
regulations promulgated under that act, and section 3319.321 of 29746
the Revised Code; 29747

(29) If a school operates using the blended learning model,	29748
as defined in section 3301.079 of the Revised Code, all of the	29749
following information:	29750
(a) An indication of what blended learning model or models	29751
will be used;	29752
(b) A description of how student instructional needs will be	29753
determined and documented;	29754
(c) The method to be used for determining competency,	29755
granting credit, and promoting students to a higher grade level;	29756
(d) The school's attendance requirements, including how the	29757
school will document participation in learning opportunities;	29758
(e) A statement describing how student progress will be	29759
monitored;	29760
(f) A statement describing how private student data will be	29761
protected;	29762
(g) A description of the professional development activities	29763
that will be offered to teachers.	29764
(30) A provision requiring that all moneys the school's	29765
operator loans to the school, including facilities loans or cash	29766
flow assistance, must be accounted for, documented, and bear	29767
interest at a fair market rate;	29768
(31) A provision requiring that, if the governing authority	29769
contracts with an attorney, accountant, or entity specializing in	29770
audits, the attorney, accountant, or entity shall be independent	29771
from the operator with which the school has contracted.	29772
(32) A provision requiring the governing authority to adopt	29773
an enrollment and attendance policy that requires a student's	29774
parent to notify the community school in which the student is	29775
enrolled when there is a change in the location of the parent's or	29776
student's primary residence.	29777

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school

receives from the state. 29808

(D) The contract shall specify the duties of the sponsor 29809
which shall be in accordance with the written agreement entered 29810
into with the department of education under division (B) of 29811
section 3314.015 of the Revised Code and shall include the 29812
following: 29813

(1) Monitor the community school's compliance with all laws 29814
applicable to the school and with the terms of the contract; 29815

(2) Monitor and evaluate the academic and fiscal performance 29816
and the organization and operation of the community school on at 29817
least an annual basis; 29818

(3) Report on an annual basis the results of the evaluation 29819
conducted under division (D)(2) of this section to the department 29820
of education and to the parents of students enrolled in the 29821
community school; 29822

(4) Provide technical assistance to the community school in 29823
complying with laws applicable to the school and terms of the 29824
contract; 29825

(5) Take steps to intervene in the school's operation to 29826
correct problems in the school's overall performance, declare the 29827
school to be on probationary status pursuant to section 3314.073 29828
of the Revised Code, suspend the operation of the school pursuant 29829
to section 3314.072 of the Revised Code, or terminate the contract 29830
of the school pursuant to section 3314.07 of the Revised Code as 29831
determined necessary by the sponsor; 29832

(6) Have in place a plan of action to be undertaken in the 29833
event the community school experiences financial difficulties or 29834
closes prior to the end of a school year. 29835

(E) Upon the expiration of a contract entered into under this 29836
section, the sponsor of a community school may, with the approval 29837

of the governing authority of the school, renew that contract for 29838
a period of time determined by the sponsor, but not ending earlier 29839
than the end of any school year, if the sponsor finds that the 29840
school's compliance with applicable laws and terms of the contract 29841
and the school's progress in meeting the academic goals prescribed 29842
in the contract have been satisfactory. Any contract that is 29843
renewed under this division remains subject to the provisions of 29844
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 29845

(F) If a community school fails to open for operation within 29846
one year after the contract entered into under this section is 29847
adopted pursuant to division (D) of section 3314.02 of the Revised 29848
Code or permanently closes prior to the expiration of the 29849
contract, the contract shall be void and the school shall not 29850
enter into a contract with any other sponsor. A school shall not 29851
be considered permanently closed because the operations of the 29852
school have been suspended pursuant to section 3314.072 of the 29853
Revised Code. 29854

Sec. 3314.034. (A) Subject to ~~division~~ divisions (B) and (E) 29855
of this section, any community school to which either of the 29856
following conditions apply shall be prohibited from entering into 29857
a contract with a new sponsor: 29858

(1) The community school has received a grade of "D" or "F" 29859
for the performance index score, under division (C)(1)(b) of 29860
section 3302.03 of the Revised Code, and an overall grade of "D" 29861
or "F" for the value-added progress dimension or another measure 29862
of student academic progress if adopted by the state board of 29863
education, under division (C)(1)(e) of that section, on the most 29864
recent report card issued for the school pursuant to that section. 29865

(2) The community school is one in which a majority of the 29866
students are enrolled in a dropout prevention and recovery 29867
program, and it has received a rating of "does not meet standards" 29868

for the annual student growth measure and combined graduation 29869
rates on the most recent report card issued for the school under 29870
section 3314.017 of the Revised Code. 29871

(B) A community school to which division (A) of this section 29872
applies may enter into a contract with a new sponsor if all of the 29873
following conditions are satisfied: 29874

(1) The proposed sponsor received a rating of "effective" or 29875
higher pursuant to division (B)(6) of section 3314.016 of the 29876
Revised Code on its most recent evaluation conducted according to 29877
that section, or the proposed sponsor is the office of Ohio school 29878
sponsorship established in section 3314.029 of the Revised Code. 29879

(2) The community school submits a request to enter into a 29880
new contract with a sponsor. 29881

(3) The community school has not submitted a prior request 29882
that was granted. 29883

(4) The department grants the school's request pursuant to 29884
division (C) of this section. 29885

(C) A school shall submit a request to change sponsors under 29886
this section not later than on the fifteenth day of February of 29887
the year in which the school wishes to do so. The department shall 29888
grant or deny the request not later than thirty days after the 29889
department receives it. If the department denies the request, the 29890
community school may submit an appeal to the state board of 29891
education, which shall hold a hearing in accordance with Chapter 29892
119. of the Revised Code. The community school shall file its 29893
notice of appeal to the state board not later than ten days after 29894
receiving the decision from the department. The state board shall 29895
conduct the hearing not later than thirty days after receiving the 29896
school's notice of appeal and act upon the determination of the 29897
hearing officer not later than the twenty-fifth day of June of the 29898
year in which the school wishes to change sponsors. 29899

(D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following:

(1) The school's impact on the students and the community or communities it serves;

(2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve;

(3) The sponsor's annual evaluations of the community school under division (D)(2) of section 3314.03 of the Revised Code for the previous three years;

(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;

(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;

(6) The fiscal stability of the school;

(7) The results of any audits of the school by the auditor of state;

(8) The length of time the school has been under the oversight of its current sponsor;

(9) The number of times the school has changed sponsors prior to the current request;

(10) Parent and student satisfaction rates as demonstrated by surveys, if available.

(E) The restrictions on entering into a contract with a new sponsor prescribed by this section do not apply to any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services

in accordance with Chapter 3323. of the Revised Code. 29930

Sec. 3314.037. The members of the governing authority of a 29931
community school, the designated fiscal officer of the school, the 29932
chief administrative officer and other administrative employees of 29933
the school, and all individuals performing supervisory or 29934
administrative services for the school under a contract with the 29935
operator of the school shall complete training on an annual basis 29936
on the public records and open meetings laws, so that they may 29937
comply with those laws as prescribed by division ~~(A)(11)(d)~~ 29938
(A)(11)(c) of section 3314.03 of the Revised Code. 29939

Sec. 3314.05. (A) The contract between the community school 29940
and the sponsor shall specify the facilities to be used for the 29941
community school and the method of acquisition. Except as provided 29942
in divisions (B)(3) and (4) of this section, no community school 29943
shall be established in more than one school district under the 29944
same contract. 29945

(B) Division (B) of this section shall not apply to internet- 29946
or computer-based community schools. 29947

(1) A community school may be located in multiple facilities 29948
under the same contract only if the limitations on availability of 29949
space prohibit serving all the grade levels specified in the 29950
contract in a single facility or division (B)(2), (3), or (4) of 29951
this section applies to the school. The school shall not offer the 29952
same grade level classrooms in more than one facility. 29953

(2) A community school may be located in multiple facilities 29954
under the same contract and, notwithstanding division (B)(1) of 29955
this section, may assign students in the same grade level to 29956
multiple facilities, as long as all of the following apply: 29957

(a) The governing authority has entered into and maintains a 29958
contract with an operator of the type described in division 29959

(A)(8)(b) of section 3314.02 of the Revised Code. 29960

(b) The contract with that operator qualified the school to 29961
be established pursuant to division (A) of former section 3314.016 29962
of the Revised Code. 29963

(c) The school's rating under section 3302.03 of the Revised 29964
Code does not fall below a combination of any of the following for 29965
two or more consecutive years: 29966

(i) A rating of "in need of continuous improvement" under 29967
section 3302.03 of the Revised Code, as that section existed prior 29968
to March 22, 2013; 29969

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 29970
school years, a rating of "C" for both the performance index score 29971
under division (A)(1)(b) or (B)(1)(b) and the value-added 29972
dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 29973
of the Revised Code; or if the building serves only grades ten 29974
through twelve, the building received a grade of "C" for the 29975
performance index score under division (A)(1)(b) or (B)(1)(b) of 29976
section 3302.03 of the Revised Code; 29977

(iii) For the 2016-2017 school year and for any school year 29978
thereafter, an overall grade of "C" under division (C)(3) of 29979
section 3302.03 of the Revised Code or an overall performance 29980
designation of "meets standards" under division (E)(3)(e) of 29981
section 3314.017 of the Revised Code. 29982

(3) A On and after the effective date of this amendment, a 29983
new start-up community school may be established in two school 29984
districts under the same contract regardless of the proposed 29985
location of either district if ~~all~~ both of the following apply: 29986

(a) ~~At least one of the school districts in which the school~~ 29987
~~is established is a challenged school district;~~ 29988

~~(b)~~ The school operates not more than one facility in each 29989

school district and, in accordance with division (B)(1) of this 29990
section, the school does not offer the same grade level classrooms 29991
in both facilities; and 29992

~~(e)~~(b) Transportation between the two facilities does not 29993
require more than thirty minutes of direct travel time as measured 29994
by school bus. 29995

~~In the case of a community school to which division (B)(3) of 29996
this section applies, if only one of the school districts in which 29997
the school is established is a challenged school district, that 29998
district shall be considered the school's primary location and the 29999
district in which the school is located for the purposes of 30000
division (A)(19) of section 3314.03 and divisions (C) and (H) of 30001
section 3314.06 of the Revised Code and for all other purposes of 30002
this chapter. If both of the school districts in which the school 30003
is established are challenged school districts, the school's 30004
governing authority shall designate one of those districts to be 30005
considered the school's primary location and the district in which 30006
the school is located for the purposes of those divisions and all 30007
other purposes of this chapter and shall notify the department of 30008
education of that designation. 30009~~

(4) A community school may be located in multiple facilities 30010
under the same contract and, notwithstanding division (B)(1) of 30011
this section, may assign students in the same grade level to 30012
multiple facilities, as long as both of the following apply: 30013

(a) The facilities are all located in the same county. 30014

(b) Either of the following conditions are satisfied: 30015

(i) The community school is sponsored by a board of education 30016
of a city, local, or exempted village school district having 30017
territory in the same county where the facilities of the community 30018
school are located; 30019

(ii) The community school is managed by an operator. 30020

In the case of a community school to which division (B)(4) of 30021
this section applies and that maintains facilities in more than 30022
one school district, the school's governing authority shall 30023
designate one of those districts to be considered the school's 30024
primary location and the district in which the school is located 30025
for the purposes of division (A)(19) of section 3314.03 and 30026
divisions (C) and (H) of section 3314.06 of the Revised Code and 30027
for all other purposes of this chapter and shall notify the 30028
department of that designation. 30029

(5) Any facility used for a community school shall meet all 30030
health and safety standards established by law for school 30031
buildings. 30032

(C) In the case where a community school is proposed to be 30033
located in a facility owned by a school district or educational 30034
service center, the facility may not be used for such community 30035
school unless the district or service center board owning the 30036
facility enters into an agreement for the community school to 30037
utilize the facility. Use of the facility may be under any terms 30038
and conditions agreed to by the district or service center board 30039
and the school. 30040

(D) Two or more separate community schools may be located in 30041
the same facility. 30042

(E) In the case of a community school that is located in 30043
multiple facilities, beginning July 1, 2012, the department shall 30044
assign a unique identification number to the school and to each 30045
facility maintained by the school. Each number shall be used for 30046
identification purposes only. Nothing in this division shall be 30047
construed to require the department to calculate the amount of 30048
funds paid under this chapter, or to compute any data required for 30049
the report cards issued under section 3314.012 of the Revised 30050
Code, for each facility separately. The department shall make all 30051
such calculations or computations for the school as a whole. 30052

(F)(1) In the case of a community school that exists prior to the effective date of this amendment to which division (B)(3) of this section applies, if only one of the school districts in which the school is established was located in a challenged school district prior to the effective date of this amendment, that district continues to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter unless and until the school's governing authority designates a different school district as the school's primary location in accordance with division (F)(2) of this section. If both of the school districts in which the school is established were challenged school districts on that date, and the primary location was already designated by the school's governing authority pursuant to the requirements of this section as it existed prior to the effective date of this amendment, that designation remains unless and until the school's governing authority designates a different primary location.

(2)(a) On and after the effective date of this amendment, when a new start-up community school is established in two school districts under the same contract, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of education of that designation.

(b) A community school governing authority that elects to modify a community school's primary location, whether in accordance with division (F)(1) of this section or otherwise, shall notify the department of that modification.

Sec. 3314.06. The governing authority of each community 30085
school established under this chapter shall adopt admission 30086
procedures that specify the following: 30087

(A) That, except as otherwise provided in this section, 30088
admission to the school shall be open to any individual age five 30089
to twenty-two entitled to attend school pursuant to section 30090
3313.64 or 3313.65 of the Revised Code in a school district in the 30091
state. 30092

Additionally, except as otherwise provided in this section, 30093
admission to the school may be open on a tuition basis to any 30094
individual age five to twenty-two who is not a resident of this 30095
state. The school shall not receive state funds under section 30096
~~3314.08~~ 3317.022 of the Revised Code for any student who is not a 30097
resident of this state. 30098

An individual younger than five years of age may be admitted 30099
to the school in accordance with division (A)(2) of section 30100
3321.01 of the Revised Code. The school shall receive funds for an 30101
individual admitted under that division in the manner provided 30102
under section ~~3314.08~~ 3317.022 of the Revised Code. 30103

If the school operates a program that uses the Montessori 30104
method endorsed by the American Montessori society, the Montessori 30105
accreditation council for teacher education, or the association 30106
Montessori internationale as its primary method of instruction, 30107
admission to the school may be open to individuals younger than 30108
five years of age. The department of education shall pay the 30109
school an amount equal to the formula amount, as defined in 30110
section 3317.02 of the Revised Code, for each of these students 30111
younger than four years of age. However, the school shall not 30112
receive any other funds under ~~this chapter~~ section 3317.022 of the 30113
Revised Code for those individuals. Notwithstanding anything to 30114
the contrary in this chapter, individuals younger than five years 30115

of age who are enrolled in a Montessori program shall be offered 30116
at least four hundred fifty-five hours of learning opportunities 30117
per school year. 30118

If the school operates a preschool program that is licensed 30119
by the department of education under sections 3301.52 to 3301.59 30120
of the Revised Code, admission to the school may be open to 30121
individuals who are younger than five years of age, but the school 30122
shall not receive funds under this chapter for those individuals. 30123

(B)(1) That admission to the school may be limited to 30124
students who have attained a specific grade level or are within a 30125
specific age group; to students that meet a definition of 30126
"at-risk," as defined in the contract; to residents of a specific 30127
geographic area within the district, as defined in the contract; 30128
or to separate groups of autistic students and nondisabled 30129
students, as authorized in section 3314.061 of the Revised Code 30130
and as defined in the contract. 30131

(2) For purposes of division (B)(1) of this section, 30132
"at-risk" students may include those students identified as gifted 30133
students under section 3324.03 of the Revised Code. 30134

(C) Whether enrollment is limited to students who reside in 30135
the district in which the school is located or is open to 30136
residents of other districts, as provided in the policy adopted 30137
pursuant to the contract. 30138

(D)(1) That there will be no discrimination in the admission 30139
of students to the school on the basis of race, creed, color, 30140
disability, or sex except that: 30141

(a) The governing authority may do either of the following 30142
for the purpose described in division (G) of this section: 30143

(i) Establish a single-gender school for either sex; 30144

(ii) Establish single-gender schools for each sex under the 30145

same contract, provided substantially equal facilities and 30146
learning opportunities are offered for both boys and girls. Such 30147
facilities and opportunities may be offered for each sex at 30148
separate locations. 30149

(b) The governing authority may establish a school that 30150
simultaneously serves a group of students identified as autistic 30151
and a group of students who are not disabled, as authorized in 30152
section 3314.061 of the Revised Code. However, unless the total 30153
capacity established for the school has been filled, no student 30154
with any disability shall be denied admission on the basis of that 30155
disability. 30156

(2) That upon admission of any student with a disability, the 30157
community school will comply with all federal and state laws 30158
regarding the education of students with disabilities. 30159

(E) That the school may not limit admission to students on 30160
the basis of intellectual ability, measures of achievement or 30161
aptitude, or athletic ability, except that a school may limit its 30162
enrollment to students as described in division (B) of this 30163
section. 30164

(F) That the community school will admit the number of 30165
students that does not exceed the capacity of the school's 30166
programs, classes, grade levels, or facilities. 30167

(G) That the purpose of single-gender schools that are 30168
established shall be to take advantage of the academic benefits 30169
some students realize from single-gender instruction and 30170
facilities and to offer students and parents residing in the 30171
district the option of a single-gender education. 30172

(H) That, except as otherwise provided under division (B) of 30173
this section or section 3314.061 of the Revised Code, if the 30174
number of applicants exceeds the capacity restrictions of division 30175
(F) of this section, students shall be admitted by lot from all 30176

those submitting applications, except preference shall be given to 30177
students attending the school the previous year and to students 30178
who reside in the district in which the school is located. 30179
Preference may be given to siblings of students attending the 30180
school the previous year. Preference also may be given to students 30181
who are the children of full-time staff members employed by the 30182
school, provided the total number of students receiving this 30183
preference is less than five per cent of the school's total 30184
enrollment. 30185

Notwithstanding divisions (A) to (H) of this section, in the 30186
event the racial composition of the enrollment of the community 30187
school is violative of a federal desegregation order, the 30188
community school shall take any and all corrective measures to 30189
comply with the desegregation order. 30190

Sec. 3314.08. (A) As used in this section: 30191

~~(1)(a) "Category one career technical education student" 30192
means a student who is receiving the career technical education 30193
services described in division (A) of section 3317.014 of the 30194
Revised Code. 30195~~

~~(b) "Category two career technical student" means a student 30196
who is receiving the career technical education services described 30197
in division (B) of section 3317.014 of the Revised Code. 30198~~

~~(c) "Category three career technical student" means a student 30199
who is receiving the career technical education services described 30200
in division (C) of section 3317.014 of the Revised Code. 30201~~

~~(d) "Category four career technical student" means a student 30202
who is receiving the career technical education services described 30203
in division (D) of section 3317.014 of the Revised Code. 30204~~

~~(e) "Category five career technical education student" means 30205
a student who is receiving the career technical education services 30206~~

~~described in division (E) of section 3317.014 of the Revised Code.~~ 30207

~~(2)(a) "Category one English learner" means an English learner described in division (A) of section 3317.016 of the Revised Code.~~ 30208
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~~(b) "Category two English learner" means an English learner described in division (B) of section 3317.016 of the Revised Code.~~ 30211
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~~(c) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code.~~ 30213
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~~(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.~~ 30215
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~~(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.~~ 30219
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~~(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.~~ 30222
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~~(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.~~ 30226
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~~(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.~~ 30229
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~~(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.~~ 30232
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~~(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.~~ 30235
30236

~~(5)(1)~~ "IEP" has the same meaning as in section 3323.01 of the Revised Code. 30237
30238

~~(6)(2)~~ "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 30239
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~~(7)~~ "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 30242
30243

(B) The state board of education shall adopt rules requiring both of the following: 30244
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~~(1)~~ The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled. 30246
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~~(2)~~ The the governing authority of each community school established under this chapter to annually report all of the following: 30252
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~~(a)(1)~~ The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP; 30255
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~~(b)(2)~~ The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP; 30259
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~~(c)(3)~~ The number of students reported under division ~~(B)(2)(b)~~ (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised 30263
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30266

Code;	30267
(d) (4) The full-time equivalent number of students reported	30268
under divisions (B)(2)(a) <u>(B)(1)</u> and (b) <u>(2)</u> of this section who	30269
are enrolled in career-technical education programs or classes	30270
described in each of divisions (A) to (E) of section 3317.014 of	30271
the Revised Code that are provided by the community school;	30272
(e) (5) The number of students reported under divisions	30273
(B)(2)(a) <u>(B)(1)</u> and (b) <u>(2)</u> of this section who are not reported	30274
under division (B)(2)(d) <u>(B)(4)</u> of this section but who are	30275
enrolled in career-technical education programs or classes	30276
described in each of divisions (A) to (E) of section 3317.014 of	30277
the Revised Code at a joint vocational school district or another	30278
district in the career-technical planning district to which the	30279
school is assigned;	30280
(f) (6) The number of students reported under divisions	30281
(B)(2)(a) <u>(B)(1)</u> and (b) <u>(2)</u> of this section who are category one	30282
to three English learners described in each of divisions (A) to	30283
(C) of section 3317.016 of the Revised Code;	30284
(g) (7) The number of students reported under divisions	30285
(B)(2)(a) <u>(B)(1)</u> and (b) <u>(2)</u> of this section who are economically	30286
disadvantaged, as defined by the department. A student shall not	30287
be categorically excluded from the number reported under division	30288
(B)(2)(g) <u>(B)(7)</u> of this section based on anything other than	30289
family income.	30290
(h) (8) For each student, the city, exempted village, or local	30291
school district in which the student is entitled to attend school	30292
under section 3313.64 or 3313.65 of the Revised Code.	30293
(i) (9) The number of students enrolled in a preschool program	30294
operated by the school that is licensed by the department of	30295
education under sections 3301.52 to 3301.59 of the Revised Code	30296
who are not receiving special education and related services	30297

pursuant to an IEP. 30298

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code. 30299
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A governing authority of a community school shall not include in its report under divisions ~~(B)(2)(a)~~ (B)(1) to ~~(h)~~ (9) of this section any student for whom tuition is charged under division (F) of this section. 30303
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~~(C)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:~~ 30307
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~~(a) An opportunity grant in an amount equal to the formula amount;~~ 30316
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~~(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;~~ 30318
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30321

~~(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:~~ 30322
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~~(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;~~ 30325
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(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	30328 30329 30330
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	30331 30332 30333
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	30334 30335 30336
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	30337 30338 30339
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	30340 30341 30342
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	30343 30344
(e) If the student is economically disadvantaged, an additional amount equal to the following:	30345 30346
\$272 X the resident district's economically disadvantaged index	30347 30348
(f) English learner funds as follows:	30349
(i) If the student is a category one English learner, the amount specified in division (A) of section 3317.016 of the Revised Code;	30350 30351 30352
(ii) If the student is a category two English learner, the amount specified in division (B) of section 3317.016 of the Revised Code;	30353 30354 30355
(iii) If the student is a category three English learner, the amount specified in division (C) of section 3317.016 of the	30356 30357

~~Revised Code. 30358~~

~~(g) If the student is reported under division (B)(2)(d) of 30359
this section, career technical education funds as follows: 30360~~

~~(i) If the student is a category one career technical 30361
education student, the amount specified in division (A) of section 30362
3317.014 of the Revised Code; 30363~~

~~(ii) If the student is a category two career technical 30364
education student, the amount specified in division (B) of section 30365
3317.014 of the Revised Code; 30366~~

~~(iii) If the student is a category three career technical 30367
education student, the amount specified in division (C) of section 30368
3317.014 of the Revised Code; 30369~~

~~(iv) If the student is a category four career technical 30370
education student, the amount specified in division (D) of section 30371
3317.014 of the Revised Code; 30372~~

~~(v) If the student is a category five career technical 30373
education student, the amount specified in division (E) of section 30374
3317.014 of the Revised Code. 30375~~

~~Deduction and payment of funds under division (C)(1)(g) of 30376
this section is subject to approval by the lead district of a 30377
career technical planning district or the department of education 30378
under section 3317.161 of the Revised Code. 30379~~

~~(2) When deducting from the state education aid of a 30380
student's resident district for students enrolled in an internet- 30381
or computer-based community school and making payments to such 30382
school under this section, the department shall make the 30383
deductions and payments described in only divisions (C)(1)(a), 30384
(c), and (g) of this section. 30385~~

~~No deductions or payments shall be made for a student 30386
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 30387~~

~~of this section.~~ 30388

~~(3)(a)(C)(1)(a)~~ If a community school's costs for a fiscal 30389
year for a student receiving special education and related 30390
services pursuant to an IEP for a disability described in 30391
divisions (B) to (F) of section 3317.013 of the Revised Code 30392
exceed the threshold ~~eatastrophie~~ cost for serving the student as 30393
specified in division (B) of section 3317.0214 of the Revised 30394
Code, the school may submit to the superintendent of public 30395
instruction documentation, as prescribed by the superintendent, of 30396
all its costs for that student. Upon submission of documentation 30397
for a student of the type and in the manner prescribed, the 30398
department shall pay to the community school an amount equal to 30399
the school's costs for the student in excess of the threshold 30400
~~eatastrophie~~ costs. 30401

(b) The community school shall report under division 30402
~~(C)(3)(a)~~ (C)(1)(a) of this section, and the department shall pay 30403
for, only the costs of educational expenses and the related 30404
services provided to the student in accordance with the student's 30405
individualized education program. Any legal fees, court costs, or 30406
other costs associated with any cause of action relating to the 30407
student may not be included in the amount. 30408

~~(4)(2)~~ In any fiscal year, a community school receiving funds 30409
under ~~division (C)(1)(g)~~ divisions (A)(8) and (11) of ~~this~~ section 30410
3317.022 of the Revised Code shall spend those funds only for the 30411
purposes that the department designates as approved for 30412
career-technical education expenses. Career-technical education 30413
expenses approved by the department shall include only expenses 30414
connected to the delivery of career-technical programming to 30415
career-technical students. The department shall require the school 30416
to report data annually so that the department may monitor the 30417
school's compliance with the requirements regarding the manner in 30418
which funding received under division ~~(C)(1)(g)~~ divisions (A)(8) 30419

and (11) of ~~this~~ section 3317.022 of the Revised Code may be 30420
spent. 30421

~~(5)(3)~~ Notwithstanding anything to the contrary in section 30422
3313.90 of the Revised Code, except as provided in division ~~(C)(9)~~ 30423
~~(C)(5)~~ of this section, all funds received under ~~division~~ 30424
~~(C)(1)(g)~~ divisions (A)(8) and (11) of this section 3317.022 of 30425
the Revised Code shall be spent in the following manner: 30426

(a) At least seventy-five per cent of the funds shall be 30427
spent on curriculum development, purchase, and implementation; 30428
instructional resources and supplies; industry-based program 30429
certification; student assessment, credentialing, and placement; 30430
curriculum specific equipment purchases and leases; 30431
career-technical student organization fees and expenses; home and 30432
agency linkages; work-based learning experiences; professional 30433
development; and other costs directly associated with 30434
career-technical education programs including development of new 30435
programs. 30436

(b) Not more than twenty-five per cent of the funds shall be 30437
used for personnel expenditures. 30438

~~(6)(4)~~ A community school shall spend the funds it receives 30439
under division ~~(C)(1)(e)~~ (A)(5) of this section 3317.022 of the 30440
Revised Code in accordance with section 3317.25 of the Revised 30441
Code. 30442

~~(7) If the sum of the payments computed under divisions~~ 30443
~~(C)(1) and (8)(a) of this section for the students entitled to~~ 30444
~~attend school in a particular school district under sections~~ 30445
~~3313.64 and 3313.65 of the Revised Code exceeds the sum of that~~ 30446
~~district's state education aid and its payment under sections~~ 30447
~~321.24 and 323.156 of the Revised Code, the department shall~~ 30448
~~calculate and apply a proration factor to the payments to all~~ 30449
~~community schools under that division for the students entitled to~~ 30450

attend school in that district. 30451

~~(8)(a) Subject to division (C)(7) of this section, the 30452
department annually shall pay to each community school, including 30453
each internet or computer based community school, an amount equal 30454
to the following: 30455~~

~~(The number of students reported by the community school 30456
under division (B)(2)(c) of this section X the formula amount X 30457
.20) 30458~~

~~(b) For each payment made to a community school under 30459
division (C)(8)(a) of this section, the department shall deduct 30460
from the state education aid of each city, local, and exempted 30461
village school district and, if necessary, from the payment made 30462
to the district under sections 321.24 and 323.156 of the Revised 30463
Code an amount equal to the following: 30464~~

~~(The number of the district's students reported by the 30465
community school under division (B)(2)(c) of this section X the 30466
formula amount X .20) 30467~~

~~(9)(5) The department may waive the requirement in division 30468
(C)(5) (C)(3) of this section for any community school that 30469
exclusively provides one or more career-technical workforce 30470
development programs in arts and communications that are not 30471
equipment-intensive, as determined by the department. 30472~~

(D) A board of education sponsoring a community school may 30473
utilize local funds to make enhancement grants to the school or 30474
may agree, either as part of the contract or separately, to 30475
provide any specific services to the community school at no cost 30476
to the school. 30477

(E) A community school may not levy taxes or issue bonds 30478
secured by tax revenues. 30479

(F) No community school shall charge tuition for the 30480

enrollment of any student who is a resident of this state. A 30481
community school may charge tuition for the enrollment of any 30482
student who is not a resident of this state. 30483

(G)(1)(a) A community school may borrow money to pay any 30484
necessary and actual expenses of the school in anticipation of the 30485
receipt of any portion of the payments to be received by the 30486
school pursuant to ~~division (C) of this~~ section 3317.022 of the 30487
Revised Code. The school may issue notes to evidence such 30488
borrowing. The proceeds of the notes shall be used only for the 30489
purposes for which the anticipated receipts may be lawfully 30490
expended by the school. 30491

(b) A school may also borrow money for a term not to exceed 30492
fifteen years for the purpose of acquiring facilities. 30493

(2) Except for any amount guaranteed under section 3318.50 of 30494
the Revised Code, the state is not liable for debt incurred by the 30495
governing authority of a community school. 30496

(H) The department of education shall adjust the amounts 30497
~~subtracted and paid under division (C) of this~~ section 3317.022 of 30498
the Revised Code to reflect any enrollment of students in 30499
community schools for less than the equivalent of a full school 30500
year. The state board of education within ninety days after April 30501
8, 2003, shall adopt in accordance with Chapter 119. of the 30502
Revised Code rules governing the payments to community schools 30503
under ~~this~~ section 3317.022 of the Revised Code including initial 30504
payments in a school year and adjustments and reductions made in 30505
subsequent periodic payments to community schools ~~and~~ 30506
~~corresponding deductions from school district accounts~~ as provided 30507
under ~~division (C) of this~~ section 3317.022 of the Revised Code. 30508
For purposes of this ~~section~~ division: 30509

(1) A student shall be considered enrolled in the community 30510
school for any portion of the school year the student is 30511

participating at a college under Chapter 3365. of the Revised Code. 30512
30513

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur: 30514
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(a) The community school receives documentation from a parent terminating enrollment of the student. 30533
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(b) The community school is provided documentation of a student's enrollment in another public or private school. 30535
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(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter. 30537
30538
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Except as otherwise specified in this paragraph, beginning in the 2011-2012 school year, any student who completed the prior 30541
30542

school year in an internet- or computer-based community school 30543
shall be considered to be enrolled in the same school in the 30544
subsequent school year until the student's enrollment has ceased 30545
as specified in division (H)(2) of this section. The department 30546
shall continue ~~subtracting and~~ paying amounts for the student 30547
under ~~division (C) of this~~ section 3317.022 of the Revised Code 30548
without interruption at the start of the subsequent school year. 30549
However, if the student without a legitimate excuse fails to 30550
participate in the first seventy-two consecutive hours of learning 30551
opportunities offered to the student in that subsequent school 30552
year, the student shall be considered not to have re-enrolled in 30553
the school for that school year and the department shall 30554
recalculate the payments to the school for that school year to 30555
account for the fact that the student is not enrolled. 30556

(3) The department shall determine each community school 30557
student's percentage of full-time equivalency based on the 30558
percentage of learning opportunities offered by the community 30559
school to that student, reported either as number of hours or 30560
number of days, is of the total learning opportunities offered by 30561
the community school to a student who attends for the school's 30562
entire school year. However, no internet- or computer-based 30563
community school shall be credited for any time a student spends 30564
participating in learning opportunities beyond ten hours within 30565
any period of twenty-four consecutive hours. Whether it reports 30566
hours or days of learning opportunities, each community school 30567
shall offer not less than nine hundred twenty hours of learning 30568
opportunities during the school year. 30569

(4) With respect to the calculation of full-time equivalency 30570
under division (H)(3) of this section, the department shall waive 30571
the number of hours or days of learning opportunities not offered 30572
to a student because the community school was closed during the 30573
school year due to disease epidemic, hazardous weather conditions, 30574

law enforcement emergencies, inoperability of school buses or 30575
other equipment necessary to the school's operation, damage to a 30576
school building, or other temporary circumstances due to utility 30577
failure rendering the school building unfit for school use, so 30578
long as the school was actually open for instruction with students 30579
in attendance during that school year for not less than the 30580
minimum number of hours required by this chapter. The department 30581
shall treat the school as if it were open for instruction with 30582
students in attendance during the hours or days waived under this 30583
division. 30584

(I) The department of education shall reduce the amounts paid 30585
under ~~this~~ section 3317.022 of the Revised Code to reflect 30586
payments made to colleges under section 3365.07 of the Revised 30587
Code. 30588

(J)(1) No student shall be considered enrolled in any 30589
internet- or computer-based community school or, if applicable to 30590
the student, in any community school that is required to provide 30591
the student with a computer pursuant to division (C) of section 30592
3314.22 of the Revised Code, unless both of the following 30593
conditions are satisfied: 30594

(a) The student possesses or has been provided with all 30595
required hardware and software materials and all such materials 30596
are operational so that the student is capable of fully 30597
participating in the learning opportunities specified in the 30598
contract between the school and the school's sponsor as required 30599
by division (A)(23) of section 3314.03 of the Revised Code; 30600

(b) The school is in compliance with division (A) of section 30601
3314.22 of the Revised Code, relative to such student. 30602

(2) In accordance with policies adopted by the superintendent 30603
of public instruction, in consultation with the auditor of state, 30604
the department shall reduce the amounts otherwise payable under 30605

~~division (C) of this section 3317.022 of the Revised Code~~ to any 30606
community school that includes in its program the provision of 30607
computer hardware and software materials to any student, if such 30608
hardware and software materials have not been delivered, 30609
installed, and activated for each such student in a timely manner 30610
or other educational materials or services have not been provided 30611
according to the contract between the individual community school 30612
and its sponsor. 30613

The superintendent of public instruction and the auditor of 30614
state shall jointly establish a method for auditing any community 30615
school to which this division pertains to ensure compliance with 30616
this section. 30617

The superintendent, auditor of state, and the governor shall 30618
jointly make recommendations to the general assembly for 30619
legislative changes that may be required to assure fiscal and 30620
academic accountability for such schools. 30621

(K)(1) If the department determines that a review of a 30622
community school's enrollment is necessary, such review shall be 30623
completed and written notice of the findings shall be provided to 30624
the governing authority of the community school and its sponsor 30625
within ninety days of the end of the community school's fiscal 30626
year, unless extended for a period not to exceed thirty additional 30627
days for one of the following reasons: 30628

(a) The department and the community school mutually agree to 30629
the extension. 30630

(b) Delays in data submission caused by either a community 30631
school or its sponsor. 30632

(2) If the review results in a finding that additional 30633
funding is owed to the school, such payment shall be made within 30634
thirty days of the written notice. If the review results in a 30635
finding that the community school owes moneys to the state, the 30636

following procedure shall apply: 30637

(a) Within ten business days of the receipt of the notice of 30638
findings, the community school may appeal the department's 30639
determination to the state board of education or its designee. 30640

(b) The board or its designee shall conduct an informal 30641
hearing on the matter within thirty days of receipt of such an 30642
appeal and shall issue a decision within fifteen days of the 30643
conclusion of the hearing. 30644

(c) If the board has enlisted a designee to conduct the 30645
hearing, the designee shall certify its decision to the board. The 30646
board may accept the decision of the designee or may reject the 30647
decision of the designee and issue its own decision on the matter. 30648

(d) Any decision made by the board under this division is 30649
final. 30650

(3) If it is decided that the community school owes moneys to 30651
the state, the department shall deduct such amount from the 30652
school's future payments in accordance with guidelines issued by 30653
the superintendent of public instruction. 30654

(L) The department ~~shall not subtract from a school~~ 30655
~~district's state aid account and~~ shall not pay to a community 30656
school under ~~division (C) of this section~~ 3317.022 of the Revised 30657
Code any amount for any of the following: 30658

(1) Any student who has graduated from the twelfth grade of a 30659
public or nonpublic high school; 30660

(2) Any student who is not a resident of the state; 30661

(3) Any student who was enrolled in the community school 30662
during the previous school year when assessments were administered 30663
under section 3301.0711 of the Revised Code but did not take one 30664
or more of the assessments required by that section and was not 30665
excused pursuant to division (C)(1) or (3) of that section, unless 30666

the superintendent of public instruction grants the student a 30667
waiver from the requirement to take the assessment and a parent is 30668
not paying tuition for the student pursuant to section 3314.26 of 30669
the Revised Code. The superintendent may grant a waiver only for 30670
good cause in accordance with rules adopted by the state board of 30671
education. 30672

(4) Any student who has attained the age of twenty-two years, 30673
except for veterans of the armed services whose attendance was 30674
interrupted before completing the recognized twelve-year course of 30675
the public schools by reason of induction or enlistment in the 30676
armed forces and who apply for enrollment in a community school 30677
not later than four years after termination of war or their 30678
honorable discharge. If, however, any such veteran elects to 30679
enroll in special courses organized for veterans for whom tuition 30680
is paid under federal law, or otherwise, the department ~~shall not~~ 30681
~~subtract from a school district's state aid account and~~ shall not 30682
pay to a community school under ~~division (C) of this~~ section 30683
3317.022 of the Revised Code any amount for that veteran. 30684

Sec. 3314.083. If the department of education pays a joint 30685
vocational school district under division (C)(3) of section 30686
3317.16 of the Revised Code for excess costs of providing special 30687
education and related services to a student with a disability who 30688
is enrolled in a community school, as calculated under division 30689
(C)(1) of that section, the department shall deduct the amount of 30690
that payment from the amount calculated for payment to the 30691
community school under section ~~3314.08~~ 3317.022 of the Revised 30692
Code. 30693

Sec. 3314.084. (A) As used in this section: 30694

(1) "Formula ADM" has the same meaning as in section 3317.03 30695
of the Revised Code. 30696

(2) "Home" has the same meaning as in section 3313.64 of the Revised Code. 30697
30698

(3) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code; however, a community school established under this chapter is not a "school district of residence" for purposes of this section. 30699
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(B) Notwithstanding anything to the contrary in section 3314.08 or 3317.03 of the Revised Code, all of the following apply in the case of a child who is enrolled in a community school and is also living in a home: 30703
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30706

~~(1) For purposes of the report required under division (B)(1) of section 3314.08 of the Revised Code, the child's school district of residence, and not the school district in which the home that the child is living in is located, shall be considered to be the school district in which the child is entitled to attend school. That school district of residence, therefore, shall make the report required under division (B)(1) of section 3314.08 of the Revised Code with respect to the child.~~ 30707
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~~(2)~~ For purposes of the report required under division ~~(B)(2)~~ (B) of section 3314.08 of the Revised Code, the community school shall report the name of the child's school district of residence. 30715
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~~(3)(2)~~ The child's school district of residence shall count the child in that district's formula ADM. 30718
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~~(4)(3)~~ The school district in which the home that the child is living in is located shall not count the child in that district's formula ADM. 30720
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~~(5) The department of education shall deduct the applicable amounts prescribed under division (C) of section 3314.08 of the Revised Code from the child's school district of residence and shall not deduct those amounts from the school district in which the home that the child is living in is located.~~ 30723
30724
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~~(6)~~(4) The department shall make the payments prescribed in 30728
division ~~(C)~~ of section ~~3314.08~~ 3317.022 of the Revised Code, as 30729
applicable, to the community school. 30730

Sec. 3314.086. A community school established under this 30731
chapter, including an internet- or computer-based community 30732
school, may provide career-technical education in the manner 30733
prescribed by section 3313.90 of the Revised Code. The community 30734
school may contract with any public agency, board, or bureau or 30735
with any private individual or firm for the purchase of any 30736
career-technical education or vocational rehabilitation service 30737
for any student enrolled in the community school and may pay for 30738
such services with funds received under section ~~3314.08~~ 3317.022 30739
of the Revised Code. 30740

Sec. 3314.087. (A) As used in this section: 30741

(1) "Career-technical program" means career-technical 30742
programs or classes described in division (A), (B), (C), (D), or 30743
(E) of section 3317.014 of the Revised Code in which a student is 30744
enrolled. 30745

(2) ~~"Formula ADM," "category~~ Category one through five 30746
career-technical education ADM," and "FTE basis" have the same 30747
meanings as in section 3317.02 of the Revised Code. 30748

(3) "Resident school district" means the city, exempted 30749
village, or local school district in which a student is entitled 30750
to attend school under section 3313.64 or 3313.65 of the Revised 30751
Code. 30752

(B) Notwithstanding anything to the contrary in this chapter 30753
or Chapter 3317. of the Revised Code, a student enrolled in a 30754
community school may simultaneously enroll in the career-technical 30755
program operated by the career-technical planning district to 30756
which the student's resident district belongs. On an FTE basis, 30757

the student's resident school district shall count the student in 30758
the category one through five career-technical education ADM for 30759
the proportion of the time the student is enrolled in a 30760
career-technical program of the career-technical planning district 30761
to which the student's resident district belongs and, accordingly, 30762
the department of education shall calculate funds under Chapter 30763
3317. for the resident district attributable to the student for 30764
the proportion of time the student attends the career-technical 30765
program. The community school shall count the student in its 30766
enrollment report under section 3314.08 of the Revised Code and 30767
shall report to the department the proportion of time that the 30768
student attends classes at the community school. The department 30769
shall pay the community school ~~and deduct from the student's~~ 30770
~~resident school district~~ the amount computed for the student under 30771
section ~~3314.08~~ 3317.022 of the Revised Code in proportion to the 30772
fraction of the time on an FTE basis that the student attends 30773
classes at the community school. "Full-time equivalency" for a 30774
community school student, as defined in division (H) of section 30775
3314.08 of the Revised Code, does not apply to the student. 30776

Sec. 3314.091. (A) A school district is not required to 30777
provide transportation for any native student enrolled in a 30778
community school if the district board of education has entered 30779
into an agreement with the community school's governing authority 30780
that designates the community school as responsible for providing 30781
or arranging for the transportation of the district's native 30782
students to and from the community school. For any such agreement 30783
to be effective, it must be certified by the superintendent of 30784
public instruction as having met all of the following 30785
requirements: 30786

(1) It is submitted to the department of education by a 30787
deadline which shall be established by the department. 30788

(2) In accordance with divisions (C)(1) and (2) of this section, it specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.

(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.

(4) The sponsor of the community school also has signed the agreement.

(B)(1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

(2) Except as provided in division (B)(4) of this section, for any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school if the governing authority of the community school, by the ~~thirty-first~~ first day of ~~January of the previous school year~~ August, submits written notification to the district board of education stating that the governing authority is accepting

responsibility for providing or arranging for the transportation 30821
of the district's native students to and from the community 30822
school. If the governing authority of the community school has 30823
previously accepted responsibility for providing or arranging for 30824
the transportation of a district's native students to and from the 30825
community school, under division (B)(1) or (2) of this section, 30826
and has since relinquished that responsibility under division 30827
(B)(3) of this section, the governing authority shall not accept 30828
that responsibility again unless the district board consents to 30829
the governing authority's acceptance of that responsibility. 30830

(3) A governing authority's acceptance of responsibility 30831
under division (B)(1) or (2) of this section shall cover an entire 30832
school year, and shall remain in effect for subsequent school 30833
years unless the governing authority submits written notification 30834
to the district board that the governing authority is 30835
relinquishing the responsibility. However, a governing authority 30836
shall not relinquish responsibility for transportation before the 30837
end of a school year, and shall submit the notice relinquishing 30838
responsibility by the thirty-first day of January, in order to 30839
allow the school district reasonable time to prepare 30840
transportation for its native students enrolled in the school. 30841

(4)(a) For any school year that begins on or after July 1, 30842
2014, a school district is not required to provide transportation 30843
for any native student enrolled in a community school scheduled to 30844
open for operation in the current school year, if the governing 30845
authority of the community school, by the fifteenth day of April 30846
of the previous school year, submits written notification to the 30847
district board of education stating that the governing authority 30848
is accepting responsibility for providing or arranging for the 30849
transportation of the district's native students to and from the 30850
community school. 30851

(b) The governing authority of a community school that 30852

accepts responsibility for transporting its students under 30853
division (B)(4)(a) of this section shall comply with divisions 30854
(B)(2) and (3) of this section to renew or relinquish that 30855
authority for subsequent school years. 30856

(C)(1) A community school governing authority that enters 30857
into an agreement under division (A) of this section, or that 30858
accepts responsibility under division (B) of this section, shall 30859
provide or arrange transportation free of any charge for each of 30860
its enrolled students who is required to be transported under 30861
section 3327.01 of the Revised Code. The governing authority shall 30862
report to the department of education the number of students 30863
transported or for whom transportation is arranged under this 30864
section in accordance with rules adopted by the state board of 30865
education. 30866

(2) The governing authority may provide or arrange 30867
transportation for any other enrolled student who is not eligible 30868
for transportation in accordance with division (C)(1) of this 30869
section and may charge a fee for such service up to the actual 30870
cost of the service. 30871

(3) Notwithstanding anything to the contrary in division 30872
(C)(1) or (2) of this section, a community school governing 30873
authority shall provide or arrange transportation free of any 30874
charge for any disabled student enrolled in the school for whom 30875
the student's individualized education program developed under 30876
Chapter 3323. of the Revised Code specifies transportation. 30877

~~(D)(1) If a school district board and a community school 30878
governing authority elect to enter into an agreement under 30879
division (A) of this section, the department of education shall 30880
make payments to the community school according to the terms of 30881
the agreement for each student actually transported under division 30882
(C)(1) of this section. 30883~~

~~If a community school governing authority accepts transportation responsibility under division (B) of this section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of this section, calculated as follows:~~

~~(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across the board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:~~

~~(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by~~

~~(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.~~

~~(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section 3317.0212 of the Revised Code and any rules of the state board of education implementing that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.~~

~~(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former section 3306.12 of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in that section for fiscal year 2011.~~

~~As used in this division "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.~~

~~(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the district's transportation payment under section 3317.0212 of the Revised Code and the operating appropriations act.~~

~~(3) A community school shall be paid under division (D)(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 this section, 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 30947
requested by the department. 30948~~

(4) A community school shall use payments received under ~~this~~ 30949
division (H) of section 3317.0212 of the Revised Code solely to 30950
pay the costs of providing or arranging for the transportation of 30951
students who are eligible as specified in section 3327.01 of the 30952
Revised Code and division (C)(1) of this section, which may 30953
include payments to a parent, guardian, or other person in charge 30954
of a child in lieu of transportation. 30955

(E) Except when arranged through payment to a parent, 30956
guardian, or person in charge of a child, transportation provided 30957
or arranged for by a community school pursuant to an agreement 30958
under this section is subject to all provisions of the Revised 30959
Code, and all rules adopted under the Revised Code, pertaining to 30960
the construction, design, equipment, and operation of school buses 30961
and other vehicles transporting students to and from school. The 30962
drivers and mechanics of the vehicles are subject to all 30963
provisions of the Revised Code, and all rules adopted under the 30964
Revised Code, pertaining to drivers and mechanics of such 30965
vehicles. The community school also shall comply with sections 30966
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 30967
of section 3327.16 of the Revised Code and, subject to division 30968
(C)(1) of this section, sections 3327.01 and 3327.02 of the 30969
Revised Code, as if it were a school district. 30970

Sec. 3314.11. (A) The governing authority of each community 30971
school established under this chapter monthly shall review the 30972
residency records of students enrolled in that community school. 30973
Upon the enrollment of each student and on an annual basis, the 30974
governing authority shall verify to the department of education 30975
the school district in which the student is entitled to attend 30976
school under section 3313.64 or 3313.65 of the Revised Code. 30977

The school district may review the determination made by the 30978
community school under division (A) of this section. 30979

(B)(1) For purposes of its initial reporting of the school 30980
districts in which its students are entitled to attend school, the 30981
governing authority of a community school shall adopt a policy 30982
that prescribes the number of documents listed in division (E) of 30983
this section required to verify a student's residency. This policy 30984
shall supersede any policy concerning the number of documents for 30985
initial residency verification adopted by the district the student 30986
is entitled to attend. 30987

(2) For purposes of the annual reporting of the school 30988
districts in which its students are entitled to attend school, the 30989
governing authority of a community school shall adopt a policy 30990
that prescribes the information required to verify a student's 30991
residency. This information may be obtained through any type of 30992
document, including any of the documents listed in division (E) of 30993
this section, or any type of communication with a government 30994
official authorized to provide such information. 30995

(C) For purposes of making the determinations required under 30996
this section, the school district in which a parent or child 30997
resides is the location the parent or student has established as 30998
the primary residence and where substantial family activity takes 30999
place. 31000

(D) If a community school's determination under division (A) 31001
of this section of the school district a student is entitled to 31002
attend under section 3313.64 or 3313.65 of the Revised Code 31003
differs from a district's determination, the community school that 31004
made the determination under division (A) of this section shall 31005
provide the school district with documentation of the student's 31006
residency and shall make a good faith effort to accurately 31007
identify the correct residence of the student. 31008

(E) For purposes of this section, the following documents may serve as evidence of primary residence:

(1) A deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current real property tax bill;

(2) A utility bill or receipt of utility installation issued within ninety days of enrollment;

(3) A paycheck or paystub issued to the parent or student within ninety days of the date of enrollment that includes the address of the parent's or student's primary residence;

(4) The most current available bank statement issued to the parent or student that includes the address of the parent's or student's primary residence;

(5) Any other official document issued to the parent or student that includes the address of the parent's or student's primary residence. The superintendent of public instruction shall develop guidelines for determining what qualifies as an "official document" under this division.

(F) When a student loses permanent housing and becomes a homeless child or youth, as defined in 42 U.S.C. 11434a, or when a child who is such a homeless child or youth changes temporary living arrangements, the district in which the student is entitled to attend school shall be determined in accordance with division (F)(13) of section 3313.64 of the Revised Code and the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq.

(G) In the event of a disagreement as to which school district a student is entitled to attend, the community school, after complying with division (D) of this section, but not more than sixty days after the monthly deadline established by the department of education for reporting of community school enrollment, may present the matter to the superintendent of public instruction. Not later than thirty days after the community school

presents the matter, the state superintendent, or the state 31040
superintendent's designee, shall determine which district the 31041
student is entitled to attend and shall direct any necessary 31042
adjustments to payments ~~and deductions~~ under section ~~3314.08~~ 31043
3317.022 of the Revised Code based on that determination. 31044

Sec. 3314.191. Notwithstanding any provision to the contrary 31045
in the Revised Code, the department of education shall make no 31046
payment under section ~~3314.08~~ 3317.022 of the Revised Code to a 31047
community school opening for its first year of operation until the 31048
sponsor of that school confirms all of the following: 31049

(A) The school is in compliance with the provisions described 31050
in divisions (A), (H), (I), and (J)(3) of section 3314.19 of the 31051
Revised Code. 31052

(B) The sponsor has approved the financial controls required 31053
by the comprehensive plan for the school under division (B)(5) of 31054
section 3314.03 of the Revised Code. 31055

(C) The school facilities will be ready and open for use by 31056
the date prescribed in the contract entered into under section 31057
3314.03 of the Revised Code, and the sponsor has reviewed any 31058
lease, purchase agreement, permits required by statute or 31059
contract, and construction plans. 31060

(D) The chief administrator of the community school actively 31061
is managing daily operations at the school. 31062

(E) The projected enrollment reported to the department is 31063
accurate. 31064

Sec. 3314.20. (A) As used in this section: 31065

(1) "Base enrollment" for an internet- or computer-based 31066
community school means either of the following: 31067

(a) If the school was open for instruction on the effective 31068

date of this section, the number of students enrolled in the 31069
school at the end of the 2012-2013 school year; 31070

(b) If the school opens for instruction after the effective 31071
date of this section, one thousand students. 31072

(2) "Enrollment limit" for an internet- or computer-based 31073
community school means the following: 31074

(a) For the 2014-2015 school year, the base enrollment 31075
increased by the prescribed annual rate of growth, as calculated 31076
by the department of education. 31077

(b) For the 2015-2016 school year and each school year 31078
thereafter, the previous school year's enrollment limit increased 31079
by the prescribed annual rate of growth, as calculated by the 31080
department. 31081

(3) "Prescribed annual rate of growth" for an internet- or 31082
computer-based community school means either of the following: 31083

(a) For a school with an enrollment limit equal to or greater 31084
than three thousand students, fifteen per cent. 31085

(b) For a school with an enrollment limit of less than three 31086
thousand students, twenty-five per cent. 31087

(B) Beginning in the 2014-2015 school year, no internet- or 31088
computer-based community school shall enroll more students than 31089
the number permitted by its enrollment limit. 31090

(C) If, in any school year, an internet- or computer-based 31091
community school enrolls more students than permitted under the 31092
enrollment limit, the department shall deduct from the community 31093
school the amount of state funds credited to the community school 31094
attributable to each student enrolled in excess of the enrollment 31095
limit, as determined by the department. ~~The department shall~~ 31096
~~distribute the deducted amounts to the school districts to which~~ 31097
~~the students enrolled in the community school are entitled to~~ 31098

~~attend school under section 3313.64 or 3313.65 of the Revised Code. Such amounts shall be distributed on a pro rata basis according to each district's share of the total enrollment in the community school.~~

Sec. 3314.24. (A) On or after July 1, 2004, no internet- or computer-based community school shall enter into a contract with a nonpublic school to use or rent any facility space at the nonpublic school for the provision of instructional services to students enrolled in the internet- or computer-based community school.

(B) ~~If, on or after July 1, 2004,~~ an internet- or computer-based community school has a contract with a nonpublic school as described in division (A) of this section, the department of education shall not make any payments under section ~~3314.08~~ 3317.022 of the Revised Code to the internet- or computer-based community school for any student who is enrolled in the internet- or computer-based community school and receives any instructional services from the internet- or computer-based community school at the nonpublic school.

Sec. 3314.261. This section shall not apply to an internet- or computer-based community school in which a majority of the students are enrolled in a dropout prevention and recovery program.

(A) For purposes of this section, "instructional activities" means the following classroom-based or nonclassroom-based activities that a student is expected to complete, participate in, or attend during any given school day:

- (1) Online logins to curriculum or programs;
- (2) Offline activities;
- (3) Completed assignments within a particular program,

curriculum, or class;	31129
(4) Testing;	31130
(5) Face-to-face communications or meetings with school staff or service providers;	31131 31132
(6) Telephone or video conferences with school staff or service providers;	31133 31134
(7) Other documented communication with school staff or service providers related to school curriculum or programs.	31135 31136
(B)(1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A)(6)(b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions:	31137 31138 31139 31140 31141
(a) The student participates in at least ninety per cent of the hours of instructional activities offered by the school in that school year;	31142 31143 31144
(b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B)(1)(b) of this section.	31145 31146 31147 31148
(2) If a student is not considered in attendance under division (B)(1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not participate.	31149 31150 31151 31152 31153
(3) In the event that a student has thirty or more hours of unexcused absences in any semester, the internet- or computer-based community school in which the student is enrolled shall submit a written report to the student's parent, guardian, or custodian.	31154 31155 31156 31157 31158

(C) Notwithstanding section 3321.191 of the Revised Code, 31159
each internet- or computer-based community school shall develop 31160
and adopt a policy regarding failure to participate in 31161
instructional activities. The policy shall state that a student 31162
shall become subject to certain consequences, including 31163
disenrollment from the school, if both of the following conditions 31164
are satisfied: 31165

(1) After the student's parent, guardian, or custodian 31166
receives a written report under division (B)(2) of this section, 31167
the student fails to comply with the policy adopted under division 31168
(C) of this section within a reasonable period of time specified 31169
by the school; 31170

(2) Other intervention strategies contained in the policy 31171
adopted under division (C) of this section fail to cause a 31172
student's attendance to comply with the policy. 31173

(D) If an internet- or computer-based community school 31174
disenrolled a student pursuant to a policy adopted under division 31175
(C) of this section, the student shall not be eligible to ~~enroll~~ 31176
~~re-enroll~~ in that school ~~or another internet- or computer-based~~ 31177
~~community school~~ for one the remainder of the school year ~~from the~~ 31178
~~date of the student's disenrollment~~ in which the student is 31179
disenrolled. This division does not prohibit a disenrolled student 31180
from enrolling in another internet- or computer-based community 31181
school ~~if a majority of the students of that school are enrolled~~ 31182
~~in a dropout prevention and recovery program.~~ 31183

(E) If an internet- or computer-based community school 31184
disenrolls a student pursuant to a policy adopted under division 31185
(C) of this section, the school shall do both of the following: 31186

(1) Provide the student's parent, guardian, or custodian with 31187
a list of alternative educational options available to the 31188
student; 31189

(2) Within forty-eight hours of the student's disenrollment, 31190
notify the student's resident school district in writing. 31191

(F) Nothing in this section shall be construed to affect the 31192
procedure for automatically withdrawing a student from school that 31193
must be adopted as part of a school's attendance policy in 31194
accordance with division (A)(6)(b) of section 3314.03 of the 31195
Revised Code. 31196

Sec. 3314.262. Notwithstanding anything to the contrary in 31197
section 3314.26 of the Revised Code, no student enrolled in an 31198
internet- or computer-based community school shall be subject to 31199
automatic withdrawal who, in any school year prior to the 31200
2020-2021 school year, failed to participate in the spring 31201
administration of any assessment prescribed under section 31202
3301.0710 or 3301.0712 of the Revised Code for the student's grade 31203
level and was not excused from the assessment pursuant to division 31204
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 31205
of whether a waiver was granted for the student under division (E) 31206
of section 3317.03 of the Revised Code. Accordingly, the 2020-2021 31207
school year shall begin a new starting point for automatic 31208
withdrawal of students enrolled in internet- or computer-based 31209
schools under section 3314.26 of the Revised Code. 31210

Sec. 3314.271. (A) Each internet- or computer-based community 31211
school shall offer a student orientation course and shall notify 31212
each student who enrolls in that school of that student's 31213
opportunity to participate in the student orientation course. 31214
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(B) The department of education shall provide guidance to 31216
internet- or computer-based community schools for developing and 31217
delivering the orientation course. 31218

(C) Each internet- or computer-based community school may, at 31219

the time of a particular student's enrollment in that school, ask 31220
the student's parent or guardian to estimate the length of time 31221
the student will attend the school. Any information collected 31222
pursuant to this division shall be included in an aggregated 31223
format in the school's annual report required by division 31224
~~(A)(11)(g)~~ (A)(11)(f) of section 3314.03 of the Revised Code. 31225

(D) Each internet- or computer-based community school, on a 31226
periodic basis throughout each school year, shall communicate with 31227
each student's parent, guardian, or custodian regarding the 31228
performance and progress of that student. Each internet- or 31229
computer-based community school also shall provide opportunities 31230
for parent-teacher conferences, shall document the school's 31231
requests for such conferences, and may permit students to 31232
participate in the conferences. Parent-teacher conferences may be 31233
conducted through electronic means. 31234

Sec. 3314.353. ~~each~~ Each year, the department of education 31235
shall publish separate lists of the following: 31236

(A) Community schools that have become subject to permanent 31237
closure under section 3314.35 or 3314.351 of the Revised Code; 31238

(B) Community schools that are at risk of becoming subject to 31239
permanent closure under section 3314.35 or 3314.351 of the Revised 31240
Code if their academic performance, as prescribed in those 31241
sections, does not improve on the next state report cards issued 31242
under section 3302.03 or 3314.017 of the Revised Code; 31243

(C) All "challenged school districts" ~~in which new start-up~~ 31244
~~community schools may be located, as prescribed in section 3314.02~~ 31245
~~of the Revised Code.~~ 31246

On and after the effective date of this amendment, the 31247
department of education shall not adopt any rules, enforce any 31248
procedures or policies, or otherwise restrict the establishment or 31249

sponsorship of a new start-up community school based upon whether 31250
the school's proposed location is in a challenged school district. 31251

Sec. 3314.355. No community school shall be subject to 31252
closure under section 3314.35 or 3314.351 of the Revised Code 31253
based on any report card issued for that school for the 2019-2020, 31254
2020-2021, or 2021-2022 school years. Furthermore, the report card 31255
ratings of any previous years shall not be considered in 31256
determining whether a community school is subject to automatic 31257
closure under section 3314.35 or 3314.351 of the Revised Code. 31258
Accordingly, the 2022-2023 school year shall begin a new starting 31259
point for automatic closure of community schools under either of 31260
those sections. 31261

Sec. 3314.38. (A) An individual who is at least twenty-two 31262
years of age and who is an eligible individual as defined in 31263
section 3317.23 of the Revised Code may enroll for up to two 31264
consecutive school years in a dropout prevention and recovery 31265
program operated by a community school that is designed to allow 31266
enrollees to earn a high school diploma. An individual enrolled 31267
under this division may elect to satisfy the requirements to earn 31268
a high school diploma by successfully completing a 31269
competency-based educational program, as defined in section 31270
3317.23 of the Revised Code, that complies with the standards 31271
adopted by the department of education under section 3317.231 of 31272
the Revised Code. The community school shall report that 31273
individual's enrollment on a full-time equivalency basis to the 31274
department. This report shall be in addition to the report 31275
required under division (B) of section 3314.08 of the Revised 31276
Code. An individual enrolled under this division shall not be 31277
assigned to classes or settings with students who are younger than 31278
eighteen years of age. 31279

(B)(1) For each community school that enrolls individuals 31280

under division (A) of this section, the department annually shall 31281
certify the enrollment and attendance, on a full-time equivalency 31282
basis, of each individual reported by the school under that 31283
division. 31284

(2) For each individual enrolled in a community school under 31285
division (A) of this section, the department annually shall pay 31286
the community school up to \$5,000, as determined by the department 31287
based on the extent of the individual's successful completion of 31288
the graduation requirements prescribed under division ~~(A)(11)(f)~~ 31289
(A)(11)(e) of section 3314.03 of the Revised Code. 31290

(C) A community school that enrolls individuals under 31291
division (A) of this section shall be subject to the program 31292
administration standards adopted by the department under section 31293
3317.231 of the Revised Code, as applicable. 31294

Sec. 3317.011. (A) As used in this section: 31295

(1) "Average benefits percentage" means the following 31296
quotient: 31297

(The average classroom teacher compensation - the average 31298
classroom teacher salary) / (the average classroom teacher salary) 31299

(2) "Average classroom teacher compensation" means the 31300
average salary and benefits paid to regular classroom teachers 31301
employed by city, local, and exempted village school districts in 31302
this state calculated based on staff employment records and 31303
expenditure codes of the education management information system 31304
established under section 3301.0714 of the Revised Code. 31305

(3) "Average classroom teacher salary" means the average 31306
salary paid to regular classroom teachers employed by city, local, 31307
and exempted village school districts calculated based on staff 31308
employment records in the education management information system 31309
established under section 3301.0714 of the Revised Code. 31310

(4) "Building administration and operations cost" means the amount spent by city, local, and exempted village school districts in this state for building administration and operations calculated based on staff employment records and expenditure codes of the education management information system established under section 3301.0714 of the Revised Code. 31311
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(5) "Classroom teacher salaries and benefits" means the amount spent by city, local, and exempted village school districts in this state for regular classroom teacher salaries and benefits calculated based on staff employment records and expenditure codes of the education management information system established under section 3301.0714 of the Revised Code. 31317
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(6) "District administration salaries and benefits" means the amount spent by city, local, and exempted village school districts in this state for district administration salaries and benefits calculated based on staff employment records and expenditure codes of the education management information system established under section 3301.0714 of the Revised Code. 31323
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(7) "School district operating funding" means the operating funding for all city, local, and exempted village school districts in this state, excluding federal funding and operating funding for student transportation, that is attributable to state and local shares of foundation funding and local property tax revenue and school district income tax revenue in excess of the local share required for foundation funding. 31329
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(8) "Student support cost" means the amount spent by city, local, and exempted village school districts in this state for student support calculated based on expenditure codes of the education management information system established under section 3301.0714 of the Revised Code. 31336
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(B)(1) Division (C) of this section describes the model for 31341

the calculation of the base cost per pupil for fiscal year 2022 31342
and each fiscal year thereafter that has been established as the 31343
result of deliberations by the general assembly. To guide its 31344
deliberations on the base cost per pupil, the general assembly 31345
adopted the following principles, which have been incorporated 31346
into the model as part of the calculation of the "state share 31347
multiplier" under division (C)(2)(b) of this section: 31348

(a) The average classroom teacher salary used in the model is 31349
required to include the portion that is funded by state and local 31350
shares of foundation funding. 31351

(b) The average classroom teacher salary used in the model 31352
may include the portion of the average classroom teacher salary 31353
that is funded by local property tax revenue and school district 31354
income tax revenue in excess of the local share required for 31355
foundation funding, if the general assembly chooses to include it, 31356
in order to enhance the model's funding for teacher salaries. 31357

(2) It is the intent of the general assembly that, following 31358
the initial calculation of the base cost per pupil for fiscal 31359
years 2022 and 2023 as described in division (D) of this section, 31360
each of the following variables in the base cost per pupil 31361
calculation shall be reexamined by the general assembly as part of 31362
the deliberations for each biennial budget act and that the base 31363
cost per pupil may be recalculated in each of those biennial 31364
budget acts using different numbers for these variables based on 31365
the general assembly's reexamination of them: 31366

(a) The percentages determined by the general assembly for 31367
purposes of calculating the "supplemental state share multiplier" 31368
under division (C)(2)(b)(ii) of this section that is used in the 31369
calculation of the "state share multiplier" under division 31370
(C)(2)(b) of this section; 31371

(b) The teacher-to-student ratio that is used in the 31372

<u>calculation of the per-pupil classroom teacher compensation</u>	31373
<u>component under division (C)(2)(a) of this section;</u>	31374
<u>(c) The number of funded professional development days for a</u>	31375
<u>school year that is used in the calculation of the teacher</u>	31376
<u>professional development component under division (C)(6) of this</u>	31377
<u>section;</u>	31378
<u>(d) The number of teacher contract days for a school year</u>	31379
<u>that is used in the calculation of the teacher professional</u>	31380
<u>development component under division (C)(6) of this section.</u>	31381
<u>(3) It is the intent of the general assembly that, following</u>	31382
<u>the initial calculation of the base cost per pupil for fiscal</u>	31383
<u>years 2022 and 2023 as described in division (D) of this section,</u>	31384
<u>the base cost per pupil shall be updated as part of the biennial</u>	31385
<u>budget act enacted for fiscal years 2024 and 2025 and as part of</u>	31386
<u>every third biennial budget enacted by the general assembly</u>	31387
<u>thereafter by recalculating the base cost per pupil under division</u>	31388
<u>(C) of this section using both of the following:</u>	31389
<u>(a) Any different number for the variables specified in</u>	31390
<u>divisions (B)(2)(a) to (d) of this section that are determined in</u>	31391
<u>accordance with division (B)(2) of this section;</u>	31392
<u>(b) Data based on analyses conducted by the legislative</u>	31393
<u>service commission and presented to the general assembly in</u>	31394
<u>accordance with division (E) of this section.</u>	31395
<u>(C)(1) In accordance with division (B) of this section, the</u>	31396
<u>base cost per pupil shall equal the sum of the following</u>	31397
<u>components:</u>	31398
<u>(a) An amount for per-pupil classroom teacher compensation,</u>	31399
<u>determined in accordance with division (C)(2) of this section;</u>	31400
<u>(b) An amount for per-pupil building administration and</u>	31401
<u>operations costs, determined in accordance with division (C)(3) of</u>	31402

this section; 31403

(c) An amount for per-pupil district administration salaries and benefits, determined in accordance with division (C)(4) of this section; 31404
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(d) An amount for per-pupil district student support, determined in accordance with division (C)(5) of this section; 31407
31408

(e) An amount for teacher professional development, determined in accordance with division (C)(6) of this section. 31409
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(2)(a) The amount for the per-pupil classroom teacher compensation component of the base cost per pupil shall equal the following sum: 31411
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(The state share multiplier determined in accordance with division (C)(2)(b) of this section X the average classroom teacher salary X the teacher-to-student ratio determined by the general assembly) + 31414
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31416

(the state share multiplier determined in accordance with division (C)(2)(b) of this section X the average classroom teacher salary X the teacher-to-student ratio determined by the general assembly X 31417
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31419

the average benefits percentage) 31420

(b) For purposes of division (C)(2)(a) of this section, the "state share multiplier" equals the sum of the required state share multiplier and, if the general assembly decides to include it, the supplemental state share multiplier. 31421
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Where: 31425

(i) The "required state share multiplier" is calculated by determining the amount of school district operating funding that is attributable to the state and local share of foundation funding and then dividing that amount by the amount of school district operating funding. 31426
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(ii) The "supplemental state share multiplier" is calculated as the following product: 31431
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A percentage determined by the general assembly X (the amount of school district operating funding that is attributable to local property tax revenue and school district income tax revenue in excess of the local share required for foundation funding / the amount of school district operating funding) 31433
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(3) For each fiscal year, the amount for the per-pupil building administration and operations costs component of the base cost per pupil equals the following product: 31438
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(The building administration and operations cost / the classroom teacher salaries and benefits) X the amount for per-pupil classroom teacher compensation determined under division (C)(2) of this section 31440
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(4) For each fiscal year, the amount for the per-pupil district administration salaries and benefits component of the base cost per pupil equals the following product: 31445
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(The district administration salaries and benefits / the classroom teacher salaries and benefits) X the amount for per-pupil classroom teacher compensation determined under division (C)(2) of this section 31447
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(5) For each fiscal year, the amount for the per-pupil district student support component of the base cost per pupil equals the following product: 31452
31453

(The student support cost / the classroom teacher salaries and benefits) X the amount for per-pupil classroom teacher compensation determined under division (C)(2) of this section 31454
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(6) For each fiscal year, the amount for the teacher professional development component of the base cost per pupil equals the following product: 31458
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(The number of funded professional development days for a school year as determined by the general assembly / the number of teacher contract days for a school year as determined by the general assembly) X the amount for per-pupil classroom teacher 31460
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compensation determined under division (C)(2) of this section 31465

(D)(1) For the initial implementation of this model for 31466
fiscal years 2022 and 2023, the base cost per pupil was calculated 31467
in accordance with division (C) of this section using the 31468
following variables: 31469

(a) Fiscal year 2019 data, for the "average benefits 31470
percentage," "average classroom teacher compensation," "average 31471
classroom teacher salary," "building administration and operations 31472
cost," "classroom teacher salaries and benefits," "district 31473
administration salaries and benefits," "school district operating 31474
funding," and "student support cost"; 31475

(b) Ten per cent, for the percentage determined by the 31476
general assembly for purposes of calculating the "supplemental 31477
state share multiplier" under division (C)(2)(b)(ii) of this 31478
section that is used in the calculation of the "state share 31479
multiplier" under division (C)(2)(b) of this section; 31480

(c) A ratio of one teacher to twenty students, for the 31481
teacher-to-student ratio that is used in the calculation of the 31482
per-pupil classroom teacher compensation component under division 31483
(C)(2) of this section; 31484

(d) Eight professional development days, for the number of 31485
funded professional development days for a school year that is 31486
used in the calculation of the teacher professional development 31487
component under division (C)(6) of this section; 31488

(e) One hundred eighty teacher contract days, for the number 31489
of teacher contract days for a school year that is used in the 31490
calculation of the teacher professional development component 31491
under division (C)(6) of this section. 31492

(2) For the initial implementation of this model for fiscal 31493
years 2022 and 2023, the "state share multiplier" was calculated 31494
in accordance with division (C)(2)(b) of this section as follows: 31495

(a) Using school district operating funding for fiscal year 2019 that equaled \$17.5 billion, the following information was determined: 31496
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31498

(i) The portion of the statewide regular teacher salary that was funded by the state and local share of foundation funding equaled approximately \$13.8 billion, or 78.82 per cent. 31499
31500
31501

(ii) The portion of the statewide regular teacher salary that was funded by additional local property tax revenue and school district income tax revenue in excess of the required local contribution for foundation funding equaled approximately \$3.7 billion, or 21.18 per cent. 31502
31503
31504
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(b) Using the information specified in division (D)(2)(a) of this section, both of the following were determined: 31507
31508

(i) The "required state share multiplier" calculated under division (C)(2)(b)(i) of this section equaled 78.82 per cent. 31509
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(ii) The "supplemental state share multiplier" calculated under division (C)(2)(b)(ii) of this section equaled 2.12 per cent, which is ten per cent of the percentage determined under division (D)(2)(a)(ii) of this section. 31511
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(c) The "state share multiplier" equaled 80.94 per cent, which is the sum of the percentages determined under divisions (D)(2)(b)(i) and (ii) of this section. 31515
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(3) For the initial implementation of this model for fiscal years 2022 and 2023, the base cost per pupil equals \$6,110, which is the sum of the following components: 31518
31519
31520

(a) An amount for per-pupil classroom teacher compensation of \$3,622 calculated in accordance with division (C)(2) of this section as follows: 31521
31522
31523

(The state share multiplier of 80.92 per cent calculated under division (D)(2) of this section X the average classroom teacher 31524
31525

salary for fiscal year 2019 of \$64,905 determined in accordance 31526
with division (D)(1)(a) of this section X the teacher-to-student 31527
ratio of 1/20 determined by the general assembly under division 31528
(D)(1)(c) of this section) X (the state share multiplier of 80.92 31529
per cent calculated under division (D)(2) of this section X the 31530
average classroom teacher salary for fiscal year 2019 of \$64,905 31531
determined in accordance with division (D)(1)(a) of this section X 31532
the teacher-to-student ratio of 1/20 determined by the general 31533
assembly in accordance with division (D)(1)(c) of this section X 31534
the average benefits percentage for fiscal year 2019 of 37.89 per 31535
cent determined in accordance with division (D)(1)(a) of this 31536
section) 31537

(b) An amount for per-pupil building administration and 31538
operations costs of \$1,357 calculated in accordance with division 31539
(C)(3) of this section as the product of the following: 31540

(i) 37.47 per cent, which is the quotient of the building 31541
administration and operations cost for fiscal year 2019 and the 31542
classroom teacher salaries and benefits for fiscal year 2019, both 31543
of which were determined in accordance with division (D)(1)(a) of 31544
this section; 31545

(ii) The amount for per-pupil classroom teacher compensation 31546
determined under division (D)(3)(a) of this section. 31547

(c) An amount for per-pupil district administration salaries 31548
and benefits of \$344 calculated in accordance with division (C)(4) 31549
of this section as the product of the following: 31550

(i) 9.49 per cent, which is the quotient of the district 31551
administration and salaries for fiscal year 2019 and the classroom 31552
teacher salaries and benefits for fiscal year 2019, both of which 31553
were determined in accordance with division (D)(1)(a) of this 31554
section; 31555

(ii) The amount for per-pupil classroom teacher compensation 31556

determined under division (D)(3)(a) of this section. 31557

(d) An amount for per-pupil district student support of \$625 31558
calculated in accordance with division (C)(5) of this section as 31559
the product of the following: 31560

(i) 17.26 per cent, which is the quotient of the student 31561
support cost for fiscal year 2019 and the classroom teacher 31562
salaries and benefits for fiscal year 2019, both of which were 31563
determined in accordance with division (D)(1)(a) of this section; 31564

(ii) The amount for per-pupil classroom teacher compensation 31565
determined under division (D)(3)(a) of this section. 31566

(e) An amount for teacher professional development of \$161 31567
calculated in accordance with division (C)(6) of this section as 31568
the following product: 31569

(8, which is the number of funded professional development days 31570
determined by the general assembly under division (D)(1)(d) of 31571
this section / 180, which is the number of teacher contract days 31572
determined by the general assembly under division (D)(1)(e) of 31573
this section) X the amount for per-pupil classroom teacher 31574
compensation determined under division (D)(3)(a) of this section 31575

(E)(1) To assist the general assembly in updating the base 31576
cost per pupil as part of the biennial budget enacted by the 31577
general assembly for fiscal years 2024 and 2025 and as part of 31578
every third biennial budget enacted by the general assembly 31579
thereafter, the legislative service commission shall conduct 31580
analyses of the data required for the model of the calculation of 31581
the base cost per pupil under division (C) of this section using 31582
the information obtained under division (E)(2) of this section and 31583
the variables specified in division (E)(3) of this section. Not 31584
later than the thirtieth day of November prior to a calendar year 31585
in which the general assembly intends for an update of the base 31586
cost per pupil to occur in accordance with division (B)(3) of this 31587

section, the commission shall present the analyses to the general assembly. 31588
31589

(2) Not later than the first day of October of any calendar year in which the legislative service commission conducts analyses under division (E)(1) of this section, the commission shall submit to the department of education a written request itemizing all the information that is needed for purposes of conducting its analyses in accordance with division (E)(1) of this section. The department shall provide the requested information not later than the thirty-first day of October of the year in which the request is made. 31590
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(3) When conducting its analyses under division (E)(1) of this section, the legislative service commission may use the following variables: 31599
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(a) For the update as part of the biennial budget enacted by the general assembly for fiscal years 2024 and 2025, the variables specified under divisions (D)(1)(b) to (e) of this section; 31602
31603
31604

(b) For the update as part of every third biennial budget enacted by the general assembly thereafter, the following variables as specified by the general assembly in its most recent update to the base cost per pupil: 31605
31606
31607
31608

(i) The percentage determined by the general assembly for the "supplemental state share multiplier" under division (C)(2)(b)(ii) of this section that is used in the calculation of the "state share multiplier" under division (C)(2)(b) of this section; 31609
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31612

(ii) The teacher-to-student ratio that is used in the calculation of the per-pupil classroom teacher compensation component under division (C)(2) of this section; 31613
31614
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(iii) The number of funded professional development days for a school year that is used in the calculation of the teacher professional development component under division (C)(6) of this 31616
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section; 31619

(iv) The number of teacher contract days for a school year 31620
that is used in the calculation of the teacher professional 31621
development component under division (C)(6) of this section. 31622

(F) It is the intent of the general assembly that, for those 31623
fiscal years for which the general assembly does not intend for an 31624
update of the base cost per pupil to occur in accordance with 31625
division (B)(3) of this section, the general assembly may adjust 31626
the average classroom teacher salary. In doing so, the general 31627
assembly may consider the annual changes to the average classroom 31628
teacher salary, the consumer price index (all items), or any other 31629
factors the general assembly considers to be appropriate. 31630

Sec. 3317.017. The department of education shall compute a 31631
school district's state share index as follows: 31632

(A) Calculate the district's valuation index, which equals 31633
the following quotient: 31634

(The district's three-year average valuation / the district's 31635
total ADM) / (the statewide three-year average valuation for 31636
school districts with a total ADM greater than zero / the 31637
statewide total ADM) 31638

(B)(1) Calculate the district's median income index, which 31639
equals the following quotient: 31640

(The district's median Ohio adjusted gross income / the 31641
median of the median Ohio adjusted gross income of all districts 31642
statewide with a total ADM greater than zero) 31643

(2) Calculate the district's income index, which equals the 31644
following sum: 31645

(The district's median income index X 0.5) + {[the three-year 31646
average federal adjusted gross income of the school district's 31647
residents / the district's ~~formula~~ enrolled ADM for fiscal year 31648

2017) / (the three-year average federal adjusted gross income of 31649
all districts statewide with a ~~formula~~ enrolled ADM for fiscal 31650
year 2017 greater than zero / the statewide ~~formula~~ enrolled ADM 31651
for fiscal year 2017)] X 0.5} 31652

(C) Determine the district's wealth index as follows: 31653

(1) If the district's income index is less than the 31654
district's valuation index and the district's median income index 31655
is less than or equal to 1.5, then the district's wealth index 31656
shall be equal to [(0.4 X the district's income index) + (0.6 X 31657
the district's valuation index)]. 31658

(2) If the district's income index does not meet both of the 31659
conditions described in division (C)(1) of this section, then the 31660
district's wealth index shall be equal to the district's valuation 31661
index. 31662

(D) ~~Determine~~ (1) Prior to fiscal year 2022, determine the 31663
district's state share index as follows: 31664

~~(1)~~ (a) If the district's wealth index is less than or equal 31665
to 0.35, then the district's state share index shall be equal to 31666
0.90. 31667

~~(2)~~ (b) If the district's wealth index is greater than 0.35 31668
but less than or equal to 0.90, then the district's state share 31669
index shall be equal to {0.40 X [(0.90 - the district's wealth 31670
index) / 0.55]} + 0.50. 31671

~~(3)~~ (c) If the district's wealth index is greater than 0.90 31672
but less than 1.8, then the district's state share index shall be 31673
equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 31674
0.05. 31675

~~(4)~~ (d) If the district's wealth index is greater than or 31676
equal to 1.8, then the district's state share index shall be equal 31677
to 0.05. 31678

(2) For fiscal year 2022 and each fiscal year thereafter, 31679
determine the district's state share index as follows: 31680

(a) If the district's wealth index is less than or equal to 31681
0.425, then the district's state share index shall be equal to 31682
0.90. 31683

(b) If the district's wealth index is greater than 0.425 but 31684
less than or equal to 0.895, then the district's state share index 31685
shall be equal to $\{0.40 \times [(0.895 - \text{the district's wealth index}) /$ 31686
 $0.47]\} + 0.50.$ 31687

(c) If the district's wealth index is greater than 0.895 but 31688
less than 1.575, then the district's state share index shall be 31689
equal to $\{0.45 \times [(1.575 - \text{the district's wealth index}) / 0.68]\} +$ 31690
0.05. 31691

(d) If the district's wealth index is greater than or equal 31692
to 1.575, then the district's state share index shall be equal to 31693
0.05. 31694

(E)(1) For each school district for which the tax-exempt 31695
value of the district, as certified under division (A)(4) of 31696
section 3317.021 of the Revised Code, equals or exceeds thirty per 31697
cent of the potential value of the district, the department shall 31698
calculate the difference between the district's tax-exempt value 31699
and thirty per cent of the district's potential value. For this 31700
purpose, the "potential value" of a school district is the 31701
three-year average valuation of the district plus the tax-exempt 31702
value of the district. 31703

(2) For each school district to which division (E)(1) of this 31704
section applies, the department shall adjust the district's 31705
three-year average valuation used in the calculation under 31706
division (A) of this section by subtracting from it the amount 31707
calculated under division (E)(1) of this section. The department 31708
shall not, however, make any adjustments to the statewide 31709

three-year average valuation used in the calculation under 31710
division (A) of this section. 31711

(F)(1) Except as provided in division (F)(3) of this section, 31712
for purposes of division (F) of this section, for fiscal year 2018 31713
or 2019, an "eligible school district" is a school district that 31714
satisfies all of the following for that fiscal year: 31715

(a) The total taxable value of public utility personal 31716
property in the district is at least ten per cent of the 31717
district's total taxable value for the tax year immediately 31718
preceding the most recent tax year for which data is available. 31719

(b) The total taxable value of public utility personal 31720
property in the district for the most recent tax year for which 31721
data is available is at least ten per cent less than the total 31722
taxable value of public utility property in the district for the 31723
tax year immediately preceding the most recent tax year for which 31724
data is available. 31725

(c) The total taxable value of power plants in the district 31726
for the most recent tax year for which data is available is at 31727
least ten per cent less than the total taxable value of power 31728
plants in the district for the tax year immediately preceding the 31729
most recent tax year for which data is available. 31730

(2) Notwithstanding divisions (A) to (E) of this section, the 31731
department shall compute each eligible school district's state 31732
share index as follows: 31733

(a) Calculate the district's valuation index in accordance 31734
with division (A) of this section, except that, if the district's 31735
total taxable value for the most recent tax year for which data is 31736
available is less than the district's "three-year average 31737
valuation," the district's "three-year average valuation" shall be 31738
replaced in that calculation with the district's total taxable 31739
value for the most recent tax year for which data is available; 31740

(b) Calculate the district's median income index and income index in accordance with division (B) of this section; 31741
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(c) Determine the district's wealth index in accordance with division (C) of this section using the district's valuation index, median income index, and income index as calculated under divisions (F)(2)(a) and (b) of this section; 31743
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(d) Determine the district's state share index in accordance with division (D) of this section using the district's wealth index as determined under division (F)(2)(c) of this section. 31747
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(3) For purposes of division (F) of this section, if a district is an eligible school district for fiscal year 2018 but is not an eligible school district for fiscal year 2019, the district's state share index for fiscal year 2019 shall be equal to the district's state share index for 2018. 31750
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(G) When performing the calculations required under this section, the department shall not round to fewer than four decimal places. 31755
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For purposes of these calculations for fiscal years 2018 and 2019, "total ADM" means the total ADM for fiscal year 2017; "median Ohio adjusted gross income" means the median Ohio adjusted gross income, as that term is defined in section 5747.01 of the Revised Code, for tax year 2015; "three-year average federal adjusted gross income" means the average of the federal adjusted gross income for tax years 2013, 2014, and 2015 as reported under section 3317.021 of the Revised Code; and "tax-exempt value" means the tax-exempt value for tax year 2016. 31758
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Sec. 3317.02. As used in this chapter: 31767

~~(A)(1)(A)~~ "Alternative school" has the same meaning as in section 3313.974 of the Revised Code. 31768
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(B) "Autism scholarship unit" means a unit that consists of 31770

all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code. 31771
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(C)(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) 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. 31773
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(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) 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. 31784
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(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) 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, 31795
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reported by all community and STEM schools statewide under 31803
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 31804
and division (D) of section 3326.32 of the Revised Code. 31805

(4) "Category four career-technical education ADM" means the 31806
enrollment of students during the school year on a full-time 31807
equivalency basis in career-technical education programs described 31808
in division (D) of section 3317.014 of the Revised Code and, in 31809
the case of a funding unit that is a city, local, exempted 31810
village, or joint vocational school district, certified under 31811
division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised 31812
Code or, in the case of the community and STEM school unit, 31813
reported by all community and STEM schools statewide under 31814
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 31815
and division (D) of section 3326.32 of the Revised Code. 31816

(5) "Category five career-technical education ADM" means the 31817
enrollment of students during the school year on a full-time 31818
equivalency basis in career-technical education programs described 31819
in division (E) of section 3317.014 of the Revised Code and, in 31820
the case of a funding unit that is a city, local, exempted 31821
village, or joint vocational school district, certified under 31822
division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised 31823
Code or, in the case of the community and STEM school unit, 31824
reported by all community and STEM schools statewide under 31825
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 31826
and division (D) of section 3326.32 of the Revised Code. 31827

~~(B)(1)~~(D)(1) "Category one English learner ADM" means the 31828
full-time equivalent number of English learners described in 31829
division (A) of section 3317.016 of the Revised Code and, in the 31830
case of a funding unit that is a city, local, exempted village, or 31831
joint vocational school district, certified under division (B)(16) 31832
or (D)(2)(m) of section 3317.03 of the Revised Code or, in the 31833
case of the community and STEM school unit, reported by all 31834

community and STEM schools statewide under division (B)(6) of 31835
section 3314.08 of the Revised Code and division (E) of section 31836
3326.32 of the Revised Code. 31837

(2) "Category two English learner ADM" means the full-time 31838
equivalent number of English learners described in division (B) of 31839
section 3317.016 of the Revised Code and, in the case of a funding 31840
unit that is a city, local, exempted village, or joint vocational 31841
school district, certified under division (B)(17) or (D)(2)(n) of 31842
section 3317.03 of the Revised Code or, in the case of the 31843
community and STEM school unit, reported by all community and STEM 31844
schools statewide under division (B)(6) of section 3314.08 of the 31845
Revised Code and division (E) of section 3326.32 of the Revised 31846
Code. 31847

(3) "Category three English learner ADM" means the full-time 31848
equivalent number of English learners described in division (C) of 31849
section 3317.016 of the Revised Code and, in the case of a funding 31850
unit that is a city, local, exempted village, or joint vocational 31851
school district, certified under division (B)(18) or (D)(2)(o) of 31852
section 3317.03 of the Revised Code or, in the case of the 31853
community and STEM school unit, reported by all community and STEM 31854
schools statewide under division (B)(6) of section 3314.08 of the 31855
Revised Code and division (E) of section 3326.32 of the Revised 31856
Code. 31857

~~(C)(1)~~(E)(1) "Category one special education ADM" means the 31858
full-time equivalent number of children with disabilities 31859
receiving special education services for the disability specified 31860
in division (A) of section 3317.013 of the Revised Code and, in 31861
the case of a funding unit that is a city, local, exempted 31862
village, or joint vocational school district, certified under 31863
division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised 31864
Code or, in the case of the community and STEM school unit, 31865
reported by all community and STEM schools statewide under 31866

division (B)(3) of section 3314.08 of the Revised Code and 31867
division (C) of section 3326.32 of the Revised Code. 31868

(2) "Category two special education ADM" means the full-time 31869
equivalent number of children with disabilities receiving special 31870
education services for those disabilities specified in division 31871
(B) of section 3317.013 of the Revised Code and, in the case of a 31872
funding unit that is a city, local, exempted village, or joint 31873
vocational school district, certified under division (B)(6) or 31874
(D)(2)(c) of section 3317.03 of the Revised Code or, in the case 31875
of the community and STEM school unit, reported by all community 31876
and STEM schools statewide under division (B)(3) of section 31877
3314.08 of the Revised Code and division (C) of section 3326.32 of 31878
the Revised Code. 31879

(3) "Category three special education ADM" means the 31880
full-time equivalent number of students receiving special 31881
education services for those disabilities specified in division 31882
(C) of section 3317.013 of the Revised Code, and, in the case of a 31883
funding unit that is a city, local, exempted village, or joint 31884
vocational school district, certified under division (B)(7) or 31885
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 31886
of the community and STEM school unit, reported by all community 31887
and STEM schools statewide under division (B)(3) of section 31888
3314.08 of the Revised Code and division (C) of section 3326.32 of 31889
the Revised Code. 31890

(4) "Category four special education ADM" means the full-time 31891
equivalent number of students receiving special education services 31892
for those disabilities specified in division (D) of section 31893
3317.013 of the Revised Code and, in the case of a funding unit 31894
that is a city, local, exempted village, or joint vocational 31895
school district, certified under division (B)(8) or (D)(2)(e) of 31896
section 3317.03 of the Revised Code or, in the case of the 31897
community and STEM school unit, reported by all community and STEM 31898

schools statewide under division (B)(3) of section 3314.08 of the 31899
Revised Code and division (C) of section 3326.32 of the Revised 31900
Code. 31901

(5) "Category five special education ADM" means the full-time 31902
equivalent number of students receiving special education services 31903
for the disabilities specified in division (E) of section 3317.013 31904
of the Revised Code and, in the case of a funding unit that is a 31905
city, local, exempted village, or joint vocational school 31906
district, certified under division (B)(9) or (D)(2)(f) of section 31907
3317.03 of the Revised Code or, in the case of the community and 31908
STEM school unit, reported by all community and STEM schools 31909
statewide under division (B)(3) of section 3314.08 of the Revised 31910
Code and division (C) of section 3326.32 of the Revised Code. 31911

(6) "Category six special education ADM" means the full-time 31912
equivalent number of students receiving special education services 31913
for the disabilities specified in division (F) of section 3317.013 31914
of the Revised Code and, in the case of a funding unit that is a 31915
city, local, exempted village, or joint vocational school 31916
district, certified under division (B)(10) or (D)(2)(g) of section 31917
3317.03 of the Revised Code or, in the case of the community and 31918
STEM school unit, reported by all community and STEM schools 31919
statewide under division (B)(3) of section 3314.08 of the Revised 31920
Code and division (C) of section 3326.32 of the Revised Code. 31921

~~(D)~~(F) "Community and STEM school unit" means a unit that 31922
consists of all of the students enrolled in community schools 31923
established under Chapter 3314. of the Revised Code and science, 31924
technology, engineering, and mathematics schools established under 31925
Chapter 3326. of the Revised Code. 31926

(G) "Economically disadvantaged index for a school district" 31927
means the square of the quotient of that district's percentage of 31928
students in its adjusted total ADM, in the case of a city, local, 31929
or exempted village school district, or total ADM, in the case of 31930

a joint vocational school district, who are identified as 31931
economically disadvantaged as defined by the department of 31932
education, divided by the percentage of students in the statewide 31933
~~total~~ ADM identified as economically disadvantaged. For purposes 31934
of this calculation: 31935

(1) For a city, local, or exempted village school district, 31936
"adjusted total ADM" equals the district's total ADM plus the 31937
enrollment reported for the district under divisions (A)(2)(a) and 31938
(i) of section 3317.03 of the Revised Code. 31939

(2) For a city, local, or exempted village school district, 31940
the "statewide ~~total~~ ADM" equals the sum of the adjusted total ADM 31941
for all city, local, and exempted village school districts 31942
combined. 31943

~~(2)~~(3) For a joint vocational school district, the "statewide 31944
~~total~~ ADM" equals the sum of the formula ADM for all joint 31945
vocational school districts combined. 31946

~~(E)~~(1)(H) "Educational choice scholarship unit" means a unit 31947
that consists of all of the students for whom educational choice 31948
scholarships are awarded under sections 3310.03 and 3310.032 of 31949
the Revised Code. 31950

(I) "Enrolled ADM" means the following: 31951

(1) For a city, local, or exempted village school district, 31952
the enrollment reported under division (A) of section 3317.03 of 31953
the Revised Code, as verified by the superintendent of public 31954
instruction and adjusted if so ordered under division (K) of that 31955
section, and as further adjusted by the department of education as 31956
follows: 31957

(a) Subtract the students counted under divisions (A)(2)(a), 31958
(b), (g), (h), and (i) of section 3317.03 of the Revised Code; 31959

(b) Count only twenty per cent of the number of joint 31960

vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code; 31961
31962

(c) 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. 31963
31964
31965
31966

(2) 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; 31967
31968
31969
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31971

(3) 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; 31972
31973
31974
31975
31976

(4) 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; 31977
31978
31979
31980

(5) 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; 31981
31982
31983
31984

(6) 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. 31985
31986
31987
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(J)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division 31990
31991

(A) of section 3317.03 of the Revised Code, as verified by the 31992
superintendent of public instruction and adjusted if so ordered 31993
under division (K) of that section, and as further adjusted by the 31994
department of education, as follows: 31995

(a) Count only twenty per cent of the number of joint 31996
vocational school district students counted under division (A)(3) 31997
of section 3317.03 of the Revised Code; 31998

(b) Add twenty per cent of the number of students who are 31999
entitled to attend school in the district under section 3313.64 or 32000
3313.65 of the Revised Code and are enrolled in another school 32001
district under a career-technical education compact. 32002

(2) "Formula ADM" means, for a joint vocational school 32003
district, the final number verified by the superintendent of 32004
public instruction, based on the enrollment reported and certified 32005
under division (D) of section 3317.03 of the Revised Code, as 32006
adjusted, if so ordered, under division (K) of that section. 32007

~~(F)(K)~~ "Formula amount" means ~~\$6,010, for fiscal year 2018,~~ 32008
~~and \$6,020, for fiscal year 2019~~ the base cost per pupil 32009
calculated under section 3317.011 of the Revised Code. 32010

~~(G)(L)~~ "Four-year adjusted cohort graduation rate" has the 32011
same meaning as in section 3302.01 of the Revised Code. 32012

(M) "FTE basis" means a count of students based on full-time 32013
equivalency, in accordance with rules adopted by the department of 32014
education pursuant to section 3317.03 of the Revised Code. In 32015
adopting its rules under this division, the department shall 32016
provide for counting any student in category one, two, three, 32017
four, five, or six special education ADM or in category one, two, 32018
three, four, or five career-technical education ADM in the same 32019
proportion the student is counted in enrolled ADM and formula ADM, 32020
in the case of a city, local, or exempted village school district, 32021
or formula ADM, in the case of a joint vocational school district. 32022

<u>(H)(N) "Funding unit" means any of the following:</u>	32023
<u>(1) A city, local, exempted village, or joint vocational school district;</u>	32024
<u>(2) The community and STEM school unit;</u>	32025
<u>(3) The educational choice scholarship unit;</u>	32026
<u>(4) The pilot project scholarship unit;</u>	32027
<u>(5) The autism scholarship unit;</u>	32028
<u>(6) The Jon Peterson special needs scholarship unit.</u>	32029
<u>(O) "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.</u>	32030
<u>(P) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.</u>	32031
<u>(I)(O) "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."</u>	32032
<u>(R) "Medically fragile child" means a child to whom all of the following apply:</u>	32033
<u>(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.</u>	32034
<u>(2) The child requires the services of a registered nurse on a daily basis.</u>	32035
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(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)~~(S)(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)~~ (S)(1)(a) or (b) of this section.

~~(K)(T)~~ "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.

(U) "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. 32083

~~(L)~~ "Preschool scholarship ADM" means the number of preschool 32084
children with disabilities certified under division ~~(B)(3)(h)~~ of 32085
section 3317.03 of the Revised Code. 32086

~~(M)~~(V) "Related services" includes: 32087

(1) Child study, special education supervisors and 32088
coordinators, speech and hearing services, adaptive physical 32089
development services, occupational or physical therapy, teacher 32090
assistants for children with disabilities whose disabilities are 32091
described in division (B) of section 3317.013 or division ~~(B)(3)~~ 32092
(E)(3) of this section, behavioral intervention, interpreter 32093
services, work study, nursing services, and specialized 32094
integrative services as those terms are defined by the department; 32095

(2) Speech and language services provided to any student with 32096
a disability, including any student whose primary or only 32097
disability is a speech and language disability; 32098

(3) Any related service not specifically covered by other 32099
state funds but specified in federal law, including but not 32100
limited to, audiology and school psychological services; 32101

(4) Any service included in units funded under former 32102
division (O)(1) of section 3317.024 of the Revised Code; 32103

(5) Any other related service needed by children with 32104
disabilities in accordance with their individualized education 32105
programs. 32106

~~(N)~~(W) "School district," unless otherwise specified, means 32107
city, local, and exempted village school districts. 32108

~~(O)~~(X) "Separately educated student with a disability" has 32109
the same meaning as in section 3313.974 of the Revised Code. 32110

(Y) "State education aid" has the same meaning as in section 32111
5751.20 of the Revised Code. 32112

(P) <u>(Z)</u> "State share index" means the state share index	32113
calculated for a district under section 3317.017 of the Revised	32114
Code.	32115
(Q) <u>(AA)</u> " <u>STEM school</u> " means a science, technology,	32116
<u>engineering, and mathematics school established under Chapter</u>	32117
<u>3326. of the Revised Code.</u>	32118
<u>(BB)</u> "Taxes charged and payable" means the taxes charged and	32119
payable against real and public utility property after making the	32120
reduction required by section 319.301 of the Revised Code, plus	32121
the taxes levied against tangible personal property.	32122
(R) <u>(1)</u> <u>(CC)</u> <u>A city, local, or exempted village school</u>	32123
<u>district's, community school's, or STEM school's "third-grade</u>	32124
<u>reading proficiency percentage" means the percentage of the</u>	32125
<u>district's school's students scoring at a proficient level of</u>	32126
<u>skill or higher on the third-grade English language arts</u>	32127
<u>assessment prescribed under division (A)(1)(a) of section</u>	32128
<u>3301.0710 of the Revised Code for the immediately preceding school</u>	32129
<u>year, as reported on the district's or school's report card under</u>	32130
<u>section 3302.03 of the Revised Code.</u>	32131
<u>(DD)</u> <u>(1)</u> For purposes of section 3317.017 of the Revised Code,	32132
"three-year average valuation" means the average of total taxable	32133
value for tax years 2014, 2015, and 2016.	32134
(2) For purposes of sections 3317.0217, 3317.0218, and	32135
3317.16 of the Revised Code, "three-year average valuation" means	32136
the following:	32137
(a) For fiscal year 2018, the average of total taxable value	32138
for tax years 2014, 2015, and 2016;	32139
(b) For fiscal year 2019, the average of total taxable value	32140
for tax years 2015, 2016, and 2017.	32141
(S) <u>(EE)</u> "Total ADM" means, for a city, local, or exempted	32142

village school district, the enrollment reported under division 32143
(A) of section 3317.03 of the Revised Code minus the enrollment 32144
reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that 32145
section, as verified by the superintendent of public instruction 32146
and adjusted if so ordered under division (K) of that section. 32147

~~(F)~~(FF) "Total special education ADM" means the sum of 32148
categories one through six special education ADM. 32149

~~(U)~~(GG) "Total taxable value" means the sum of the amounts 32150
certified for a city, local, exempted village, or joint vocational 32151
school district under divisions (A)(1) and (2) of section 3317.021 32152
of the Revised Code. 32153

(HH) "Tuition discount" means any deduction from the base 32154
tuition amount per student charged by a chartered nonpublic 32155
school, to which the student's family is entitled due to one or 32156
more of the following conditions: 32157

(1) The student's family has multiple children enrolled in 32158
the same school. 32159

(2) The student's family is a member of or affiliated with a 32160
religious or secular organization that provides oversight of the 32161
school or from which the school has agreed to enroll students. 32162

(3) The student's parent is an employee of the school. 32163

(4) Some other qualification not based on the income of the 32164
student's family or the student's athletic or academic ability and 32165
for which all students in the school may qualify. 32166

Sec. 3317.022. (A) The department of education shall compute 32167
and distribute state core foundation funding to each eligible 32168
funding unit that is a city, local, or exempted village school 32169
district, the community and STEM school unit, the educational 32170
choice scholarship unit, the pilot project scholarship unit, the 32171
autism scholarship unit, and the Jon Peterson special needs 32172

scholarship unit for the fiscal year, using the information 32173
obtained under section 3317.021 of the Revised Code in the 32174
calendar year in which the fiscal year begins as appropriate, as 32175
prescribed in the following divisions: 32176

(1) ~~An~~If the funding unit is a city, local, or exempted 32177
village school district or the community and STEM school unit, an 32178
opportunity grant calculated according to ~~as the product of the~~ 32179
following ~~formula~~factors: 32180

(a) The formula amount ~~X (formula;~~ 32181

(b) If the funding unit is a city, local, or exempted village 32182
school district, the district's enrolled ADM + ~~preschool~~ 32183
scholarship ADM) X the; 32184

(c) If the funding unit is the community and STEM school 32185
unit, the unit's enrolled ADM; 32186

(d) If the funding unit is a city, local, or exempted village 32187
school district, the district's state share index. 32188

(2) Targeted assistance funds calculated as follows: 32189

(a) If the funding unit is a city, local, or exempted village 32190
school district, targeted assistance funds calculated under 32191
divisions (A) and (B) of section 3317.0217 of the Revised Code; 32192

(b) If the funding unit is the community and STEM school 32193
unit, targeted assistance funds calculated by the department as 32194
follows: 32195

(i) For each student in the funding unit's enrolled ADM that 32196
is not enrolled in an internet- or computer-based community 32197
school, determine the per pupil amount of targeted assistance 32198
funds calculated under division (A) of section 3317.0217 of the 32199
Revised Code for the student's resident district; 32200

(ii) Calculate the sum of the amounts determined under 32201

<u>division (A)(2)(b)(i) of this section;</u>	32202
<u>(iii) Compute the funding unit's targeted assistance funds by multiplying the amount calculated under division (A)(2)(b)(ii) of this section by 0.25.</u>	32203 32204 32205
<u>(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 the sum of the following:</u>	32206 32207 32208 32209 32210
<u>(a) The district's funding unit's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X if the funding unit is a city, local, or exempted village school district, the district's state share index;</u>	32211 32212 32213 32214 32215
<u>(b) The district's funding unit's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X if the funding unit is a city, local, or exempted village school district, the district's state share index;</u>	32216 32217 32218 32219 32220
<u>(c) The district's funding unit's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X if the funding unit is a city, local, or exempted village school district, the district's state share index;</u>	32221 32222 32223 32224 32225
<u>(d) The district's funding unit's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X if the funding unit is a city, local, or exempted village school district, the district's state share index;</u>	32226 32227 32228 32229 32230
<u>(e) The district's funding unit's category five special education ADM X the amount specified in division (E) of section</u>	32231 32232

3317.013 of the Revised Code X if the funding unit is a city, 32233
local, or exempted village school district, the district's state 32234
share index; 32235

(f) The ~~district's~~ funding unit's category six special 32236
education ADM X the amount specified in division (F) of section 32237
3317.013 of the Revised Code X if the funding unit is a city, 32238
local, or exempted village school district, the district's state 32239
share index. 32240

(4) ~~Kindergarten~~ If the funding unit is a city, local, or 32241
exempted village school district or the community and STEM school 32242
unit, kindergarten through third grade literacy funds calculated 32243
~~according to the following formula~~ as follows: 32244

(a) If the funding unit is a city, local, or exempted village 32245
school district, an amount equal to the following: 32246

(\$193 X ~~formula~~ the district's enrolled ADM for grades 32247
kindergarten through three X the district's state share index) + 32248
(\$127 X ~~formula~~ the district's enrolled ADM for grades 32249
kindergarten through three) 32250

~~For purposes of this calculation, the department shall~~ 32251
~~subtract from a district's formula ADM for grades kindergarten~~ 32252
~~through three the number of students reported under division~~ 32253
~~(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an~~ 32254
~~internet or computer based community school who are in grades~~ 32255
~~kindergarten through three.~~ (b) If the funding unit is the 32256
community and STEM school unit, \$320 X (the number of students in 32257
the funding unit's enrolled ADM who are enrolled in kindergarten 32258
through third grade - the number of students in the funding unit's 32259
enrolled ADM who are enrolled in kindergarten through third grade 32260
who are enrolled in an internet- or computer-based community 32261
school). 32262

(5) ~~Economically~~ If the funding unit is a city, local, or 32263

exempted village school district or the community and STEM school 32264
unit, disadvantaged funds pupil impact aid calculated according to 32265
the following formula: 32266

(a) If the funding unit is a city, local, or exempted village 32267
school district, an amount equal to the following: 32268

\$272 X (the district's economically disadvantaged index) X 32269
the number of students who are economically disadvantaged as 32270
certified under division (B)(21) of section 3317.03 of the Revised 32271
Code 32272

(b) If the funding unit is the community and STEM school 32273
unit, an amount calculated as follows: 32274

(i) For each student in the funding unit's enrolled ADM who 32275
is economically disadvantaged and is not enrolled in an internet- 32276
or computer-based community school, multiply \$272 by the 32277
economically disadvantaged index of the city, local, or exempted 32278
village school district in which the student resides; 32279

(ii) Compute the funding unit's disadvantaged pupil impact 32280
aid by calculating the sum of the amounts determined under 32281
division (A)(5)(b)(i) of this section. 32282

(6) If the funding unit is a city, local, or exempted village 32283
school district or the community and STEM school unit, English 32284
learner funds calculated as the sum of the following: 32285

(a) The ~~district's~~ funding unit's category one English 32286
learner ADM X the amount specified in division (A) of section 32287
3317.016 of the Revised Code X if the funding unit is a city, 32288
local, or exempted village school district, the district's state 32289
share index; 32290

(b) The ~~district's~~ funding unit's category two English 32291
learner ADM X the amount specified in division (B) of section 32292
3317.016 of the Revised Code X if the funding unit is a city, 32293

<u>local, or exempted village school district,</u> the district's state	32294
share index;	32295
(c) The district's <u>funding unit's</u> category three English	32296
learner ADM X the amount specified in division (C) of section	32297
3317.016 of the Revised Code X <u>if the funding unit is a city,</u>	32298
<u>local, or exempted village school district,</u> the district's state	32299
share index.	32300
(7)(a) (7) <u>If the funding unit is a city, local, or exempted</u>	32301
<u>village school district, both of the following:</u>	32302
(a) Gifted identification funds calculated according to the	32303
following formula:	32304
\$5.05 X the district's formula <u>enrolled</u> ADM	32305
(b) Gifted unit funding calculated under section 3317.051 of	32306
the Revised Code.	32307
(8) Career-technical <u>If the funding unit is a city, local, or</u>	32308
<u>exempted village school district or the community and STEM school</u>	32309
<u>unit, career-technical</u> education funds calculated as the sum of	32310
the following:	32311
(a) The district's <u>funding unit's</u> category one	32312
career-technical education ADM X the amount specified in division	32313
(A) of section 3317.014 of the Revised Code X <u>if the funding unit</u>	32314
<u>is a city, local, or exempted village school district,</u> the	32315
district's state share index;	32316
(b) The district's <u>funding unit's</u> category two	32317
career-technical education ADM X the amount specified in division	32318
(B) of section 3317.014 of the Revised Code X <u>if the funding unit</u>	32319
<u>is a city, local, or exempted village school district,</u> the	32320
district's state share index;	32321
(c) The district's <u>funding unit's</u> category three	32322
career-technical education ADM X the amount specified in division	32323

(C) of section 3317.014 of the Revised Code X if the funding unit is a city, local, or exempted village school district, the district's state share index; 32324
32325
32326

(d) The ~~district's~~ funding unit's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X if the funding unit is a city, local, or exempted village school district, the district's state share index; 32327
32328
32329
32330
32331

(e) The ~~district's~~ funding unit's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X if the funding unit is a city, local, or exempted village school district, the district's state share index. 32332
32333
32334
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32336

Payment of funds under division (A)(8) of this section is subject to approval under section 3317.161 of the Revised Code. 32337
32338

(9) ~~Career-technical~~ 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: 32339
32340
32341
32342

The district's state share index, if the funding unit is a city, local, or exempted village school district X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of the funding unit's categories one through five career-technical education ADM 32343
32344
32345
32346
32347

(10) ~~Capacity~~ If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career awareness and exploration funds calculated as follows: 32348
32349
32350
32351

The funding unit's enrolled ADM X \$2.50, for fiscal year 2022, \$5, for fiscal year 2023, \$7.50, for fiscal year 2024, or \$10, for fiscal year 2025 and each fiscal year thereafter 32352
32353
32354

(11) If the funding unit is a city, local, or exempted 32355
village school district or the community and STEM school unit, a 32356
career-technical education lab program supplement calculated as 32357
follows: 32358
\$225, for fiscal year 2022, or \$1,050, for fiscal year 2023 and 32359
each fiscal year thereafter X the full-time equivalency of the 32360
funding unit's categories one through five career-technical ADM 32361
that is equivalent to the amount of time the funding unit's 32362
career-technical education students participate in lab programs, 32363
as determined by the department 32364

(12) If the funding unit is a city, local, or exempted 32365
village school district, capacity aid funds calculated under 32366
section 3317.0218 of the Revised Code; 32367

~~(11) A~~ (13) If the funding unit is a city, local, or exempted 32368
village school district or the community and STEM school unit, a 32369
graduation bonus calculated as follows: 32370

(a) If the funding unit is a city, local, or exempted village 32371
school district, a graduation bonus calculated under section 32372
3317.0215 of the Revised Code; 32373

(b) If the funding unit is the community and STEM school 32374
unit, a graduation bonus calculated as follows: 32375

(i) For each community school and STEM school in the 32376
community and STEM school unit, as determined by the department, 32377
calculate the following product: 32378
The school's four-year adjusted cohort graduation rate on its most 32379
recent report card issued by the department under section 3302.03 32380
or 3314.017 of the Revised Code X 0.075 X the formula amount X the 32381
number of the school's graduates reported to the department, in 32382
accordance with the guidelines adopted under section 3301.0714 of 32383
the Revised Code, for the same school year for which the most 32384
recent report card was issued 32385

<u>(ii) Compute the sum of the amounts calculated under division</u>	32386
<u>(A)(13)(b)(i) of this section.</u>	32387
<u>(12) A(14) If the funding unit is a city, local, or exempted</u>	32388
<u>village school district or the community and STEM school unit, a</u>	32389
<u>third-grade reading bonus calculated as follows:</u>	32390
<u>(a) If the funding unit is a city, local, or exempted village</u>	32391
<u>school district, a third-grade reading bonus calculated under</u>	32392
<u>section 3317.0216 of the Revised Code;</u>	32393
<u>(b) If the funding unit is the community and STEM school</u>	32394
<u>unit, a third-grade reading bonus calculated as follows:</u>	32395
<u>(i) For each community school and STEM school in the</u>	32396
<u>community and STEM school unit, as determined by the department,</u>	32397
<u>calculate the following product:</u>	32398
<u>The school's third-grade reading proficiency percentage X 0.075 X</u>	32399
<u>the formula amount X the number of the school's students scoring</u>	32400
<u>at a proficient level or higher on the third-grade English</u>	32401
<u>language arts assessment prescribed under division (A)(1)(a) of</u>	32402
<u>section 3301.0710 of the Revised Code for the immediately</u>	32403
<u>preceding school year</u>	32404
<u>(ii) Compute the sum of the amounts calculated under division</u>	32405
<u>(A)(14)(b)(i) of this section.</u>	32406
<u>(15) If the funding unit is the community and STEM school</u>	32407
<u>unit, an amount equal to the following:</u>	32408
<u>(The number of students in the funding unit's enrolled ADM who are</u>	32409
<u>reported under division (B)(5) of section 3314.08 of the Revised</u>	32410
<u>Code X the formula amount X .20)</u>	32411
<u>(16) If the funding unit is the educational choice</u>	32412
<u>scholarship unit, an amount calculated as follows:</u>	32413
<u>(a) For each student in the funding unit's enrolled ADM,</u>	32414
<u>determine the lesser of the following:</u>	32415

(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; 32416
32417
32418

(ii) \$5,550, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve. 32419
32420

The amounts specified in division (A)(16)(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 in accordance with section 3317.011 of the Revised Code. 32421
32422
32423
32424

(b) Compute the sum of the amounts calculated under division (A)(16)(a) of this section. 32425
32426

(17) If the funding unit is the pilot project scholarship unit, an amount calculated as follows: 32427
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(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following: 32429
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(i) The net tuition charges of the student's alternative school; 32431
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(ii) \$5,550, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve. 32433
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The amounts specified in division (A)(17)(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 in accordance with section 3317.011 of the Revised Code. 32435
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For purposes of division (A)(17)(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 32439
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recipient shall be the lowest net tuition to which the family is 32446
entitled. 32447

The department shall provide for an increase in the amount 32448
determined for any student who is an LRE student with a disability 32449
and shall further increase such amount in the case of any 32450
separately educated student with a disability, as that term is 32451
defined in section 3313.974 of the Revised Code. Such increases 32452
shall take into account the instruction, related services, and 32453
transportation costs of educating such students. 32454

(b) Compute the sum of the amounts calculated under division 32455
(A)(17)(a) of this section. 32456

(18) If the funding unit is the autism scholarship unit, an 32457
amount calculated as follows: 32458

(a) For each student in the funding unit's enrolled ADM, 32459
determine the lesser of the following: 32460

(i) The tuition charged for the student's special education 32461
program, as that term is defined in section 3310.41 of the Revised 32462
Code; 32463

(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal 32464
year 2023 and each fiscal year thereafter. 32465

(b) Compute the sum of the amounts calculated under division 32466
(A)(18)(a) of this section. 32467

(19) If the funding unit is the Jon Peterson special needs 32468
scholarship unit, an amount calculated as follows: 32469

(a) For each student in the funding unit's enrolled ADM, 32470
determine the least of the following: 32471

(i) The amount of fees charged for that school year by the 32472
student's alternative public provider or registered private 32473
provider, as those terms are defined in section 3310.51 of the 32474
Revised Code; 32475

<u>(ii) The formula amount plus an amount determined as follows:</u>	32476
<u>(I) If the student is receiving special education services</u>	32477
<u>for a disability specified in division (A) of section 3317.013 of</u>	32478
<u>the Revised Code, the amount specified in that division;</u>	32479
<u>(II) If the student is receiving special education services</u>	32480
<u>for a disability specified in division (B) of section 3317.013 of</u>	32481
<u>the Revised Code, the amount specified in that division;</u>	32482
<u>(III) If the student is receiving special education services</u>	32483
<u>for a disability specified in division (C) of section 3317.013 of</u>	32484
<u>the Revised Code, the amount specified in that division;</u>	32485
<u>(IV) If the student is receiving special education services</u>	32486
<u>for a disability specified in division (D) of section 3317.013 of</u>	32487
<u>the Revised Code, the amount specified in that division;</u>	32488
<u>(V) If the student is receiving special education services</u>	32489
<u>for a disability specified in division (E) of section 3317.013 of</u>	32490
<u>the Revised Code, the amount specified in that division;</u>	32491
<u>(VI) If the student is receiving special education services</u>	32492
<u>for a disability specified in division (F) of section 3317.013 of</u>	32493
<u>the Revised Code, the amount specified in that division.</u>	32494
<u>(iii) \$27,000.</u>	32495
<u>(b) Compute the sum of the amounts calculated under division</u>	32496
<u>(A)(19)(a) of this section.</u>	32497
(B) In any fiscal year, a <u>funding unit that is a city, local,</u>	32498
<u>or exempted village</u> school district shall spend for purposes that	32499
the department designates as approved for special education and	32500
related services expenses at least the amount calculated as	32501
follows:	32502
(The formula amount X the total special education ADM) + (the	32503
district's category one special education ADM X the amount	32504
specified in division (A) of section 3317.013 of the Revised Code)	32505

+ (the district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code) 32506
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+ (the district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code) + (the district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code) + (the district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code) + (the district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code) 32508
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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. 32517
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~~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.~~ 32526
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(C) In any fiscal year, a funding unit that is a city, local, or exempted village school district receiving that receives funds under ~~division~~ divisions (A)(8) and (11) 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 32531
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career-technical programming to career-technical students. The 32538
department shall require the school district to report data 32539
annually so that the department may monitor the district's 32540
compliance with the requirements regarding the manner in which 32541
funding received under ~~division~~ divisions (A)(8) and (11) of this 32542
section may be spent. 32543

(D) In any fiscal year, a funding unit that is a city local, 32544
or exempted village school district ~~receiving~~ that receives funds 32545
under ~~division~~ divisions (A)(9) and (10) of this section, or 32546
through a transfer of funds pursuant to division (I) of section 32547
3317.023 of the Revised Code, shall spend those funds only for the 32548
purposes that the department designates as approved for 32549
career-technical education associated services expenses, which may 32550
include such purposes as apprenticeship coordinators, coordinators 32551
for other career-technical education services, career-technical 32552
evaluation, and other purposes designated by the department. The 32553
department may deny payment under ~~division~~ divisions (A)(9) and 32554
(10) of this section to any district that the department 32555
determines is not operating those services or is using funds paid 32556
under ~~division~~ divisions (A)(9) and (10) of this section, or 32557
through a transfer of funds pursuant to division (I) of section 32558
3317.023 of the Revised Code, for other purposes. 32559

(E) All funds received under ~~division~~ divisions (A)(8) and 32560
(11) of this section by a funding unit that is a city, local, or 32561
exempted village school district shall be spent in the following 32562
manner: 32563

(1) At least seventy-five per cent of the funds shall be 32564
spent on curriculum development, purchase, and implementation; 32565
instructional resources and supplies; industry-based program 32566
certification; student assessment, credentialing, and placement; 32567
curriculum specific equipment purchases and leases; 32568
career-technical student organization fees and expenses; home and 32569

agency linkages; work-based learning experiences; professional 32570
development; and other costs directly associated with 32571
career-technical education programs including development of new 32572
programs. 32573

(2) Not more than twenty-five per cent of the funds shall be 32574
used for personnel expenditures. 32575

(F) A funding unit that is a city, local, or exempted village 32576
school district shall spend the funds it receives under division 32577
(A)(5) of this section in accordance with section 3317.25 of the 32578
Revised Code. 32579

(G)(1) The department shall distribute to each community 32580
school established under Chapter 3314. of the Revised Code and to 32581
each STEM school established under Chapter 3326. of the Revised 32582
Code, from the funds paid to the community and STEM school unit 32583
under this section, an amount for each student enrolled in the 32584
school equal to the sum of the following: 32585

(a) The formula amount; 32586

(b) If the school is not an internet- or computer-based 32587
community school, the amount calculated for the student under 32588
division (A)(2)(b)(i) of this section X 0.25; 32589

(c) If the student is a special education student, the amount 32590
specified for the student's special education category under 32591
section 3317.013 of the Revised Code; 32592

(d) If the school is not an internet- or computer-based 32593
community school and the student is enrolled in kindergarten 32594
through third grade, \$320; 32595

(e) If the school is not an internet- or computer-based 32596
community school and the student is economically disadvantaged, 32597
the amount calculated for the student under division (A)(5)(b)(i) 32598
of this section; 32599

(f) If the school is not an internet- or computer-based community school and the student is an English learner, the amount specified for the student's English learner category under section 3317.016 of the Revised Code; 32600
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(g) If the student is a career-technical education student, the amount specified for the student's career-technical education category under section 3317.014 of the Revised Code; 32604
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(h) If the student is a career-technical education student, the amount for career-technical associated services specified under section 3317.014 of the Revised Code; 32607
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(i) An amount for career awareness and exploration equal to \$2.50, for fiscal year 2022, \$5, for fiscal year 2023, \$7.50, for fiscal year 2024, or \$10, for fiscal year 2025 and each fiscal year thereafter; 32610
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(j) A career-technical education lab program supplement equal to \$225, for fiscal year 2022, or \$1,050, for fiscal year 2023 and each fiscal year thereafter, times the student's full-time equivalency for the amount of time the student participates in a career-technical education lab program as determined by the department. 32614
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(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 sum of the following: 32620
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(a) The amount calculated for the school under division (A)(13)(b)(i) of this section; 32625
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(b) The amount calculated for the school under division (A)(14)(b)(i) of this section; 32627
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(c) The amount calculated for the school under division 32629

(A)(15) of this section. 32630

(H) 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)(16)(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. 32631
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(I) 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)(17)(a) of this section. 32642
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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. 32653
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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)(17)(a) of this section.

(J) 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)(18)(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.

(K) 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)(19)(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 32694
registered private provider, as those terms are defined in section 32695
3310.51 of the Revised Code, for the entire school year. 32696

Sec. 3317.023. (A) The amounts required to be paid to a 32697
district under this chapter shall be adjusted by the amount of the 32698
computations made under divisions (B) to (K) of this section. 32699

As used in this section: 32700

(1) "Career-technical planning district" or "CTPD" means a 32701
school district or group of school districts designated by the 32702
department of education as being responsible for the planning for 32703
and provision of career-technical education services to students 32704
within the district or group. A community school established under 32705
Chapter 3314. of the Revised Code or a STEM school established 32706
under Chapter 3326. of the Revised Code that is serving students 32707
in any of grades seven through twelve shall be assigned to a 32708
career-technical planning district by the department. 32709

(2) "Lead district" means a school district, including a 32710
joint vocational school district, designated by the department as 32711
a CTPD, or designated to provide primary career-technical 32712
education leadership within a CTPD composed of a group of 32713
districts, community schools assigned to the CTPD, and STEM 32714
schools assigned to the CTPD. 32715

(B) If a local, city, or exempted village school district to 32716
which a governing board of an educational service center provides 32717
services pursuant to an agreement entered into under section 32718
3313.843 of the Revised Code, deduct the amount of the payment 32719
required for the reimbursement of the governing board under that 32720
section. 32721

(C)(1) If the district is required to pay to or entitled to 32722
receive tuition from another school district under division (C)(2) 32723

or (3) of section 3313.64 or section 3313.65 of the Revised Code, 32724
or if the superintendent of public instruction is required to 32725
determine the correct amount of tuition and make a deduction or 32726
credit under section 3317.08 of the Revised Code, deduct and 32727
credit such amounts as provided in division (J) of section 3313.64 32728
or section 3317.08 of the Revised Code. 32729

(2) For each child for whom the district is responsible for 32730
tuition or payment under division (A)(1) of section 3317.082 or 32731
section 3323.091 of the Revised Code, deduct the amount of tuition 32732
or payment for which the district is responsible. 32733

(D) If the district has been certified by the superintendent 32734
of public instruction under section 3313.90 of the Revised Code as 32735
not in compliance with the requirements of that section, deduct an 32736
amount equal to ten per cent of the amount computed for the 32737
district under this chapter. 32738

(E) If the district has received a loan from a commercial 32739
lending institution for which payments are made by the 32740
superintendent of public instruction pursuant to division (E)(3) 32741
of section 3313.483 of the Revised Code, deduct an amount equal to 32742
such payments. 32743

(F)(1) If the district is a party to an agreement entered 32744
into under division (D), (E), or (F) of section 3311.06 or 32745
division (B) of section 3311.24 of the Revised Code and is 32746
obligated to make payments to another district under such an 32747
agreement, deduct an amount equal to such payments if the district 32748
school board notifies the department in writing that it wishes to 32749
have such payments deducted. 32750

(2) If the district is entitled to receive payments from 32751
another district that has notified the department to deduct such 32752
payments under division (F)(1) of this section, add the amount of 32753
such payments. 32754

(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.

(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~~ divisions (A)(9) and (10) of section 3317.022 of the Revised Code or ~~division~~ divisions (A)(6) and (7) of section 3317.16 of the Revised Code, as applicable, and for each community

school and STEM school within the CTPD under divisions (G)(1)(h) 32786
and (i) of section 3317.022 of the Revised Code. 32787

(2) Deduct from each appropriate district that is not a lead 32788
district, or from the appropriate community school or STEM school, 32789
the amount attributable to that district or school that is 32790
credited to a lead district under division (I)(1) of this section. 32791

(J) If the department pays a joint vocational school district 32792
under division (C)(3) of section 3317.16 of the Revised Code for 32793
excess costs of providing special education and related services 32794
to a student with a disability, as calculated under division 32795
(C)(1) of that section, the department shall deduct the amount of 32796
that payment from the city, local, or exempted village school 32797
district that is responsible as specified in that section for the 32798
excess costs. 32799

(K)(1) If the district reports an amount of excess cost for 32800
special education services for a child under division (C) of 32801
section 3323.14 of the Revised Code, the department shall pay that 32802
amount to the district. 32803

(2) If the district reports an amount of excess cost for 32804
special education services for a child under division (C) of 32805
section 3323.14 of the Revised Code, the department shall deduct 32806
that amount from the district of residence of that child. 32807

Sec. 3317.024. The following shall be distributed monthly, 32808
quarterly, or annually as may be determined by the state board of 32809
education: 32810

(A) An amount for each island school district and each joint 32811
state school district for the operation of each high school and 32812
each elementary school maintained within such district and for 32813
capital improvements for such schools. Such amounts shall be 32814
determined on the basis of standards adopted by the state board of 32815

education. However, for fiscal years 2012 and 2013, an island 32816
district shall receive the lesser of its actual cost of operation, 32817
as certified to the department of education, or ninety-three per 32818
cent of the amount the district received in state operating 32819
funding for fiscal year 2011. If an island district received no 32820
funding for fiscal year 2011, it shall receive no funding for 32821
either of fiscal year 2012 or 2013. 32822

(B) An amount for each school district required to pay 32823
tuition for a child in an institution maintained by the department 32824
of youth services pursuant to section 3317.082 of the Revised 32825
Code, provided the child was not included in the calculation of 32826
the district's formula ADM, as that term is defined in section 32827
3317.02 of the Revised Code, for the preceding school year. 32828

(C) An amount for the approved cost of transporting eligible 32829
pupils with disabilities attending a special education program 32830
approved by the department of education whom it is impossible or 32831
impractical to transport by regular school bus in the course of 32832
regular route transportation provided by the school district or 32833
educational service center. No district or service center is 32834
eligible to receive a payment under this division for the cost of 32835
transporting any pupil whom it transports by regular school bus 32836
and who is included in the district's transportation ADM. The 32837
state board of education shall establish standards and guidelines 32838
for use by the department of education in determining the approved 32839
cost of such transportation for each district or service center. 32840

(D) An amount to each school district, including each 32841
cooperative education school district, pursuant to section 3313.81 32842
of the Revised Code to assist in providing free lunches to needy 32843
children. The amounts shall be determined on the basis of rules 32844
adopted by the state board of education. 32845

(E)(1) An amount for auxiliary services to each school 32846
district, for each pupil attending a chartered nonpublic 32847

elementary or high school within the district that ~~is either of~~ 32848
~~the following:~~ 32849

~~(a) A school affiliated with a religious order, sect, church,~~ 32850
~~or denomination or has a curriculum or mission that contains~~ 32851
~~religious content, religious courses, devotional exercises,~~ 32852
~~religious training, or any other religious activity;~~ 32853

~~(b) A school not described in division (E)(1)(a) of this~~ 32854
~~section that~~ has not elected to receive funds under division 32855
(E)(2) of this section. 32856

(2)(a) An amount for auxiliary services paid directly to each 32857
chartered nonpublic school that has elected to receive funds under 32858
division (E)(2) of this section for each pupil attending the 32859
school. To elect to receive funds under division (E)(2) of this 32860
section, a school, by the first day of April of each odd-numbered 32861
year, shall notify the department and the school district in which 32862
the school is located of the election and shall submit to the 32863
department an affidavit certifying that the school ~~is not~~ 32864
~~affiliated with a religious order, sect, church, or denomination~~ 32865
~~and does not have a curriculum or mission that contains religious~~ 32866
~~content, religious courses, devotional exercises, religious~~ 32867
~~training, or any other religious activity~~ shall expend the funds 32868
in the manner outlined in section 3317.062 of the Revised Code. 32869
The election shall take effect the following first day of July, 32870
~~unless the department determines that the school meets the~~ 32871
~~criteria in division (E)(1)(a) of this section.~~ The school 32872
subsequently may rescind its election, but it may do so only in an 32873
odd-numbered year by notifying the department and the school 32874
district in which the school is located of the rescission not 32875
later than the first day of April of that year. Beginning the 32876
following first day of July after the rescission, the school shall 32877
receive funds under division (E)(1) of this section. 32878

(b) A chartered nonpublic school that elects to receive 32879

auxiliary services funds under division (E)(2) of this section may 32880
designate an organization that oversees one or more nonpublic 32881
schools to receive those funds on its behalf. 32882

(i) Each chartered nonpublic school that designates an 32883
organization to receive auxiliary services funds on its behalf 32884
shall notify the department of education of the organization's 32885
name not later than the first day of April of each odd-numbered 32886
year. 32887

(ii) A school may rescind its decision, but may do so only in 32888
each odd-numbered year by notifying the department of that 32889
rescission not later than the first day of April of that year. A 32890
rescission submitted in compliance with this division takes effect 32891
on the following first day of July, and the school district may 32892
elect to then begin receiving auxiliary services funds directly or 32893
as specified under division (E)(1) of this section. 32894

(iii) An organization shall disburse the auxiliary services 32895
funds of all chartered nonpublic schools that have designated the 32896
organization to receive funds on their behalf in accordance with 32897
division (E)(2)(b) of this section. If multiple chartered 32898
nonpublic schools designate the same organization to receive 32899
auxiliary services funds on their behalf, that organization may 32900
use one or more accounts for the purposes of managing the funds. 32901
The organization shall maintain appropriate accounting and 32902
reporting standards and ensure that each chartered nonpublic 32903
school receives the auxiliary services funds to which the school 32904
is entitled. 32905

(iv) Each chartered nonpublic school that elects to receive 32906
funds directly in accordance with division (E)(2) of this section 32907
or the organization designated to receive and disburse auxiliary 32908
services funds on behalf of a chartered nonpublic school shall 32909
maintain records of receipt and expenditures of the funds in a 32910
manner that conforms with generally accepted accounting 32911

principles. 32912

(v) The department of education shall create and disseminate a standardized reporting form that chartered nonpublic schools and organizations designated to receive funds in accordance with division (E)(2)(b) of this section may use to comply with division (E)(2)(b)(iv) of this section. However, the department shall not require schools to use that form. 32913
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(vi) An organization that manages a school's auxiliary services funds pursuant to a designation made in accordance with division (E)(2)(b) of this section may require the school's governing authority to pay a fee for that service that does not exceed four per cent of the total amount of payments for auxiliary services that the school receives from the state. A school may pay any fee assessed pursuant to division (E)(2)(b)(vi) of this section using auxiliary services funds. 32919
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(c) The amount paid under divisions (E)(1) and (2) of this section shall equal the total amount appropriated for the implementation of sections 3317.06 and 3317.062 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in chartered nonpublic elementary and high schools within the state as determined as of the last day of October of each school year. 32927
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(F) An amount for each county board of developmental disabilities, distributed on the basis of standards adopted by the state board of education, for the approved cost of transportation required for children attending special education programs operated by the county board under section 3323.09 of the Revised Code; 32934
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(G) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special 32940
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32942

education under section 3323.091 of the Revised Code. This amount 32943
for any institution in any fiscal year shall equal the total of 32944
all tuition amounts required to be paid to the institution under 32945
division (A)(1) of section 3317.082 of the Revised Code. 32946

The state board of education or any other board of education 32947
or governing board may provide for any resident of a district or 32948
educational service center territory any educational service for 32949
which funds are made available to the board by the United States 32950
under the authority of public law, whether such funds come 32951
directly or indirectly from the United States or any agency or 32952
department thereof or through the state or any agency, department, 32953
or political subdivision thereof. 32954

Sec. 3317.029. (A) As used in this section: 32955

(1) "Eligible district" means a city, local, or exempted 32956
village school district that satisfies both of the following 32957
conditions: 32958

(a) The district has a nuclear power plant located within its 32959
territory. 32960

(b) The total taxable value of public utility personal 32961
property in the district for tax year 2017 is at least fifty per 32962
cent less than the total taxable value of public utility personal 32963
property in the district for tax year 2016. 32964

(2)(a) For fiscal year 2015, "state education aid" means the 32965
sum of the district's payments for that fiscal year under sections 32966
3317.022 and 3317.0212 of the Revised Code and Section 263.240 of 32967
Am. Sub. H.B. 59 of the 130th general assembly. 32968

(b) For each of fiscal years 2016 and 2017, "state education 32969
aid" means the sum of the district's payments for that fiscal year 32970
under sections 3317.022 and 3317.0212 of the Revised Code and 32971
Section 263.230 of Am. Sub. H.B. 64 of the 131st general assembly. 32972

(c) For each of fiscal years 2018 and 2019, "state education aid" means the sum of the district's payments for that fiscal year under sections 3317.022 and 3317.0212 of the Revised Code and Sections 265.220 and 265.233 of Am. Sub. H.B. 49 of the 132nd general assembly.

(d) For each of fiscal years 2020 and 2021, "state education aid" means the sum of the district's payments for that fiscal year under sections 3317.022 and 3317.0212 of the Revised Code and any temporary transitional aid that is authorized by the general assembly minus any reductions due to funding limitations that are authorized by the general assembly.

(3) "Taxes charged and payable" has the same meaning as in section 3317.02 of the Revised Code. For purposes of this section, at no time shall "taxes charged and payable" include taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code.

(4) ~~"Total resources ADM" has the same meaning as in section 3317.02 of the Revised Code 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.~~

(5) An eligible district's "total resources" for a fiscal year is equal to the sum of the following:

(a) The district's state education aid for that fiscal year;

(b) For fiscal year 2015, the amount of the district's payments for that fiscal year under sections 5727.85 and 5751.21 of the Revised Code as they existed prior to June 30, 2015;

(c) For fiscal year 2016 and any subsequent fiscal year, the amount of the district's payments for that fiscal year under section 5709.92 of the Revised Code;

(d) For fiscal years 2016 and 2017, the amount of the 33004
district's payment for that fiscal year under Section 263.325 of 33005
Am. Sub. H.B. 64 of the 131st general assembly, as subsequently 33006
amended; 33007

(e) The sum of the following: 33008

(i) The district's taxes charged and payable for current 33009
expenses for the first half of the most recent tax year for which 33010
data is available during that fiscal year. For fiscal years 2018, 33011
2019, 2020, and 2021, this amount shall include only the taxes 33012
charged and payable for current expenses pursuant to property tax 33013
levies that are in effect as of ~~the effective date of this section~~ 33014
June 29, 2018. 33015

(ii) The district's taxes charged and payable for current 33016
expenses for the second half of the tax year immediately preceding 33017
the most recent tax year for which data is available during that 33018
fiscal year. For fiscal years 2018, 2019, 2020, and 2021, this 33019
amount shall include only the taxes charged and payable for 33020
current expenses pursuant to property tax levies that are in 33021
effect as of ~~the effective date of this section~~ June 29, 2018. 33022

(f) Distributions received by the district during that fiscal 33023
year from the gross casino revenue county student fund; 33024

(g) The amount of the district's payment for that fiscal year 33025
under section 3317.028 of the Revised Code. 33026

(6) An eligible district's "total resources per pupil" for a 33027
fiscal year is equal to the district's total resources for that 33028
fiscal year divided by the district's total resources ADM for that 33029
fiscal year. 33030

(B) For each of fiscal years 2019, 2020, and 2021, the 33031
department of education shall pay each eligible district an amount 33032
computed as follows: 33033

(1) Calculate the average of the district's total resources 33034
per pupil for fiscal years 2015, 2016, 2017, and 2018; 33035

(2) Multiply the average calculated under division (B)(1) of 33036
this section by 0.97; 33037

(3)(a) If the district's total resources ADM for the 33038
applicable fiscal year is greater than or equal to the district's 33039
total resources ADM for the fiscal year immediately preceding the 33040
applicable fiscal year, multiply the amount calculated under 33041
division (B)(2) of this section by the total resources ADM for the 33042
applicable fiscal year; 33043

(b) If the district's total resources ADM for the applicable 33044
fiscal year is less than the district's total resources ADM for 33045
the fiscal year immediately preceding the applicable fiscal year, 33046
multiply the amount calculated under division (B)(2) of this 33047
section by the following: 33048

The total resources ADM for the applicable fiscal year + [(the 33049
total resources ADM for the fiscal year immediately preceding the 33050
applicable fiscal year - the total resources ADM for the 33051
applicable fiscal year) X 0.5] 33052

(4) Calculate the amount to be paid to the district by 33053
subtracting the district's total resources for the applicable 33054
fiscal year from the amount calculated under division (B)(3) of 33055
this section. 33056

If the result of the calculation for a district under 33057
division (B)(4) of this section is less than zero, the district's 33058
payment under this section shall be zero. 33059

(C) Any payments for a fiscal year made to an eligible 33060
district under this section shall occur after the department has 33061
made a payment to the district for that fiscal year under section 33062
3317.028 of the Revised Code or has determined that the district 33063
is not eligible for a payment for that fiscal year under that 33064

section. All payments for a fiscal year made to an eligible 33065
district under this section shall be made not later than the last 33066
day of July of the following fiscal year. Upon making a payment 33067
for a fiscal year under this section, the department shall not 33068
make any reconciliations or adjustments to that payment. 33069

Sec. 3317.0212. (A) As used in this section: 33070

(1) "Qualifying riders" means resident students enrolled in 33071
regular education in grades kindergarten to twelve who are 33072
provided school bus service by a school district and who live more 33073
than one mile from the school they attend, including students with 33074
dual enrollment in a joint vocational school district or a 33075
cooperative education school district, and students enrolled in a 33076
community school, STEM school, or nonpublic school. 33077

(2) "Qualifying ridership" means the greater of the average 33078
number of qualifying riders counted in the morning or counted in 33079
the afternoon who are provided school bus service by a school 33080
district during the first full week of October that the district 33081
is in session with students in attendance. 33082

(3) "Rider density" means the ~~total~~ rider density ADM per 33083
square mile of a school district. 33084

(4) "Rider density ADM" means, for a city, local, or exempted 33085
village school district, the enrollment reported under division 33086
(A) of section 3317.03 of the Revised Code, as verified by the 33087
superintendent of public instruction and adjusted if so ordered 33088
under division (K) of that section. 33089

(5) "School bus service" means a school district's 33090
transportation of qualifying riders in any of the following types 33091
of vehicles: 33092

(a) School buses owned or leased by the district; 33093

(b) School buses operated by a private contractor hired by 33094

the district; 33095

(c) School buses operated by another school district or 33096
entity with which the district has contracted, either as part of a 33097
consortium for the provision of transportation or otherwise. 33098

(B) Not later than the fifteenth day of October each year, 33099
each city, local, and exempted village school district shall 33100
report to the department of education its qualifying ridership and 33101
any other information requested by the department. Subsequent 33102
adjustments to the reported numbers shall be made only in 33103
accordance with rules adopted by the department. 33104

(C) The department shall calculate the statewide 33105
transportation cost per student as follows: 33106

(1) Determine each city, local, and exempted village school 33107
district's transportation cost per student by dividing the 33108
district's total costs for school bus service in the previous 33109
fiscal year by its qualifying ridership in the previous fiscal 33110
year. 33111

(2) After excluding districts that do not provide school bus 33112
service and the ten districts with the highest transportation 33113
costs per student and the ten districts with the lowest 33114
transportation costs per student, divide the aggregate cost for 33115
school bus service for the remaining districts in the previous 33116
fiscal year by the aggregate qualifying ridership of those 33117
districts in the previous fiscal year. 33118

(D) The department shall calculate the statewide 33119
transportation cost per mile as follows: 33120

(1) Determine each city, local, and exempted village school 33121
district's transportation cost per mile by dividing the district's 33122
total costs for school bus service in the previous fiscal year by 33123
its total number of miles driven for school bus service in the 33124
previous fiscal year. 33125

(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 payment as follows:

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year.

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the following:

(a) For fiscal year 2018, the greater of thirty-seven and one-half per cent or the district's state share index, as defined in section 3317.02 of the Revised Code;

(b) For fiscal year 2019, the greater of twenty-five per cent or the district's state share index.

(F) In addition to funds paid under division (E) 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) For purposes of division (G) of this section, a school district's "transportation supplement percentage" means the following quotient:

$$(50 - \text{the district's rider density}) / 100$$

If the result of the calculation for a district under division (G)(1) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

The district's transportation supplement percentage X the amount calculated for the district under division (E)(2) of this section
X 0.55

(H)(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 33187
disabilities; divided by 33188

(ii) The number of students included in the district's 33189
transportation ADM for the current fiscal year, as calculated 33190
under section 3317.03 of the Revised Code, plus the number of 33191
students enrolled in the community school not counted in the 33192
district's transportation ADM who are transported under division 33193
(B)(1) or (2) of section 3314.091 of the Revised Code. 33194

(b) For any fiscal year which the general assembly has 33195
specified that the transportation payments to school districts be 33196
calculated in accordance with this section and any rules of the 33197
state board of education implementing this section, the payment to 33198
the community school shall be the amount so calculated on a per 33199
rider basis that otherwise would be computed for and paid to the 33200
school district in which the student is entitled to attend school 33201
by the method of transportation the district would have used. The 33202
community school, however, is not required to use the same method 33203
to transport that student. 33204

As used in this division "entitled to attend school" means 33205
entitled to attend school under section 3313.64 or 3313.65 of the 33206
Revised Code. 33207

(2) A community school shall be paid under division (H)(1) of 33208
this section only for students who are eligible as specified in 33209
section 3327.01 of the Revised Code and division (C)(1) of section 33210
3314.091 of the Revised Code, and whose transportation to and from 33211
school is actually provided, who actually utilized transportation 33212
arranged, or for whom a payment in lieu of transportation is made 33213
by the community school's governing authority. To qualify for the 33214
payments, the community school shall report to the department, in 33215
the form and manner required by the department, data on the number 33216
of students transported or whose transportation is arranged, the 33217
number of miles traveled, cost to transport, and any other 33218

information requested by the department. 33219

Sec. 3317.0214. (A) The department shall compute and pay in 33220
accordance with this section additional state aid to school 33221
districts for students in categories two through six special 33222
education ADM. If a district's costs for the fiscal year for a 33223
student in its categories two through six special education ADM 33224
exceed the threshold ~~catastrophic~~ cost for serving the student, 33225
the district may submit to the superintendent of public 33226
instruction documentation, as prescribed by the superintendent, of 33227
all its costs for that student. Upon submission of documentation 33228
for a student of the type and in the manner prescribed, the 33229
department shall pay to the district an amount equal to the sum of 33230
the following: 33231

(1) One-half of the district's costs for the student in 33232
excess of the threshold ~~catastrophic~~ cost; 33233

(2) The product of one-half of the district's costs for the 33234
student in excess of the threshold ~~catastrophic~~ cost multiplied by 33235
the district's state share index. 33236

(B) For purposes of division (A) of this section, the 33237
threshold ~~catastrophic~~ cost for serving a student equals: 33238

(1) For a student in the school district's category two, 33239
three, four, or five special education ADM, twenty-seven thousand 33240
three hundred seventy-five dollars; 33241

(2) For a student in the district's category six special 33242
education ADM, thirty-two thousand eight hundred fifty dollars. 33243

(C) The district shall report under division (A) of this 33244
section, and the department shall pay for, only the costs of 33245
educational expenses and the related services provided to the 33246
student in accordance with the student's individualized education 33247
program. Any legal fees, court costs, or other costs associated 33248

with any cause of action relating to the student may not be 33249
included in the amount. 33250

~~Sec. 3317.0215. (A) For purposes of this section, "four-year 33251
adjusted cohort graduation rate" has the same meaning as in 33252
section 3302.01 of the Revised Code. 33253~~

~~(B) The department of education shall annually calculate a 33254
graduation bonus for each city, local, and exempted village school 33255
district according to the following formula: 33256~~

~~The district's four-year adjusted cohort graduation rate on its 33257
most recent report card issued by the department under section 33258
3302.03 of the Revised Code X 0.075 X the formula amount X the 33259
number of the district's graduates reported to the department, in 33260
accordance with the guidelines adopted under section 3301.0714 of 33261
the Revised Code, for the same school year for which the most 33262
recent report card was issued X the district's state share index 33263~~

~~Sec. 3317.0216. (A) For purposes of this section, a city, 33264
local, or exempted village school district's "third grade reading 33265
proficiency percentage" means the percentage of the district's 33266
students scoring at a proficient level of skill or higher on the 33267
third grade English language arts assessment prescribed under 33268
division (A)(1)(a) of section 3301.0710 of the Revised Code for 33269
the immediately preceding school year, as reported on the 33270
district's report card under section 3302.03 of the Revised Code. 33271~~

~~(B) The department of education shall annually calculate a 33272
third-grade reading bonus for each city, local, and exempted 33273
village school district according to the following formula: 33274~~

~~The district's third-grade reading proficiency percentage X 0.075 33275
X the formula amount X the number of the district's students 33276
scoring at a proficient level of skill or higher on the 33277
third-grade English language arts assessment prescribed under 33278~~

division (A)(1)(a) of section 3301.0710 of the Revised Code for 33279
the immediately preceding school year X the district's state share 33280
index 33281

Sec. 3317.0217. Payment of the amount calculated for a school 33282
district under this section shall be made under division (A) of 33283
section 3317.022 of the Revised Code. 33284

(A) The department of education shall annually compute 33285
targeted assistance funds to school districts, as follows: 33286

(1) Calculate the local wealth per pupil of each school 33287
district, which equals the following sum: 33288

(a) One-half times the quotient of (i) the district's 33289
three-year average valuation divided by (ii) its ~~formula~~ enrolled 33290
ADM plus the enrollment reported for the district under divisions 33291
(A)(2)(a) and (i) of section 3317.03 of the Revised Code; plus 33292

(b) One-half times the quotient of (i) the average of the 33293
total federal adjusted gross income of the school district's 33294
residents for the three years most recently reported under section 33295
3317.021 of the Revised Code divided by (ii) its ~~formula~~ enrolled 33296
ADM plus the enrollment reported for the district under divisions 33297
(A)(2)(a) and (i) of section 3317.03 of the Revised Code. 33298

(2) Rank all school districts in order of local wealth per 33299
pupil, from the district with the lowest local wealth per pupil to 33300
the district with the highest local wealth per pupil. 33301

(3) Compute the statewide wealth per pupil, which equals the 33302
following sum: 33303

(a) One-half times the quotient of (i) the sum of the 33304
three-year average valuations for all school districts divided by 33305
(ii) the sum of ~~formula~~ enrolled ADM counts for all school 33306
districts plus the sum of the enrollment reported for all school 33307
districts under divisions (A)(2)(a) and (i) of section 3317.03 of 33308

the Revised Code; plus 33309

(b) One-half times the quotient of (i) the sum of the 33310
three-year average total federal adjusted gross incomes for all 33311
school districts divided by (ii) the sum of ~~formula~~ enrolled ADM 33312
counts for all school districts plus the sum of the enrollment 33313
reported for all school districts under divisions (A)(2)(a) and 33314
(i) of section 3317.03 of the Revised Code. 33315

(4) Compute each district's wealth index by dividing the 33316
statewide wealth per pupil by the district's local wealth per 33317
pupil. 33318

(5) Compute the per pupil targeted assistance for each 33319
eligible school district in accordance with the following formula: 33320
(Threshold local wealth per pupil - the district's local wealth 33321
per pupil) 33322
X target millage X the district's wealth index 33323

Where: 33324

(a) An "eligible school district" means a school district 33325
with a local wealth per pupil less than that of the school 33326
district with the 490th lowest local wealth per pupil. 33327

(b) "Threshold local wealth per pupil" means the local wealth 33328
per pupil of the school district with the 490th lowest local 33329
wealth per pupil. 33330

(c) "Target millage" means 0.006. 33331

If the result of the calculation for a school district under 33332
division (A)(5) of this section is less than zero, the district's 33333
targeted assistance shall be zero. 33334

(6) Calculate the aggregate amount to be paid as targeted 33335
assistance funds to each school district under division (A) of 33336
section 3317.022 of the Revised Code by multiplying the per pupil 33337
targeted assistance computed under division (A)(5) of this section 33338

by the district's net ~~formula~~ enrolled ADM. 33339

As used in this division, a district's "net ~~formula~~ enrolled 33340
ADM" means its ~~formula~~ enrolled ADM minus the number of ~~community~~ 33341
~~school students certified under division (B)(3)(d) of section~~ 33342
~~3317.03 of the Revised Code X 0.75, the number of internet and~~ 33343
~~computer based community school students certified under division~~ 33344
~~(B)(3)(e) of that section, the number of science, technology,~~ 33345
~~engineering, and mathematics school students certified under~~ 33346
~~division (B)(3)(j) of that section X 0.75, and the number of~~ 33347
scholarship students certified under divisions ~~(B)(3)(f), (g),~~ 33348
~~(B)(3)(d) and (l) of that section~~ (h) of section 3317.03 of the 33349
Revised Code. 33350

(B) The department shall annually compute supplemental 33351
targeted assistance funds to school districts, as follows: 33352

(1) Compute each district's agricultural percentage as the 33353
quotient of (a) the three-year average valuation of real property 33354
in the district that is classified as agricultural property 33355
divided by (b) the three-year average valuation of all of the real 33356
property in the district. 33357

(2) Calculate the aggregate amount to be paid as supplemental 33358
targeted assistance funds to each school district under division 33359
(A) of section 3317.022 of the Revised Code, as follows: 33360

(The district's agricultural percentage - 0.1) X (0.4 X the 33361
formula amount) X the district's net ~~formula~~ enrolled ADM, as that 33362
term is defined in division (A) of this section 33363

If the result of the calculation for a school district under 33364
division (B)(2) of this section is less than zero, the district's 33365
supplemental targeted assistance shall be zero. 33366

Sec. 3317.0218. The department of education shall annually 33367
compute capacity aid funds to school districts, as follows: 33368

(A) For each school district, multiply the district's
three-year average valuation by 0.001;

(B) Determine the median amount of all of the amounts
calculated under division (A) of this section;

(C) Calculate each school district's capacity ratio, which
equals the greater of zero or the amount calculated as follows:
(The amount determined under division (B) of this section / the
amount calculated for the district under division (A) of this
section) - 1

If the result of a calculation for a school district under
division (C) of this section is greater than 2.5, the district's
capacity ratio shall be 2.5.

(D) Calculate the capacity aid per pupil amount, which equals
the following quotient:
(The amount determined under division (B) of this section) / (the
average of the ~~formula~~ enrolled ADMs of all of the districts for
which the amount calculated under division (A) of this section is
less than the amount determined under division (B) of this
section)

(E) Calculate each school district's capacity aid, which
equals the following product:
The capacity aid per pupil amount calculated under division (D) of
this section X the district's ~~formula~~ enrolled ADM X 4.0 X the
district's capacity ratio calculated under division (C) of this
section

Sec. 3317.0219. (A) As used in this section:

(1) A district's "base per pupil amount" means the following:

(a) For a district in the highest quintile determined under
division (B)(2) of this section, ~~\$250~~\$304, for fiscal year
~~2020~~2022, and ~~\$360~~\$242, for fiscal year ~~2021~~2023.

(b) For a district in the second highest quintile determined 33399
under division (B)(2) of this section, ~~\$200~~\$245, for fiscal year 33400
~~2020~~2022, and ~~\$290~~\$194, for fiscal year ~~2021~~2023. 33401

(c) For a district in the third highest quintile determined 33402
under division (B)(2) of this section, ~~\$110~~\$131, for fiscal year 33403
~~2020~~2022, and ~~\$155~~\$104, for fiscal year ~~2021~~2023. 33404

(d) For a district in the fourth highest quintile determined 33405
under division (B)(2) of this section, ~~\$50~~\$59, for fiscal year 33406
~~2020~~2022, and ~~\$70~~\$47, for fiscal year ~~2021~~2023. 33407

(e) For a district in the fifth highest quintile determined 33408
under division (B)(2) of this section, ~~\$20~~\$25, for fiscal year 33409
~~2020~~2022, and ~~\$30~~\$20, for fiscal year ~~2021~~2023. 33410

(2) "Base poverty percentage" for a quintile determined under 33411
division (B)(2) of this section means the poverty percentage of 33412
the district ranked lowest in that quintile. 33413

(3) "~~Enrolled~~ Student wellness and success enrolled ADM" 33414
means, for a city, local, or exempted village school district, the 33415
enrollment reported under division (A) of section 3317.03 of the 33416
Revised Code, as verified by the superintendent of public 33417
instruction and adjusted if so ordered under division (K) of that 33418
section, and as further adjusted by the department of education, 33419
as follows: 33420

(a) Add the students counted under division (A)(1)(b) of 33421
section 3317.03 of the Revised Code. 33422

(b) Subtract the students counted under divisions (A)(2)(a), 33423
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 33424
Code. 33425

(c) Subtract the students counted under division (A)(3) of 33426
section 3317.03 of the Revised Code. 33427

(B) Subject to division (D) of this section, for fiscal years 33428

~~2020~~ 2022 and ~~2021~~2023, the department of education shall 33429
calculate and pay student wellness and success funds to city, 33430
local, and exempted village school districts as follows: 33431

(1) Using the ~~most recent~~ five-year estimates published by 33432
the United States census bureau in the 2015-2019 American 33433
community survey ~~or its successor report~~, compute the poverty 33434
percentage for each district, which equals the following quotient: 33435

The number of children younger than eighteen years old 33436
residing in the district who live in a household with a family 33437
income below one hundred eighty-five per cent of the federal 33438
poverty guidelines, as defined in section 5101.46 of the Revised 33439
Code/ the total number of children younger than eighteen years old 33440
residing in the district 33441

(2) Rank all city, local, and exempted village school 33442
districts in order of poverty percentage calculated under division 33443
(B)(1) of this section, from the district with the highest 33444
percentage to the district with the lowest percentage, and group 33445
the districts into quintiles. 33446

(3) Determine each district's student wellness and success 33447
enrolled ADM for the immediately preceding fiscal year. If a 33448
district's student wellness and success enrolled ADM for the 33449
immediately preceding fiscal year is determined to be less than 33450
five, the district's student wellness and success enrolled ADM, 33451
for purposes of computations under this section, shall be zero. 33452

(4) For each district that is not in the highest quintile 33453
determined under division (B)(2) of this section, compute the 33454
district's scaled amount, which is equal to the following 33455
quotient: 33456

[(The district's poverty percentage computed under division 33457
(B)(1) of this section - the base poverty percentage of the 33458
district's quintile)/ (the base poverty percentage of the quintile 33459

that is the next highest quintile compared to the district's 33460
quintile - the base poverty percentage of the district's 33461
quintile)] X (the base per pupil amount for a district in the 33462
quintile that is the next highest quintile compared to the 33463
district's quintile - the district's base per pupil amount) 33464

(5) Compute a district's payment as follows: 33465

(a) Subject to division (B)(5)(c) of this section, if a 33466
district is in the highest quintile determined under division 33467
(B)(2) of this section, the district's payment shall be equal to 33468
the following amount: 33469

The district's base per pupil amount for that fiscal year X 33470
the district's student wellness and success enrolled ADM 33471
determined under division (B)(3) of this section 33472

(b) Subject to division (B)(5)(c) of this section, if a 33473
district is not in the highest quintile determined under division 33474
(B)(2) of this section, the district's payment shall be equal to 33475
the following amount: 33476

(The district's base per pupil amount for that fiscal year + 33477
the district's scaled amount computed under division (B)(4) of 33478
this section for that fiscal year) X the district's student 33479
wellness and success enrolled ADM determined under division (B)(3) 33480
of this section 33481

(c) If the computation of a district's payment under division 33482
(B)(5)(a) or (b) of this section is greater than zero but less 33483
than ~~\$25,000~~\$30,404, for fiscal year ~~2020~~2022, or ~~\$36,000~~\$24,149, 33484
for fiscal year ~~2021~~2023, the district's payment shall be equal to 33485
~~\$25,000~~\$30,404, for fiscal year ~~2020~~2022, or ~~\$36,000~~\$24,149, for 33486
fiscal year ~~2021~~2023. 33487

If the computation of a district's payment under division 33488
(B)(5)(a) or (b) of this section is equal to zero, the district's 33489
payment shall be equal to zero. 33490

(C)(1) As used in division (C) of this section: 33491

(a) "Eligible school district" means a city, local, or 33492
exempted village school district that received supplemental 33493
targeted assistance funding under division (B) of section 33494
3317.0217 of the Revised Code for fiscal year 2019. 33495

(b) A district's "enhancement percentage for a fiscal year" 33496
means the square of the quotient of the poverty percentage 33497
calculated for the district for that fiscal year under division 33498
(B)(1) of this section divided by 0.36. 33499

(2) Subject to division (D) of this section, for fiscal years 33500
~~2020~~ 2022 and ~~2021~~2023, the department shall pay student wellness 33501
and success enhancement funds to each eligible city, local, and 33502
exempted village school district in an amount equal to the 33503
following product: 33504

(~~\$50~~\$100, for fiscal year ~~2020~~2022, or ~~\$75~~\$125, for fiscal 33505
year ~~2021~~2023) X the district's enhancement percentage for that 33506
fiscal year X the district's student wellness and success enrolled 33507
ADM for the immediately preceding fiscal year 33508

(D) The department shall pay funds under divisions (B) and 33509
(C) of this section as follows: 33510

(1) One-half of the amount shall be paid not later than the 33511
thirty-first day of October of the fiscal year for which the 33512
payment is calculated. 33513

(2) One-half of the amount shall be paid not later than the 33514
twenty-eighth day of February of the fiscal year for which the 33515
payment is calculated. 33516

Upon making a payment for a fiscal year under this section, 33517
the department shall not make any reconciliations or adjustments 33518
to that payment. 33519

(E) A city, local, or exempted village school district that 33520

receives a payment under this section shall comply with section 33521
3317.26 of the Revised Code. 33522

Sec. 3317.0220. (A) As used in this section: 33523

(1) "Base per pupil amount" has the same meaning as in 33524
section 3317.0219 of the Revised Code. 33525

(2) "Eligible school district" has the same meaning as in 33526
division (C)(1) of section 3317.0219 of the Revised Code. 33527

(3) "Resident district" has the same meaning as in section 33528
3314.08 of the Revised Code. 33529

(B) Subject to division (E) of this section, for fiscal years 33530
2022 and 2023, the department of education shall calculate and pay 33531
to each community school that is not an internet- or 33532
computer-based community school student wellness and success 33533
funds, on a full-time equivalency basis, for each student enrolled 33534
in the school in the immediately preceding fiscal year in an 33535
amount equal to the following: 33536

(The base per pupil amount of the student's resident district for 33537
that fiscal year + the scaled amount of the student's resident 33538
district, if any, computed under division (B)(4) of section 33539
3317.0219 of the Revised Code) 33540

However, each community school shall receive a minimum 33541
payment of \$30,404, for fiscal year 2022, or \$24,149, for fiscal 33542
year 2023. 33543

(C) Subject to division (E) of this section, for fiscal years 33544
2022 and 2023, the department shall pay student wellness and 33545
success funds to each internet- or computer-based community school 33546
in an amount equal to \$30,404, for fiscal year 2022, or \$24,149, 33547
for fiscal year 2023. 33548

(D) Subject to division (E) of this section, for fiscal years 33549
2022 and 2023, the department shall pay to each community school 33550

that is not an internet- or computer-based community school 33551
student wellness and success enhancement funds, on a full-time 33552
equivalency basis, for each student enrolled in the school in the 33553
immediately preceding fiscal year whose resident district is an 33554
eligible school district, in an amount equal to the following: 33555
The amount paid to the student's resident district under division 33556
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 33557
year / the student wellness and success enrolled ADM of the 33558
student's resident district for the immediately preceding fiscal 33559
year 33560

(E) The department shall pay funds under divisions (B), (C), 33561
and (D) of this section as follows: 33562

(1) One-half of the amount shall be paid not later than the 33563
thirty-first day of October of the fiscal year for which the 33564
payment is calculated. 33565

(2) One-half of the amount shall be paid not later than the 33566
twenty-eighth day of February of the fiscal year for which the 33567
payment is calculated. 33568

Upon making a payment for a fiscal year under this section, 33569
the department shall not make any reconciliations or adjustments 33570
to that payment. 33571

(F) A community school that receives a payment under this 33572
section shall comply with section 3317.26 of the Revised Code. 33573

Sec. 3317.0221. (A) As used in this section: 33574

(1) "Base per pupil amount" has the same meaning as in 33575
section 3317.0219 of the Revised Code. 33576

(2) "Eligible school district" has the same meaning as in 33577
division (C)(1) of section 3317.0219 of the Revised Code. 33578

(3) "Resident district" has the same meaning as in section 33579
3326.31 of the Revised Code. 33580

(B) Subject to division (D) of this section, for fiscal years 2022 and 2023, the department of education shall calculate and pay to each science, technology, engineering, and mathematics school student wellness and success funds, on a full-time equivalency basis, for each student enrolled in the school in the immediately preceding fiscal year in an amount equal to the following:

(The base per pupil amount of the student's resident district for that fiscal year + the scaled amount of the student's resident district, if any, computed under division (B)(4) of section 3317.0219 of the Revised Code)

However, each science, technology, engineering, and mathematics school shall receive a minimum payment of \$30,404, for fiscal year 2022, or \$24,149, for fiscal year 2023.

(C) Subject to division (D) of this section, for fiscal years 2022 and 2023, the department shall pay to each science, technology, engineering, and mathematics school student wellness and success enhancement funds, on a full-time equivalency basis, for each student enrolled in the school in the immediately preceding fiscal year whose resident district is an eligible school district, in an amount equal to the following:

The amount paid to the student's resident district under division (C)(2) of section 3317.0219 of the Revised Code for that fiscal year / the student wellness and success enrolled ADM of the student's resident district for the immediately preceding fiscal year

(D) The department shall pay funds under divisions (B) and (C) of this section as follows:

(1) One-half of the amount shall be paid not later than the thirty-first day of October of the fiscal year for which the payment is calculated.

(2) One-half of the amount shall be paid not later than the

twenty-eighth day of February of the fiscal year for which the 33612
payment is calculated. 33613

Upon making a payment for a fiscal year under this section, 33614
the department shall not make any reconciliations or adjustments 33615
to that payment. 33616

(E) A science, technology, engineering, and mathematics 33617
school that receives a payment under this section shall comply 33618
with section 3317.26 of the Revised Code. 33619

Sec. 3317.0222. (A) As used in this section, a city, local, 33620
or exempted village school district's "local tax revenue" for a 33621
fiscal year means the sum of the following: 33622

(1) The district's taxes charged and payable as certified 33623
under division (A)(3)(a) of section 3317.021 of the Revised Code 33624
minus any amounts reported under division (A)(3)(b) of that 33625
section for the second preceding tax year; 33626

(2) The district's tax distribution for the preceding fiscal 33627
year under any school district income tax levied by the district 33628
pursuant to Chapter 5748. of the Revised Code to the extent the 33629
revenue from the income tax is allocated or apportioned to current 33630
expenses. 33631

(B) For each fiscal year, the department of education shall 33632
compute and pay gap aid to each city, local, and exempted village 33633
school district as follows: 33634

(1) Calculate the following difference: 33635

(1 - the district's state share index) 33636

(2) Calculate the sum of the following: 33637

(a) The district's payment for that fiscal year under 33638
division (A)(1) of section 3317.022 of the Revised Code divided by 33639
the district's state share index; 33640

(b) The district's payment for that fiscal year under 33641
division (A)(3) of section 3317.022 of the Revised Code divided by 33642
the district's state share index; 33643

(c) The district's payment for that fiscal year under 33644
division (A)(6) of section 3317.022 of the Revised Code divided by 33645
the district's state share index; 33646

(d) The district's payment for that fiscal year under 33647
division (A)(8) of section 3317.022 of the Revised Code divided by 33648
the district's state share index; 33649

(e) The district's payment for that fiscal year under 33650
division (A)(9) of section 3317.022 of the Revised Code divided by 33651
the district's state share index; 33652

(f) The district's payment for that fiscal year under 33653
division (A)(13) of section 3317.022 of the Revised Code divided 33654
by the district's state share index; 33655

(g) The district's payment for that fiscal year under 33656
division (A)(14) of section 3317.022 of the Revised Code divided 33657
by the district's state share index; 33658

(h) The product of \$193 times the district's enrolled ADM for 33659
grades kindergarten through three. 33660

(3) Multiply the difference determined under division (B)(1) 33661
of this section by the sum determined under division (B)(2) of 33662
this section; 33663

(4) Calculate the following product: 33664
(The district's payment for that fiscal year under division (E) of 33665
section 3317.0212 of the Revised Code / the greater of twenty-five 33666
per cent or the district's state share index) X (1 - the greater 33667
of twenty-five per cent or the district's state share index) 33668

(5) Calculate the sum of the the product determined under 33669
division (B)(3) of this section and the product determined under 33670

division (B)(4) of this section; 33671

(6) Subtract from the sum calculated under division (B)(5) of 33672
this section any temporary transitional aid authorized by the 33673
general assembly for that fiscal year that is paid to the 33674
district; 33675

(7) Compute the district's gap aid payment for that fiscal 33676
year in accordance with the following formula: 33677

The amount determined under division (B)(6) of this section - the 33678
district's local tax revenue for that fiscal year 33679

If the computation made under division (B)(7) of this section 33680
results in a negative number, the district's gap aid payments 33681
shall be zero. 33682

Sec. 3317.0223. (A) The department of education shall 33683
withhold from the aggregate amount paid for a fiscal year to each 33684
city, local, exempted village, and joint vocational school 33685
district, community school established under Chapter 3314. of the 33686
Revised Code, and science, technology, engineering, and 33687
mathematics school established under Chapter 3326. of the Revised 33688
Code an amount for the special education cost supplement pool that 33689
is equal to the following: 33690

(1) In the case of a city, local, or exempted village school 33691
district, an amount calculated as follows: 33692

0.10 X [(the district's category one special education ADM X the 33693
amount specified in division (A) of section 3317.013 of the 33694
Revised Code X the district's state share index) + (the district's 33695
category two special education ADM X the amount specified in 33696
division (B) of section 3317.013 of the Revised Code X the 33697
district's state share index) + (the district's category three 33698
special education ADM X the amount specified in division (C) of 33699
section 3317.013 of the Revised Code X the district's state share 33700

index) + (the district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index) + (the district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index) + (the district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index)]

(2) In the case of a joint vocational school district, an amount calculated as follows:

0.10 X [(the district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage) + (the district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage) + (the district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage) + (the district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage) + (the district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage) + (the district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage)]

(3) 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.

(4) In the case of a science, technology, engineering, and

mathematics school, the aggregate amount of special education 33733
funding paid to the school under section 3317.022 of the Revised 33734
Code times 0.10. 33735

(B) The department shall use the amount of funds withheld 33736
under division (A) of this section for purposes of division (C)(1) 33737
of section 3314.08 of the Revised Code, section 3317.0214 of the 33738
Revised Code, division (B) of section 3317.16 of the Revised Code, 33739
and section 3326.34 of the Revised Code. 33740

Sec. 3317.03. (A) The superintendent of each city, local, and 33741
exempted village school district shall report to the state board 33742
of education as of the last day of October, March, and June of 33743
each year the enrollment of students receiving services from 33744
schools under the superintendent's supervision, and the numbers of 33745
other students entitled to attend school in the district under 33746
section 3313.64 or 3313.65 of the Revised Code the superintendent 33747
is required to report under this section, so that the department 33748
of education can calculate the district's enrolled ADM, formula 33749
ADM, rider density ADM, student wellness and success enrolled ADM, 33750
total ADM, total resources ADM, category one through five 33751
career-technical education ADM, category one through three English 33752
learner ADM, category one through six special education ADM, 33753
~~preschool scholarship ADM,~~ transportation ADM, and, for purposes 33754
of provisions of law outside of Chapter 3317. of the Revised Code, 33755
average daily membership. 33756

(1) The enrollment reported by the superintendent during the 33757
reporting period shall consist of the number of students in grades 33758
kindergarten through twelve receiving any educational services 33759
from the district, except that the following categories of 33760
students shall not be included in the determination: 33761

(a) Students enrolled in adult education classes; 33762

(b) Adjacent or other district students enrolled in the 33763

district under an open enrollment policy pursuant to section 33764
3313.98 of the Revised Code; 33765

(c) Students receiving services in the district pursuant to a 33766
compact, cooperative education agreement, or a contract, but who 33767
are entitled to attend school in another district pursuant to 33768
section 3313.64 or 3313.65 of the Revised Code; 33769

(d) Students for whom tuition is payable pursuant to sections 33770
3317.081 and 3323.141 of the Revised Code; 33771

(e) Students receiving services in the district through a 33772
scholarship awarded under either section 3310.41 or sections 33773
3310.51 to 3310.64 of the Revised Code. 33774

When reporting students under division (A)(1) of this 33775
section, the superintendent also shall report the district where 33776
each student is entitled to attend school pursuant to sections 33777
3313.64 and 3313.65 of the Revised Code. 33778

(2) The department of education shall compile a list of all 33779
students reported to be enrolled in a district under division 33780
(A)(1) of this section and of the students entitled to attend 33781
school in the district pursuant to section 3313.64 or 3313.65 of 33782
the Revised Code on an FTE basis but receiving educational 33783
services in grades kindergarten through twelve from one or more of 33784
the following entities: 33785

(a) A community school pursuant to Chapter 3314. of the 33786
Revised Code, including any participation in a college pursuant to 33787
Chapter 3365. of the Revised Code while enrolled in such community 33788
school; 33789

(b) An alternative school pursuant to sections 3313.974 to 33790
3313.979 of the Revised Code ~~as described in division (I)(2)(a) or~~ 33791
~~(b) of this section;~~ 33792

(c) A college pursuant to Chapter 3365. of the Revised Code, 33793

except when the student is enrolled in the college while also 33794
enrolled in a community school pursuant to Chapter 3314., a 33795
science, technology, engineering, and mathematics school 33796
established under Chapter 3326., or a college-preparatory boarding 33797
school established under Chapter 3328. of the Revised Code; 33798

(d) An adjacent or other school district under an open 33799
enrollment policy adopted pursuant to section 3313.98 of the 33800
Revised Code; 33801

(e) An educational service center or cooperative education 33802
district; 33803

(f) Another school district under a cooperative education 33804
agreement, compact, or contract; 33805

(g) A chartered nonpublic school with a scholarship paid 33806
under section ~~3310.08~~ 3317.022 of the Revised Code, if the 33807
students qualified for the scholarship under section 3310.03 or 33808
3310.032 of the Revised Code; 33809

(h) An alternative public provider or a registered private 33810
provider with a scholarship awarded under either section 3310.41 33811
or sections 3310.51 to 3310.64 of the Revised Code. 33812

As used in this section, "alternative public provider" and 33813
"registered private provider" have the same meanings as in section 33814
3310.41 or 3310.51 of the Revised Code, as applicable. 33815

(i) A science, technology, engineering, and mathematics 33816
school established under Chapter 3326. of the Revised Code, 33817
including any participation in a college pursuant to Chapter 3365. 33818
of the Revised Code while enrolled in the school; 33819

(j) A college-preparatory boarding school established under 33820
Chapter 3328. of the Revised Code, including any participation in 33821
a college pursuant to Chapter 3365. of the Revised Code while 33822
enrolled in the school. 33823

(3) The department also shall compile a list of the students 33824
entitled to attend school in the district under section 3313.64 or 33825
3313.65 of the Revised Code who are enrolled in a joint vocational 33826
school district or under a career-technical education compact, 33827
excluding any students so entitled to attend school in the 33828
district who are enrolled in another school district through an 33829
open enrollment policy as reported under division (A)(2)(d) of 33830
this section and then enroll in a joint vocational school district 33831
or under a career-technical education compact. 33832

The department shall provide each city, local, and exempted 33833
village school district with an opportunity to review the list of 33834
students compiled under divisions (A)(2) and (3) of this section 33835
to ensure that the students reported accurately reflect the 33836
enrollment of students in the district. 33837

(B) To enable the department of education to obtain the data 33838
needed to complete the calculation of payments pursuant to this 33839
chapter, each superintendent shall certify from the reports 33840
provided by the department under division (A) of this section all 33841
of the following: 33842

(1) The total student enrollment in regular learning day 33843
classes included in the report under division (A)(1) or (2)(c), 33844
(d), (e), (f), or (j) of this section for each of the individual 33845
grades kindergarten through twelve in schools under the 33846
superintendent's supervision; 33847

(2) The unduplicated count of the number of preschool 33848
children with disabilities enrolled in the district for whom the 33849
district is eligible to receive funding under section 3317.0213 of 33850
the Revised Code adjusted for the portion of the year each child 33851
is so enrolled, in accordance with the disability categories 33852
prescribed in section 3317.013 of the Revised Code; 33853

(3) The number of children entitled to attend school in the 33854

district pursuant to section 3313.64 or 3313.65 of the Revised Code who are: 33855
33856

~~(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;~~ 33857
33858
33859

~~(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; 33860
33861
33862
33863
33864
33865
33866

~~(e)(b)~~ Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code; 33867
33868

~~(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;~~ 33869
33870
33871
33872
33873
33874

~~(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;~~ 33875
33876
33877
33878

~~(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;~~ 33879
33880
33881
33882

~~(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;~~ 33883
33884
33885

(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;	33886
	33887
	33888
(i)(c) Participating in a program operated by a county board of developmental disabilities or a state institution;	33889
	33890
(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;	33891
	33892
	33893
	33894
(k)(d) 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;	33895
	33896
	33897
	33898
(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.	33899
	33900
	33901
(4) The total enrollment of pupils in joint vocational schools;	33902
	33903
(5) The combined enrollment of children with disabilities reported under division (A)(1) or <u>(2)(c), (d), (e), (f), or (j)</u> 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;	33904
	33905
	33906
	33907
	33908
	33909
	33910
	33911
(6) The combined enrollment of children with disabilities reported under division (A)(1) or <u>(2)(c), (d), (e), (f), or (j)</u> 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	33912
	33913
	33914
	33915
	33916

program operated by an alternative public provider or a registered 33917
private provider with a scholarship awarded under sections 3310.51 33918
to 3310.64 of the Revised Code; 33919

(7) The combined enrollment of children with disabilities 33920
reported under division (A)(1) or (2)(c), (d), (e), (f), or (j) of 33921
this section receiving special education services for category 33922
three disabilities described in division (C) of section 3317.013 33923
of the Revised Code, including children attending a special 33924
education program operated by an alternative public provider or a 33925
registered private provider with a scholarship awarded under 33926
sections 3310.51 to 3310.64 of the Revised Code; 33927

(8) The combined enrollment of children with disabilities 33928
reported under division (A)(1) or (2)(c), (d), (e), (f), or (j) of 33929
this section receiving special education services for category 33930
four disabilities described in division (D) of section 3317.013 of 33931
the Revised Code, including children attending a special education 33932
program operated by an alternative public provider or a registered 33933
private provider with a scholarship awarded under sections 3310.51 33934
to 3310.64 of the Revised Code; 33935

(9) The combined enrollment of children with disabilities 33936
reported under division (A)(1) or (2)(c), (d), (e), (f), or (j) of 33937
this section receiving special education services for the category 33938
five disabilities described in division (E) of section 3317.013 of 33939
the Revised Code, including children attending a special education 33940
program operated by an alternative public provider or a registered 33941
private provider with a scholarship awarded under sections 3310.51 33942
to 3310.64 of the Revised Code; 33943

(10) The combined enrollment of children with disabilities 33944
reported under division (A)(1) or (2)(c), (d), (e), (f), or (j) 33945
~~and under division (B)(3)(h)~~ of this section receiving special 33946
education services for category six disabilities described in 33947
division (F) of section 3317.013 of the Revised Code, including 33948

children attending a special education program operated by an 33949
alternative public provider or a registered private provider with 33950
a scholarship awarded under either section 3310.41 or sections 33951
3310.51 to 3310.64 of the Revised Code; 33952

(11) The enrollment of pupils reported under division (A)(1) 33953
or (2)(c), (d), (e), (f), or (j) of this section on a full-time 33954
equivalency basis in category one career-technical education 33955
programs or classes, described in division (A) of section 3317.014 33956
of the Revised Code, operated by the school district or by another 33957
district that is a member of the district's career-technical 33958
planning district, other than a joint vocational school district, 33959
or by an educational service center, notwithstanding division 33960
~~(G)~~(M) of section 3317.02 of the Revised Code and division (C)(3) 33961
of this section; 33962

(12) The enrollment of pupils reported under division (A)(1) 33963
or (2)(c), (d), (e), (f), or (j) of this section on a full-time 33964
equivalency basis in category two career-technical education 33965
programs or services, described in division (B) of section 33966
3317.014 of the Revised Code, operated by the school district or 33967
another school district that is a member of the district's 33968
career-technical planning district, other than a joint vocational 33969
school district, or by an educational service center, 33970
notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised 33971
Code and division (C)(3) of this section; 33972

(13) The enrollment of pupils reported under division (A)(1) 33973
or (2)(c), (d), (e), (f), or (j) of this section on a full-time 33974
equivalency basis in category three career-technical education 33975
programs or services, described in division (C) of section 33976
3317.014 of the Revised Code, operated by the school district or 33977
another school district that is a member of the district's 33978
career-technical planning district, other than a joint vocational 33979
school district, or by an educational service center, 33980

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)(c), (d), (e), (f), or (j)~~ of this section on a full-time equivalency basis in category four career-technical education programs or services, described in division (D) 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)(c), (d), (e), (f), or (j)~~ of this section on a full-time equivalency basis in category five career-technical education programs or services, described in division (E) 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)(c), (d), (e), (f), or (j)~~ of this section who are English learners described in division (A) of section 3317.016 of the Revised Code, ~~excluding any student reported under division (B)(3)(e) 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)(c), (d), (e), (f), or (j)~~ of this section who are English learners described in division (B) of section 3317.016 of the Revised Code, ~~excluding any student reported under division~~

~~(B)(3)(e) of this section as enrolled in an internet or
computer based community school;~~ 34013
34014

(18) The enrollment of pupils reported under division (A)(1) 34015
or (2)(c), (d), (e), (f), or (j) of this section who are English 34016
learners described in division (C) of section 3317.016 of the 34017
Revised Code, ~~excluding any student reported under division~~ 34018
~~(B)(3)(e) of this section as enrolled in an internet or~~ 34019
~~computer based community school;~~ 34020

(19) The average number of children transported during the 34021
reporting period by the school district on board-owned or 34022
contractor-owned and -operated buses, reported in accordance with 34023
rules adopted by the department of education; 34024

(20)(a) The number of children, other than preschool children 34025
with disabilities, the district placed with a county board of 34026
developmental disabilities in fiscal year 1998. Division 34027
(B)(20)(a) of this section does not apply after fiscal year 2013. 34028

(b) The number of children with disabilities, other than 34029
preschool children with disabilities, placed with a county board 34030
of developmental disabilities in the current fiscal year to 34031
receive special education services for the category one disability 34032
described in division (A) of section 3317.013 of the Revised Code; 34033

(c) The number of children with disabilities, other than 34034
preschool children with disabilities, placed with a county board 34035
of developmental disabilities in the current fiscal year to 34036
receive special education services for category two disabilities 34037
described in division (B) of section 3317.013 of the Revised Code; 34038

(d) The number of children with disabilities, other than 34039
preschool children with disabilities, placed with a county board 34040
of developmental disabilities in the current fiscal year to 34041
receive special education services for category three disabilities 34042
described in division (C) of section 3317.013 of the Revised Code; 34043

(e) The number of children with disabilities, other than 34044
preschool children with disabilities, placed with a county board 34045
of developmental disabilities in the current fiscal year to 34046
receive special education services for category four disabilities 34047
described in division (D) of section 3317.013 of the Revised Code; 34048

(f) The number of children with disabilities, other than 34049
preschool children with disabilities, placed with a county board 34050
of developmental disabilities in the current fiscal year to 34051
receive special education services for the category five 34052
disabilities described in division (E) of section 3317.013 of the 34053
Revised Code; 34054

(g) The number of children with disabilities, other than 34055
preschool children with disabilities, placed with a county board 34056
of developmental disabilities in the current fiscal year to 34057
receive special education services for category six disabilities 34058
described in division (F) of section 3317.013 of the Revised Code. 34059

(21) The enrollment of students who are economically 34060
disadvantaged, as defined by the department, ~~excluding any student~~ 34061
~~reported under division (B)(3)(c) of this section as enrolled in~~ 34062
~~an internet or computer based community school reported under~~ 34063
division (A)(1) or (2)(c), (d), (e), (f), or (j) of this section. 34064
A student shall not be categorically excluded from the number 34065
reported under division (B)(21) of this section based on anything 34066
other than family income. 34067

(C)(1) The state board of education shall adopt rules 34068
necessary for implementing divisions (A), (B), and (D) of this 34069
section. 34070

(2)(a) A student enrolled in a community school established 34071
under Chapter 3314., a science, technology, engineering, and 34072
mathematics school established under Chapter 3326., or a 34073
college-preparatory boarding school established under Chapter 34074

3328. of the Revised Code shall be counted in the formula ADM ~~and,~~ 34075
~~if applicable, the category one, two, three, four, five, or six~~ 34076
~~special education ADM~~ of the school district in which the student 34077
is entitled to attend school under section 3313.64 or 3313.65 of 34078
the Revised Code for the same proportion of the school year that 34079
the student is counted in the enrollment of the community school, 34080
the science, technology, engineering, and mathematics school, or 34081
the college-preparatory boarding school for purposes of section 34082
~~3314.08, 3326.33, 3317.022~~ or 3328.24 of the Revised Code. 34083

Notwithstanding the enrollment of students ~~certified~~ reported 34084
pursuant to division ~~(B)(3)(d)~~ (A)(2)(a), (e)(i), or (j), or (k) 34085
of this section and, in the case of a college-preparatory boarding 34086
school, certified under division (B)(3)(g) of this section, the 34087
department may adjust the formula ADM of a school district to 34088
account for students entitled to attend school in the district 34089
under section 3313.64 or 3313.65 of the Revised Code who are 34090
enrolled in a community school, a science, technology, 34091
engineering, and mathematics school, or a college-preparatory 34092
boarding school for only a portion of the school year. 34093

(b) A student enrolled in a college-preparatory boarding 34094
school established under Chapter 3328. of the Revised Code shall 34095
be counted in the category one, two, three, four, five, or six 34096
special education ADM of the school district in which the student 34097
is entitled to attend school under section 3313.64 or 3313.65 of 34098
the Revised Code for the same proportion of the school year that 34099
the student is counted in the enrollment of the 34100
college-preparatory boarding school for purposes of section 34101
3328.24 of the Revised Code. 34102

(3) No child shall be counted as more than a total of one 34103
child in the sum of the enrollment of students of a school 34104
district under division (A), divisions (B)(1) to (22), or division 34105
(D) of this section, except as follows: 34106

(a)(i) A child with a disability described in section 34107
3317.013 of the Revised Code may be counted both in formula ADM 34108
and in category one, two, three, four, five, or six special 34109
education ADM and, if applicable, in category one, two, three, 34110
four, or five career-technical education ADM. As provided in 34111
division ~~(G)~~(M) of section 3317.02 of the Revised Code, such a 34112
child shall be counted in category one, two, three, four, five, or 34113
six special education ADM in the same proportion that the child is 34114
counted in formula ADM. 34115

(ii) A child with a disability described in section 3317.03 34116
of the Revised Code may be counted both in enrolled ADM and in 34117
category one, two, three, four, five, or six special education ADM 34118
and, if applicable, in category one, two, three, four, or five 34119
career-technical education ADM. As provided in division (M) of 34120
section 3317.02 of the Revised Code, such a child shall be counted 34121
in category one, two, three, four, five, or six special education 34122
ADM in the same proportion that the child is counted in enrolled 34123
ADM. 34124

(b)(i) A child enrolled in career-technical education 34125
programs or classes described in section 3317.014 of the Revised 34126
Code may be counted both in formula ADM and category one, two, 34127
three, four, or five career-technical education ADM and, if 34128
applicable, in category one, two, three, four, five, or six 34129
special education ADM. Such a child shall be counted in category 34130
one, two, three, four, or five career-technical education ADM in 34131
the same proportion as the percentage of time that the child 34132
spends in the career-technical education programs or classes. 34133

(ii) A child enrolled in career-technical education programs 34134
or classes described in section 3317.014 of the Revised Code may 34135
be counted both in enrolled ADM and category one, two, three, 34136
four, or five career-technical education ADM and, if applicable, 34137
in category one, two, three, four, five, or six special education 34138

ADM. Such a child shall be counted in category one, two, three, 34139
four, or five career-technical education ADM in the same 34140
proportion as the percentage of time that the child spends in the 34141
career-technical education programs or classes. 34142

(4) Based on the information reported under this section, the 34143
department of education shall determine the total student count, 34144
as defined in section 3301.011 of the Revised Code, for each 34145
school district. 34146

(D)(1) The superintendent of each joint vocational school 34147
district shall report and certify to the superintendent of public 34148
instruction as of the last day of October, March, and June of each 34149
year the enrollment of students receiving services from schools 34150
under the superintendent's supervision so that the department can 34151
calculate the district's enrolled ADM, formula ADM, total ADM, 34152
category one through five career-technical education ADM, category 34153
one through three English learner ADM, category one through six 34154
special education ADM, and for purposes of provisions of law 34155
outside of Chapter 3317. of the Revised Code, average daily 34156
membership. 34157

The enrollment reported and certified by the superintendent, 34158
except as otherwise provided in this division, shall consist of 34159
the number of students in grades six through twelve receiving any 34160
educational services from the district, except that the following 34161
categories of students shall not be included in the determination: 34162

(a) Students enrolled in adult education classes; 34163

(b) Adjacent or other district joint vocational students 34164
enrolled in the district under an open enrollment policy pursuant 34165
to section 3313.98 of the Revised Code; 34166

(c) Students receiving services in the district pursuant to a 34167
compact, cooperative education agreement, or a contract, but who 34168
are entitled to attend school in a city, local, or exempted 34169

village school district whose territory is not part of the	34170
territory of the joint vocational district;	34171
(d) Students for whom tuition is payable pursuant to sections	34172
3317.081 and 3323.141 of the Revised Code.	34173
(2) To enable the department of education to obtain the data	34174
needed to complete the calculation of payments pursuant to this	34175
chapter, each superintendent shall certify from the report	34176
provided under division (D)(1) of this section the enrollment for	34177
each of the following categories of students:	34178
(a) Students enrolled in each individual grade included in	34179
the joint vocational district schools;	34180
(b) Children with disabilities receiving special education	34181
services for the category one disability described in division (A)	34182
of section 3317.013 of the Revised Code;	34183
(c) Children with disabilities receiving special education	34184
services for the category two disabilities described in division	34185
(B) of section 3317.013 of the Revised Code;	34186
(d) Children with disabilities receiving special education	34187
services for category three disabilities described in division (C)	34188
of section 3317.013 of the Revised Code;	34189
(e) Children with disabilities receiving special education	34190
services for category four disabilities described in division (D)	34191
of section 3317.013 of the Revised Code;	34192
(f) Children with disabilities receiving special education	34193
services for the category five disabilities described in division	34194
(E) of section 3317.013 of the Revised Code;	34195
(g) Children with disabilities receiving special education	34196
services for category six disabilities described in division (F)	34197
of section 3317.013 of the Revised Code;	34198
(h) Students receiving category one career-technical	34199

education services, described in division (A) of section 3317.014	34200
of the Revised Code;	34201
(i) Students receiving category two career-technical	34202
education services, described in division (B) of section 3317.014	34203
of the Revised Code;	34204
(j) Students receiving category three career-technical	34205
education services, described in division (C) of section 3317.014	34206
of the Revised Code;	34207
(k) Students receiving category four career-technical	34208
education services, described in division (D) of section 3317.014	34209
of the Revised Code;	34210
(l) Students receiving category five career-technical	34211
education services, described in division (E) of section 3317.014	34212
of the Revised Code;	34213
(m) English learners described in division (A) of section	34214
3317.016 of the Revised Code;	34215
(n) English learners described in division (B) of section	34216
3317.016 of the Revised Code;	34217
(o) English learners described in division (C) of section	34218
3317.016 of the Revised Code;	34219
(p) Students who are economically disadvantaged, as defined	34220
by the department. A student shall not be categorically excluded	34221
from the number reported under division (D)(2)(p) of this section	34222
based on anything other than family income.	34223
The superintendent of each joint vocational school district	34224
shall also indicate the city, local, or exempted village school	34225
district in which each joint vocational district pupil is entitled	34226
to attend school pursuant to section 3313.64 or 3313.65 of the	34227
Revised Code.	34228
(E) In each school of each city, local, exempted village,	34229

joint vocational, and cooperative education school district there 34230
shall be maintained a record of school enrollment, which record 34231
shall accurately show, for each day the school is in session, the 34232
actual enrollment in regular day classes. For the purpose of 34233
determining the enrollment of students, the enrollment figure of 34234
any school shall not include any pupils except those pupils 34235
described by division (A) or (D) of this section. The record of 34236
enrollment for each school shall be maintained in such manner that 34237
no pupil shall be counted as enrolled prior to the actual date of 34238
entry in the school and also in such manner that where for any 34239
cause a pupil permanently withdraws from the school that pupil 34240
shall not be counted as enrolled from and after the date of such 34241
withdrawal. There shall not be included in the enrollment of any 34242
school any of the following: 34243

(1) Any pupil who has graduated from the twelfth grade of a 34244
public or nonpublic high school; 34245

(2) Any pupil who is not a resident of the state; 34246

(3) Any pupil who was enrolled in the schools of the district 34247
during the previous school year when assessments were administered 34248
under section 3301.0711 of the Revised Code but did not take one 34249
or more of the assessments required by that section and was not 34250
excused pursuant to division (C)(1) or (3) of that section; 34251

(4) Any pupil who has attained the age of twenty-two years, 34252
except for veterans of the armed services whose attendance was 34253
interrupted before completing the recognized twelve-year course of 34254
the public schools by reason of induction or enlistment in the 34255
armed forces and who apply for reenrollment in the public school 34256
system of their residence not later than four years after 34257
termination of war or their honorable discharge; 34258

(5) Any pupil who has a certificate of high school 34259
equivalence as defined in section 5107.40 of the Revised Code. 34260

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, rider density ADM, student wellness and success enrolled ADM, total ADM, total resources 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, in the case of an adjustment for a student attending 34293
a college-preparatory boarding school, shall recalculate the 34294
school district's payments under this chapter for the entire 34295
fiscal year on the basis of that adjusted formula ADM. 34296

(2) If a student awarded an educational choice scholarship is 34297
not included in the formula ADM of the school district ~~from in~~ 34298
which the ~~department deducts funds for the scholarship under~~ 34299
~~section 3310.08 of the Revised Code~~ student resides, the 34300
department shall adjust the formula ADM of that school district to 34301
include the student ~~to the extent necessary to account for the~~ 34302
~~deduction, and shall recalculate the school district's payments~~ 34303
~~under this chapter for the entire fiscal year on the basis of that~~ 34304
~~adjusted formula ADM.~~ 34305

(3) If a student awarded a scholarship under the Jon Peterson 34306
special needs scholarship program is not included in the formula 34307
ADM of the school district ~~from in~~ which the ~~department deducts~~ 34308
~~funds for the scholarship under section 3310.55 of the Revised~~ 34309
~~Code~~ student resides, the department shall adjust the formula ADM 34310
of that school district to include the student ~~to the extent~~ 34311
~~necessary to account for the deduction, and shall recalculate the~~ 34312
~~school district's payments under this chapter for the entire~~ 34313
~~fiscal year on the basis of that adjusted formula ADM.~~ 34314

(G)(1)(a) The superintendent of an institution operating a 34315
special education program pursuant to section 3323.091 of the 34316
Revised Code shall, for the programs under such superintendent's 34317
supervision, certify to the state board of education, in the 34318
manner prescribed by the superintendent of public instruction, 34319
both of the following: 34320

(i) The unduplicated count of the number of all children with 34321
disabilities other than preschool children with disabilities 34322
receiving services at the institution for each category of 34323
disability described in divisions (A) to (F) of section 3317.013 34324

of the Revised Code adjusted for the portion of the year each 34325
child is so enrolled; 34326

(ii) The unduplicated count of the number of all preschool 34327
children with disabilities in classes or programs for whom the 34328
district is eligible to receive funding under section 3317.0213 of 34329
the Revised Code adjusted for the portion of the year each child 34330
is so enrolled, reported according to the categories prescribed in 34331
section 3317.013 of the Revised Code. 34332

(b) The superintendent of an institution with 34333
career-technical education units approved under section 3317.05 of 34334
the Revised Code shall, for the units under the superintendent's 34335
supervision, certify to the state board of education the 34336
enrollment in those units, in the manner prescribed by the 34337
superintendent of public instruction. 34338

(2) The superintendent of each county board of developmental 34339
disabilities that maintains special education classes under 34340
section 3317.20 of the Revised Code or provides services to 34341
preschool children with disabilities pursuant to an agreement 34342
between the county board and the appropriate school district shall 34343
do both of the following: 34344

(a) Certify to the state board, in the manner prescribed by 34345
the board, the enrollment in classes under section 3317.20 of the 34346
Revised Code for each school district that has placed children in 34347
the classes; 34348

(b) Certify to the state board, in the manner prescribed by 34349
the board, the unduplicated count of the number of all preschool 34350
children with disabilities enrolled in classes for which the board 34351
is eligible to receive funding under section 3317.0213 of the 34352
Revised Code adjusted for the portion of the year each child is so 34353
enrolled, reported according to the categories prescribed in 34354
section 3317.013 of the Revised Code, and the number of those 34355

classes. 34356

(H) Except as provided in division (I) of this section, when 34357
any city, local, or exempted village school district provides 34358
instruction for a nonresident pupil whose attendance is 34359
unauthorized attendance as defined in section 3327.06 of the 34360
Revised Code, that pupil's enrollment shall not be included in 34361
that district's enrollment figure used in calculating the 34362
district's payments under this chapter. The reporting official 34363
shall report separately the enrollment of all pupils whose 34364
attendance in the district is unauthorized attendance, and the 34365
enrollment of each such pupil shall be credited to the school 34366
district in which the pupil is entitled to attend school under 34367
division (B) of section 3313.64 or section 3313.65 of the Revised 34368
Code as determined by the department of education. 34369

~~(I)(1)~~ (I) This division does not apply on or after the 34370
effective date of this amendment. 34371

(1) A city, local, exempted village, or joint vocational 34372
school district admitting a scholarship student of a pilot project 34373
district pursuant to division (C) of section 3313.976 of the 34374
Revised Code may count such student in its enrollment. 34375

(2) In any year for which funds are appropriated for pilot 34376
project scholarship programs, a school district implementing a 34377
state-sponsored pilot project scholarship program that year 34378
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 34379
count in its enrollment: 34380

(a) All children residing in the district and utilizing a 34381
scholarship to attend kindergarten in any alternative school, as 34382
defined in section 3313.974 of the Revised Code; 34383

(b) All children who were enrolled in the district in the 34384
preceding year who are utilizing a scholarship to attend an 34385
alternative school. 34386

(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) 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) One gifted intervention specialist unit shall be

allocated for every 1,100 students in a district's ~~gifted unit~~ 34417
enrolled ADM, with a minimum of 0.3 units allocated for the 34418
district. 34419

~~(D)~~(C) The department shall pay the following amount to a 34420
school district for gifted units: 34421

\$37,370 multiplied by the number of units allocated to a school 34422
district under division ~~(C)~~(B) of this section 34423

~~(E)~~(D) A school district may assign gifted unit funding that 34424
it receives under division ~~(D)~~(C) of this section to another 34425
school district, an educational service center, a community 34426
school, or a STEM school as part of an arrangement to provide 34427
services to the district. 34428

Sec. 3317.062. (A) Moneys paid to chartered nonpublic schools 34429
under division (E)(2) of section 3317.024 of the Revised Code 34430
shall be used for one or more of the following purposes: 34431

(1) To purchase secular textbooks or digital texts, as 34432
defined in divisions (A)(1) and (2) of section 3317.06 of the 34433
Revised Code, as have been approved by the superintendent of 34434
public instruction for use in public schools in the state. 34435
Textbooks purchased in accordance with this division may be 34436
disposed of four years after the date of purchase; 34437

(2) To provide the services described in divisions (B), (C), 34438
(D), and (Q) of section 3317.06 of the Revised Code; 34439

(3) To provide the services described in divisions (E), (F), 34440
(G), and (I) of section 3317.06 of the Revised Code. If such 34441
services are provided in public schools or in public centers, 34442
transportation to and from such facilities shall be provided by 34443
the nonpublic school. 34444

(4) To supply for use by pupils attending the school such 34445
standardized tests and scoring services as are in use in the 34446

public schools of the state; 34447

(5) To hire clerical personnel to assist in the 34448
administration of divisions (A)(2), (3), and (4) of this section 34449
and to hire supervisory personnel to supervise the providing of 34450
services and textbooks pursuant to this section. These personnel 34451
shall perform their services in the public schools, in nonpublic 34452
schools, public centers, or mobile units where the services are 34453
provided to the nonpublic school pupil, except that such personnel 34454
may accompany pupils to and from the service sites when necessary 34455
to ensure the safety of the children receiving the services. All 34456
services provided pursuant to this section may be provided under 34457
contract with school districts, educational service centers, the 34458
department of health, city or general health districts, or private 34459
agencies whose personnel are properly licensed by an appropriate 34460
state board or agency. 34461

(6) To purchase any of the materials described in division 34462
(K) of section 3317.06 of the Revised Code; 34463

(7) To purchase any of the equipment described in division 34464
(L) of section 3317.06 of the Revised Code; 34465

(8) To purchase mobile units to be used for the provision of 34466
services pursuant to division (A)(3) of this section and to pay 34467
for necessary repairs and operating costs associated with these 34468
units; 34469

(9) To purchase the equipment described in division (O) of 34470
section 3317.06 of the Revised Code; 34471

(10) To procure and pay for security services described in 34472
division (P) of section 3317.06 of the Revised Code. 34473

(B) Materials, equipment, computer hardware and software, 34474
textbooks, digital texts, and health and remedial services 34475
provided pursuant to this section and the admission of pupils to 34476
nonpublic schools shall be provided without distinction as to 34477

race, creed, color, or national origin of such pupils or of their teachers. 34478
34479

(C) Any interest earned by a chartered nonpublic school on moneys paid to it under division (E)(2) of section 3317.024 of the Revised Code shall be used by the school for the same purposes and in the same manner as the payments may be used under this section. 34480
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(D) The department of education shall adopt guidelines and procedures regarding both of the following: 34484
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(1) The expenditure of moneys under this section; 34486

(2) The audit of nonpublic schools receiving funds under this section to ensure the appropriate use of funds. 34487
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(E) The department shall adopt a rule specifying the party that owns any property purchased by a chartered nonpublic school with moneys paid under division (E)(2) of section 3317.024 of the Revised Code. The rule shall include procedures for disposal of the property by the designated owner when appropriate. 34489
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(F) Within thirty days after the end of each biennium, each chartered nonpublic school shall remit to the department all moneys paid to it under division (E)(2) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the moneys were appropriated and during which the interest was earned. If a school subsequently determines that the remittal of moneys leaves the school with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted moneys were appropriated, the school may apply to the department for a refund of money, not to exceed the amount of the insufficiency. If the department determines the expenses were lawfully incurred and would have been lawful expenditures of the refunded money, the department shall make a refund in the necessary amount. 34494
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(G) All services provided and purchases made pursuant to this section may be acquired under contract with school districts, educational service centers, the department of health, city or general health districts, or private entities.

(H) When a chartered nonpublic school has materials or equipment purchased in accordance with division (A)(6) or (7) of this section that are no longer needed for school use, are obsolete, are unfit for the use for which they were acquired, or have been in the school's possession for at least four years, the school may dispose of that property in accordance with the school's disposal procedures, which may include donation, sale, trade, or permanent disposal. The school shall remit to the state treasury the proceeds from any sale made in accordance with this division.

Sec. 3317.063. The superintendent of public instruction, in accordance with rules adopted by the department of education, shall annually reimburse each chartered nonpublic school for the actual mandated service administrative and clerical costs incurred by such school during the preceding school year in preparing, maintaining, and filing reports, forms, and records, and in providing such other administrative and clerical services that are not an integral part of the teaching process as may be required by state law or rule or by requirements duly promulgated by city, exempted village, or local school districts. The mandated service costs reimbursed pursuant to this section shall include, but are not limited to, the preparation, filing and maintenance of forms, reports, or records and other clerical and administrative services relating to state chartering or approval of the nonpublic school, pupil attendance, pupil health and health testing, transportation of pupils, federally funded education programs, pupil appraisal, pupil progress, educator licensure, unemployment and workers' compensation, transfer of pupils, and such other education related

data which are now or hereafter shall be required of such 34541
nonpublic school by state law or rule, or by requirements of the 34542
state department of education, other state agencies, or city, 34543
exempted village, or local school districts. 34544

The reimbursement required by this section shall be for 34545
school years beginning on or after July 1, 1981. 34546

Each nonpublic school which seeks reimbursement pursuant to 34547
this section shall submit to the superintendent of public 34548
instruction an application together with such additional reports 34549
and documents as the department of education may require. Such 34550
application, reports, and documents shall contain such information 34551
as the department of education may prescribe in order to carry out 34552
the purposes of this section. No payment shall be made until the 34553
superintendent of public instruction has approved such 34554
application. 34555

Each nonpublic school which applies for reimbursement 34556
pursuant to this section shall maintain a separate account or 34557
system of accounts for the expenses incurred in rendering the 34558
required services for which reimbursement is sought. Such accounts 34559
shall contain such information as is required by the department of 34560
education and shall be maintained in accordance with rules adopted 34561
by the department of education. 34562

Reimbursement payments to a nonpublic school for a school 34563
year pursuant to this section shall not exceed ~~an~~ the per-pupil 34564
amount specified by the general assembly for ~~each~~ that school year 34565
~~equal to three hundred sixty dollars per pupil enrolled in that~~ 34566
~~nonpublic school.~~ 34567

The superintendent of public instruction may, from time to 34568
time, examine any and all accounts and records of a nonpublic 34569
school which have been maintained pursuant to this section in 34570
support of an application for reimbursement, for the purpose of 34571

determining the costs to such school of rendering the services for 34572
which reimbursement is sought. If after such audit it is 34573
determined that any school has received funds in excess of the 34574
actual cost of providing such services, said school shall 34575
immediately reimburse the state in such excess amount. 34576

Any payments made to chartered nonpublic schools under this 34577
section may be disbursed without submission to and approval of the 34578
controlling board. 34579

Sec. 3317.064. (A) There is hereby established in the state 34580
treasury the auxiliary services reimbursement fund. By the 34581
thirtieth day of January of each odd-numbered year, the director 34582
of job and family services and the superintendent of public 34583
instruction shall determine the amount of any excess moneys in the 34584
auxiliary services personnel unemployment compensation fund not 34585
reasonably necessary for the purposes of section 4141.47 of the 34586
Revised Code, and shall certify such amount to the director of 34587
budget and management for transfer to the auxiliary services 34588
reimbursement fund. If the director of job and family services and 34589
the superintendent disagree on such amount, the director of budget 34590
and management shall determine the amount to be transferred. 34591

(B) Except as provided in divisions (C) and (D) of this 34592
section, moneys in the auxiliary services reimbursement fund shall 34593
be used for the relocation or for the replacement and repair of 34594
mobile units used to provide the services specified in division 34595
(E), (F), (G), or (I) of section 3317.06 of the Revised Code. The 34596
state board of education shall adopt guidelines and procedures for 34597
replacement, repair, and relocation of mobile units and the 34598
procedures under which a school district may apply to receive 34599
moneys with which to repair or replace or relocate such units. 34600

(C) School districts and educational service centers may 34601
apply to the department for moneys from the auxiliary services 34602

reimbursement fund for payment of incentives for early retirement 34603
and severance for school district personnel assigned to provide 34604
services authorized by section 3317.06 of the Revised Code at 34605
chartered nonpublic schools. The portion of the cost of any early 34606
retirement or severance incentive for any employee that is paid 34607
using money from the auxiliary services reimbursement fund shall 34608
not exceed the percentage of such employee's total service credit 34609
that the employee spent providing services to chartered nonpublic 34610
school students under section 3317.06 of the Revised Code. 34611

(D) The department of education may use a portion of the 34612
moneys in the auxiliary services reimbursement fund to make 34613
payments for chartered nonpublic school students under section 34614
3365.07 of the Revised Code, in accordance with rules adopted 34615
pursuant to section 3365.071 of the Revised Code. 34616

Sec. 3317.16. (A) The department of education shall compute 34617
and distribute state core foundation funding to each funding unit 34618
that is a joint vocational school district for the fiscal year as 34619
prescribed in the following divisions: 34620

(1) An opportunity grant calculated according to the 34621
following formula: 34622

(The formula amount X formula ADM) - (0.0005 X the district's 34623
three-year average valuation) 34624

However, no district shall receive an opportunity grant that 34625
is less than 0.05 times the formula amount times formula ADM. 34626

(2) Additional state aid for special education and related 34627
services provided under Chapter 3323. of the Revised Code 34628
calculated as the sum of the following: 34629

(a) The district's category one special education ADM X the 34630
amount specified in division (A) of section 3317.013 of the 34631
Revised Code X the district's state share percentage; 34632

(b) The district's category two special education ADM X the 34633
amount specified in division (B) of section 3317.013 of the 34634
Revised Code X the district's state share percentage; 34635

(c) The district's category three special education ADM X the 34636
amount specified in division (C) of section 3317.013 of the 34637
Revised Code X the district's state share percentage; 34638

(d) The district's category four special education ADM X the 34639
amount specified in division (D) of section 3317.013 of the 34640
Revised Code X the district's state share percentage; 34641

(e) The district's category five special education ADM X the 34642
amount specified in division (E) of section 3317.013 of the 34643
Revised Code X the district's state share percentage; 34644

(f) The district's category six special education ADM X the 34645
amount specified in division (F) of section 3317.013 of the 34646
Revised Code X the district's state share percentage. 34647

(3) ~~Economically disadvantaged funds~~ Disadvantaged pupil 34648
impact aid calculated according to the following formula: 34649

\$272 X the district's economically disadvantaged index X the 34650
number of students who are economically disadvantaged as certified 34651
under division (D)(2)(p) of section 3317.03 of the Revised Code 34652

(4) English learner funds calculated as the sum of the 34653
following: 34654

(a) The district's category one English learner ADM X the 34655
amount specified in division (A) of section 3317.016 of the 34656
Revised Code X the district's state share percentage; 34657

(b) The district's category two English learner ADM X the 34658
amount specified in division (B) of section 3317.016 of the 34659
Revised Code X the district's state share percentage; 34660

(c) The district's category three English learner ADM X the 34661
amount specified in division (C) of section 3317.016 of the 34662

Revised Code X the district's state share percentage; 34663

(5) Career-technical education funds calculated as the sum of 34664
the following: 34665

(a) The district's category one career-technical education 34666
ADM X the amount specified in division (A) of section 3317.014 of 34667
the Revised Code X the district's state share percentage; 34668

(b) The district's category two career-technical education 34669
ADM X the amount specified in division (B) of section 3317.014 of 34670
the Revised Code X the district's state share percentage; 34671

(c) The district's category three career-technical education 34672
ADM X the amount specified in division (C) of section 3317.014 of 34673
the Revised Code X the district's state share percentage; 34674

(d) The district's category four career-technical education 34675
ADM X the amount specified in division (D) of section 3317.014 of 34676
the Revised Code X the district's state share percentage; 34677

(e) The district's category five career-technical education 34678
ADM X the amount specified in division (E) of section 3317.014 of 34679
the Revised Code X the district's state share percentage. 34680

Payment of funds under division (A)(5) of this section is 34681
subject to approval under section 3317.161 of the Revised Code. 34682

(6) Career-technical education associated services funds 34683
calculated under the following formula: 34684

The district's state share percentage X the 34685
amount for career-technical education associated services 34686
specified in section 3317.014 of the Revised Code X the sum of 34687
categories one through five career-technical 34688
education ADM 34689

(7) Career awareness and exploration funds calculated as 34690
follows: 34691
The district's enrolled ADM X \$2.50, for fiscal year 2022, \$5, for 34692

fiscal year 2023, \$7.50, for fiscal year 2024, or \$10, for fiscal 34693
year 2025 and each fiscal year thereafter 34694

(8) A career-technical education lab program supplement 34695
calculated as follows: 34696

\$225, for fiscal year 2022, or \$1,050, for fiscal year 2023 and 34697
each fiscal year thereafter X the full-time equivalency of the 34698
district's categories one through five career-technical ADM that 34699
is equivalent to the amount of time the district's 34700
career-technical education students participate in lab programs, 34701
as determined by the department 34702

(9) A graduation bonus calculated according to the following 34703
formula: 34704

The district's graduation rate as reported on its most recent 34705
report card issued by the department under section 3302.033 of the 34706
Revised Code X 0.075 X the formula amount X the number of the 34707
district's students who received high school or honors high school 34708
diplomas as reported by the district to the department, in 34709
accordance with the guidelines adopted under section 3301.0714 of 34710
the Revised Code, for the same school year for which the most 34711
recent report card was issued X the district's state share 34712
percentage 34713

(B)(1) If a joint vocational school district's costs for a 34714
fiscal year for a student in its categories two through six 34715
special education ADM exceed the threshold catastrophic cost for 34716
serving the student, as specified in division (B) of section 34717
3317.0214 of the Revised Code, the district may submit to the 34718
superintendent of public instruction documentation, as prescribed 34719
by the superintendent, of all of its costs for that student. Upon 34720
submission of documentation for a student of the type and in the 34721
manner prescribed, the department shall pay to the district an 34722
amount equal to the sum of the following: 34723

(a) One-half of the district's costs for the student in 34724

excess of the threshold catastrophic cost; 34725

(b) The product of one-half of the district's costs for the 34726
student in excess of the threshold catastrophic cost multiplied by 34727
the district's state share percentage. 34728

(2) The district shall report under division (B)(1) of this 34729
section, and the department shall pay for, only the costs of 34730
educational expenses and the related services provided to the 34731
student in accordance with the student's individualized education 34732
program. Any legal fees, court costs, or other costs associated 34733
with any cause of action relating to the student may not be 34734
included in the amount. 34735

(C)(1) For each student with a disability receiving special 34736
education and related services under an individualized education 34737
program, as defined in section 3323.01 of the Revised Code, at a 34738
joint vocational school district, the resident district or, if the 34739
student is enrolled in a community school, the community school 34740
shall be responsible for the amount of any costs of providing 34741
those special education and related services to that student that 34742
exceed the sum of the amount calculated for those services 34743
attributable to that student under division (A) of this section. 34744

Those excess costs shall be calculated using a formula 34745
approved by the department. 34746

(2) The board of education of the joint vocational school 34747
district may report the excess costs calculated under division 34748
(C)(1) of this section to the department of education. 34749

(3) If the board of education of the joint vocational school 34750
district reports excess costs under division (C)(2) of this 34751
section, the department shall pay the amount of excess cost 34752
calculated under division (C)(2) of this section to the joint 34753
vocational school district and shall deduct that amount as 34754
provided in division (C)(3)(a) or (b) of this section, as 34755

applicable: 34756

(a) If the student is not enrolled in a community school, the 34757
department shall deduct the amount from the account of the 34758
student's resident district pursuant to division (J) of section 34759
3317.023 of the Revised Code. 34760

(b) If the student is enrolled in a community school, the 34761
department shall deduct the amount from the account of the 34762
community school pursuant to section 3314.083 of the Revised Code. 34763

(D)(1) In any fiscal year, a school district receiving funds 34764
under ~~division~~ divisions (A)(5) and (8) of this section shall 34765
spend those funds only for the purposes that the department 34766
designates as approved for career-technical education expenses. 34767
Career-technical education expenses approved by the department 34768
shall include only expenses connected to the delivery of 34769
career-technical programming to career-technical students. The 34770
department shall require the school district to report data 34771
annually so that the department may monitor the district's 34772
compliance with the requirements regarding the manner in which 34773
funding received under ~~division~~ divisions (A)(5) and (8) of this 34774
section may be spent. 34775

(2) All funds received under ~~division~~ divisions (A)(5) and 34776
(8) of this section shall be spent in the following manner: 34777

(a) At least seventy-five per cent of the funds shall be 34778
spent on curriculum development, purchase, and implementation; 34779
instructional resources and supplies; industry-based program 34780
certification; student assessment, credentialing, and placement; 34781
curriculum specific equipment purchases and leases; 34782
career-technical student organization fees and expenses; home and 34783
agency linkages; work-based learning experiences; professional 34784
development; and other costs directly associated with 34785
career-technical education programs including development of new 34786

programs. 34787

(b) Not more than twenty-five per cent of the funds shall be 34788
used for personnel expenditures. 34789

(E) In any fiscal year, a school district receiving funds 34790
under division (A)(6) of this section, or through a transfer of 34791
funds pursuant to division (I) of section 3317.023 of the Revised 34792
Code, shall spend those funds only for the purposes that the 34793
department designates as approved for career-technical education 34794
associated services expenses, which may include such purposes as 34795
apprenticeship coordinators, coordinators for other 34796
career-technical education services, career-technical evaluation, 34797
and other purposes designated by the department. The department 34798
may deny payment under division (A)(6) of this section to any 34799
district that the department determines is not operating those 34800
services or is using funds paid under division (A)(6) of this 34801
section, or through a transfer of funds pursuant to division (I) 34802
of section 3317.023 of the Revised Code, for other purposes. 34803

(F) A joint vocational school district shall spend the funds 34804
it receives under division (A)(3) of this section in accordance 34805
with section 3317.25 of the Revised Code. 34806

(G) As used in this section: 34807

(1) "Community school" means a community school established 34808
under Chapter 3314. of the Revised Code. 34809

(2) "Resident district" means the city, local, or exempted 34810
village school district in which a student is entitled to attend 34811
school under section 3313.64 or 3313.65 of the Revised Code. 34812

(3) "State share percentage" is equal to the following: 34813
The amount computed under division (A)(1) of this section / 34814
(the formula amount X formula ADM) 34815

Sec. 3317.161. (A) As used in this section, "lead district" 34816

has the same meaning as in section 3317.023 of the Revised Code. 34817

(B)(1) A career-technical education program of a city, local, 34818
or exempted village school district, community school, or STEM 34819
school shall be subject to approval under this section in order 34820
for the district or school to qualify for state funding for the 34821
program. Approval granted under this section shall be valid for 34822
the five fiscal years following the fiscal year in which the 34823
program is approved and may be renewed. Approval shall be subject 34824
to annual review under division (E) of this section. 34825

(2) If a district or school becomes a new member of a 34826
career-technical planning district, its career-technical education 34827
programs shall be approved or disapproved by the lead district of 34828
the career-technical planning district during the fiscal year in 34829
which the district or school becomes a member of the 34830
career-technical planning district. Any program of the district or 34831
school that was approved by the department of education for an 34832
approval period that includes the fiscal year in which the 34833
district or school becomes a new member of the career-technical 34834
planning district shall retain its approved status during that 34835
fiscal year. 34836

(3) If an existing member of a career-technical planning 34837
district develops a new career-technical education program, that 34838
program shall be approved or disapproved by the lead district of 34839
the career-technical planning district prior to the first fiscal 34840
year for which the district or school is seeking funding for the 34841
program. 34842

(4) Except as provided in division (B)(2) of this section, if 34843
a career-technical education program was approved by the 34844
department prior to September 29, 2013, that approval remains 34845
valid for the unexpired remainder of the approval period specified 34846
by the department. Approval of that program may then be renewed in 34847

accordance with this section on a date prior to the expiration of 34848
the approval period. 34849

(C)(1) The lead district of a career-technical planning 34850
district shall approve or disapprove for a five-year period each 34851
career-technical education program of the city, local, and 34852
exempted village school districts, community schools, and STEM 34853
schools that are assigned by the department to the 34854
career-technical planning district. The lead district's decision 34855
to approve or disapprove a program shall be based on requirements 34856
for career-technical education programs that are specified in 34857
rules adopted by the department. These requirements shall include, 34858
but are not limited to, all of the following: 34859

(a) Demand for the career-technical education program by 34860
industries in the state; 34861

(b) Quality of the program; 34862

(c) Potential for a student enrolled in the program to 34863
receive the training that will qualify the student for industry 34864
credentials or post-secondary education; 34865

(d) Admission requirements of the lead district; 34866

(e) Past performance of the district or school that is 34867
offering the program; 34868

(f) Traveling distance; 34869

(g) Sustainability; 34870

(h) Capacity; 34871

(i) Availability of the program within the career-technical 34872
planning district; 34873

(j) In the case of a new program, the cost to begin the 34874
program. 34875

(2) The lead district shall approve or disapprove each 34876

program not later than the first day of March prior to the first 34877
fiscal year for which the district or school is seeking funding 34878
for the program. If a program is approved, the lead district shall 34879
notify the department of its decision. If a program is 34880
disapproved, the lead district shall notify the district or school 34881
of its decision. 34882

If the lead district disapproves the program or does not take 34883
any action to approve or disapprove the program by the first day 34884
of March, the district or school may appeal the lead district's 34885
decision or failure to take action to the department by the 34886
fifteenth day of March. 34887

(D)(1) Upon receiving notification of a lead district's 34888
approval of a district's or school's career-technical education 34889
program, the department shall review the lead district's decision 34890
and determine whether to approve or disapprove the program not 34891
later than the fifteenth day of May prior to the first fiscal year 34892
for which the district or school is seeking funding for the 34893
program. The department shall notify the district or school and 34894
the lead district of the district's or school's career-technical 34895
planning district of its determination. 34896

(2) Upon receiving an appeal from a district or school of a 34897
lead district's disapproval of a career-technical education 34898
program or failure to take action to approve or disapprove the 34899
program, the department shall review the lead district's 34900
disapproval or failure to take action. The department shall decide 34901
whether to approve or disapprove the program as a result of this 34902
review not later than the fifteenth day of May prior to the first 34903
fiscal year for which the district or school is seeking funding 34904
for the program. The department shall notify the lead district and 34905
the appealing district or school of its determination. 34906

(3) In conducting a review under division (D)(1) or (2) of 34907
this section, the department shall consider the criteria 34908

prescribed under division (C)(1) of this section. 34909

(4) If the department approves a program under division 34910
(D)(1) or (2) of this section, it shall authorize the payment to 34911
the district, ~~or the deduction from the state education aid of a~~ 34912
~~district and payment to a community school or STEM school,~~ of the 34913
funds attributed to the career-technical students enrolled in that 34914
program in the next fiscal year according to a payment schedule 34915
prescribed by the department. 34916

(5) The department's decisions under divisions (D)(1) and (2) 34917
of this section shall be final and not appealable. 34918

(6) The superintendent of public instruction may adopt 34919
guidelines identifying circumstances in which the department may, 34920
after consulting with a lead district, approve or disapprove a 34921
program that has been approved or disapproved by the lead district 34922
after the deadline prescribed in division (D)(1) or (2) of this 34923
section has passed. 34924

(E) The department and the lead district of each 34925
career-technical planning district shall conduct an annual review 34926
of each career-technical education program in the lead district's 34927
career-technical planning district that receives approval under 34928
this section. Continued funding of the program during the 34929
five-year approval period shall be subject to the school's 34930
compliance with any directives for performance improvement that 34931
are issued by the department or the lead district as a result of 34932
any review conducted under this section. 34933

Sec. 3317.162. (A) As used in this section, "career-technical 34934
planning district" and "lead district" have the same meanings as 34935
in section 3317.023 of the Revised Code. 34936

(B) In any fiscal year, a lead district of a career-technical 34937
planning district receiving funds under division (A)(10) of 34938

section 3317.022 of the Revised Code or (A)(7) of section 3317.16 34939
of the Revised Code, or through a transfer of funds pursuant to 34940
division (I) of section 3317.023 of the Revised Code, shall 34941
disperse those funds to school districts, community schools, and 34942
STEM schools receiving services from that district that provide 34943
plans for the use of those funds that are consistent with the 34944
career-technical planning district's plan that is on file with the 34945
department of education. A district or school that receives funds 34946
under this division shall spend those funds only for the following 34947
purposes: 34948

(1) Delivery of career awareness programs to students 34949
enrolled in grades kindergarten through twelve; 34950

(2) Provision of a common, consistent curriculum to students 34951
throughout their primary and secondary education; 34952

(3) Assistance to teachers in providing a career development 34953
curriculum to students; 34954

(4) Development of a career development plan for each student 34955
that stays with that student for the duration of the student's 34956
primary and secondary education; 34957

(5) Provision of opportunities for students to engage in 34958
activities, such as career fairs, hands-on experiences, and job 34959
shadowing, across all career pathways at each grade level. 34960

The department may deny payment under this division to any 34961
district or school that the department determines is using funds 34962
paid under this division for other purposes. 34963

Sec. 3317.163. (A) As used in this section: 34964

(1) "Base per pupil amount" has the same meaning as in 34965
section 3317.0219 of the Revised Code. 34966

(2) "Eligible school district" has the same meaning as in 34967
division (C)(1) of section 3317.0219 of the Revised Code. 34968

(3) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(B) Subject to division (D) of this section, for fiscal years ~~2020~~ 2022 and ~~2021~~ 2023, the department of education shall calculate and pay to each joint vocational school district student wellness and success funds, on a full-time equivalency basis, for each student enrolled in the district in the immediately preceding fiscal year in an amount equal to the following:

(The base per pupil amount of the student's resident district for that fiscal year + the scaled amount of the student's resident district, if any, computed under division (B)(4) of section 3317.0219 of the Revised Code)

However, each joint vocational school district shall receive a minimum payment of ~~\$25,000~~ \$30,404, for fiscal year ~~2020~~ 2022, or ~~\$36,000~~ \$24,149, for fiscal year ~~2021~~ 2023.

(C) Subject to division (D) of this section, for fiscal years ~~2020~~2022 and ~~2021~~ 2023, the department shall pay to each joint vocational school district student wellness and success enhancement funds, on a full-time equivalency basis, for each student enrolled in the district in the immediately preceding fiscal year whose resident district is an eligible school district, in an amount equal to the following:

The amount paid to the student's resident district under division (C)(2) of section 3317.0219 of the Revised Code for that fiscal year / the student wellness and success enrolled ADM of the student's resident district for the immediately preceding fiscal year

(D) The department shall pay funds under divisions (B) and (C) of this section as follows:

(1) One-half of the amount shall be paid not later than the

thirty-first day of October of the fiscal year for which the 35000
payment is calculated. 35001

(2) One-half of the amount shall be paid not later than the 35002
twenty-eighth day of February of the fiscal year for which the 35003
payment is calculated. 35004

Upon making a payment for a fiscal year under this section, 35005
the department shall not make any reconciliations or adjustments 35006
to that payment. 35007

(E) A joint vocational school district that receives a 35008
payment under this section shall comply with section 3317.26 of 35009
the Revised Code. 35010

Sec. 3317.25. (A) As used in this section, "~~economically~~ 35011
~~disadvantaged funds~~ disadvantaged pupil impact aid" means the 35012
following: 35013

(1) For a city, local, or exempted village school district, 35014
the funds received under division (A)(5) of section 3317.022 of 35015
the Revised Code; 35016

(2) For a joint vocational school district, the funds 35017
received under division (A)(3) of section 3317.16 of the Revised 35018
Code; 35019

(3) For a community school established under Chapter 3314. of 35020
the Revised Code, the funds received under division ~~(C)(1)(e)~~ 35021
(A)(5)(b) of section ~~3314.08~~ 3317.022 of the Revised Code; 35022

(4) For a STEM school established under Chapter 3326. of the 35023
Revised Code, the funds received under division ~~(E)~~ (A)(5)(b) of 35024
section ~~3326.33~~ 3317.022 of the Revised Code. 35025

(B) In any fiscal year, a city, local, exempted village, or 35026
joint vocational school district, community school, or STEM school 35027
shall spend the ~~economically disadvantaged funds~~ disadvantaged 35028
pupil impact aid it receives for any of the following initiatives 35029

or a combination of any of the following initiatives:	35030
(1) Extended school day and school year;	35031
(2) Reading improvement and intervention;	35032
(3) Instructional technology or blended learning;	35033
(4) Professional development in reading instruction for teachers of students in kindergarten through third grade;	35034 35035
(5) Dropout prevention;	35036
(6) School safety and security measures;	35037
(7) Community learning centers that address barriers to learning;	35038 35039
(8) Academic interventions for students in any of grades six through twelve;	35040 35041
(9) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code.	35042 35043 35044 35045
(C) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's economically disadvantaged funds were <u>disadvantaged pupil impact aid was</u> spent during that fiscal year <u>and the amount of money that was spent on each initiative.</u>	35046 35047 35048 35049 35050 35051 35052
(D) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the General Assembly <u>general assembly</u> not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	35053 35054 35055 35056 35057
Sec. 3317.26. (A) As used in this section, "student wellness	35058

and success funds" means the following: 35059

(1) For a city, local, or exempted village school district, 35060
the funds received under section 3317.0219 of the Revised Code; 35061

(2) For a joint vocational school district, the funds 35062
received under section 3317.163 of the Revised Code. 35063

(3) For a community school established under Chapter 3314. of 35064
the Revised Code, the funds received under section ~~3314.088~~ 35065
3317.0220 of the Revised Code. 35066

(4) For a STEM school established under Chapter 3326. of the 35067
Revised Code, the funds received under section ~~3326.42~~ 3317.0221 35068
of the Revised Code. 35069

(B) In any fiscal year, a city, local, exempted village, or 35070
joint vocational school district, community school, or STEM school 35071
shall spend the student wellness and success funds it receives for 35072
any of the following initiatives or a combination of any of the 35073
following initiatives: 35074

(1) Mental health services, including telehealth services; 35075

(2) Culturally appropriate, evidence-based or 35076
evidence-informed prevention education, including youth-led 35077
programming and social and emotional learning curricula to promote 35078
mental health and prevent substance use and suicide; 35079

(3) Services for homeless youth; 35080

~~(3)~~(4) Services for child welfare involved youth; 35081

~~(4)~~(5) Community liaisons or programs that connect students 35082
to community resources, including city connects, communities in 35083
schools, and other similar programs; 35084

~~(5)~~(6) Physical health care services, including telehealth 35085
services; 35086

~~(6) Mentoring programs;~~ 35087

(7) Family engagement and support services;	35088
(8) City connects programming;	35089
(9) Professional development regarding the provision of trauma informed care;	35090 35091
(10) Professional development regarding cultural competence;	35092
(11) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.	35093 35094 35095
(C) Each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the student wellness and success funds it receives in coordination with at least one of the following community partners:	35096 35097 35098 35099 35100 35101
(1) A board of alcohol, drug, and mental health services established under Chapter 340. of the Revised Code;	35102 35103
(2) An educational service center;	35104
(3) A county board of developmental disabilities;	35105
(4) A community-based mental health treatment <u>or prevention</u> provider;	35106 35107
(5) A board of health of a city or general health district;	35108
(6) A county department of job and family services;	35109
(7) A nonprofit organization with experience serving children;	35110 35111
(8) A public hospital agency.	35112
(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, in a manner prescribed by the department, describing	35113 35114 35115 35116

the initiative or initiatives on which the district's or school's 35117
student wellness and success funds were spent during that fiscal 35118
year. 35119

Sec. 3319.151. (A) As used in this section, "assessment" 35120
means an assessment administered under section 3301.0711 of the 35121
Revised Code. 35122

(B) No person shall ~~reveal~~ do any of the following: 35123

(1) ~~Reveal~~ to any student any specific question that the 35124
person knows is part of an assessment ~~to be administered under~~ 35125
~~section 3301.0711 of the Revised Code~~ or in any other way assist a 35126
pupil to cheat on ~~such~~ an assessment; 35127

(2) Obtain prior knowledge of the contents of an assessment; 35128

(3) Use prior knowledge of the contents of an assessment to 35129
assist students in preparing for the assessment; 35130

(4) Fail to comply with any rule adopted by the department of 35131
education regarding security protocols for an assessment. 35132

~~(B)~~(C) On a finding by the state board of education, after 35133
investigation, that a school employee who holds a license ~~issued~~ 35134
~~under sections 3319.22 to~~, as defined in section 3319.31 of the 35135
Revised Code, has violated division ~~(A)~~(B) of this section, ~~the~~ 35136
~~license of such teacher shall be suspended for one year. Prior to~~ 35137
~~commencing an investigation,~~ the state board shall take any action 35138
against the employee under section 3319.31 of the Revised Code 35139
that it considers appropriate, based on the nature and extent of 35140
the violation. The state board shall give the ~~teacher~~ employee 35141
notice of the allegation ~~and~~ upon commencing an investigation and 35142
shall give the employee an opportunity to respond ~~and present a~~ 35143
defense prior to taking any disciplinary action. 35144

~~(C)~~(D)(1) Violation of division ~~(A)~~(B) of this section is 35145
grounds for termination of employment of a nonteaching employee 35146

under division (C) of section 3319.081 or section 124.34 of the Revised Code. 35147
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(2) Violation of division ~~(A)~~(B) of this section is grounds for termination of a teacher contract under section 3311.82 or 3319.16 of the Revised Code. 35149
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Sec. 3319.227. (A) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to each person who is assigned to teach in this state as a participant in the teach for America program and who satisfies the following conditions for the duration of the program: 35152
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(1) Holds a bachelor's degree from an accredited institution of higher education; 35159
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(2) Maintained a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent; 35161
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(3) Has passed an examination prescribed by the state board in the subject area to be taught; 35163
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(4) Has successfully completed the summer training institute operated by teach for America; 35165
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(5) Remains an active member of the teach for America two-year support program. 35167
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(B) The state board shall issue a resident educator license under this section for teaching in any grade level or subject area for which a person may obtain a resident educator license under section 3319.22 of the Revised Code. The state board shall not adopt rules establishing any additional qualifications for the license beyond those specified in this section. 35169
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(C) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board to the contrary, the state 35175
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board shall issue a resident educator license under section 3319.22 of the Revised Code to any applicant who has completed at least two years of teaching in another state as a participant in the teach for America program and meets all of the conditions of divisions (A)(1) to (4) of this section. The state board shall credit an applicant under this division as having completed two years of the teacher residency program under section 3319.223 of the Revised Code.

(D) In order to place teachers in this state, the teach for America program shall enter into an agreement with one or more accredited four-year public or private institutions of higher education in the state to provide optional training of teach for America participants for the purpose of enabling those participants to complete an optional master's degree or an equivalent amount of coursework. Nothing in this division shall require any teach for America participant to complete a master's degree as a condition of holding a license issued under this section.

(E) The superintendent of public instruction, on behalf of the state board, shall ~~revoke~~ inactivate a resident educator license issued to a participant in the teach for America program who is assigned to teach in this state if the participant resigns or is dismissed from the program prior to completion of the two-year teach for America support program. The inactivation of a license under this division does not constitute a suspension or revocation of the license by the state board under section 3319.31 of the Revised Code and the state board and the state superintendent need not provide the person with an opportunity for a hearing with respect to the inactivation.

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former section 3319.229 of the Revised Code by ~~this act~~ S.B. 216 of the

132nd general assembly, the state board of education shall accept 35208
applications for new, and for renewal of, professional 35209
career-technical teaching licenses through June 30, 2019, and 35210
issue them on the basis of the applications received by that date 35211
in accordance with the rules described in that former section. 35212
Except as otherwise provided in divisions (A)(2) and (3) of this 35213
section, beginning July 1, 2019, the state board shall issue 35214
career-technical workforce development educator licenses only 35215
under this section. 35216

(2) An individual who, on July 1, 2019, holds a professional 35217
career-technical teaching license issued under the rules described 35218
in former section 3319.229 of the Revised Code, may continue to 35219
renew that license in accordance with those rules for the 35220
remainder of the individual's teaching career. However, nothing in 35221
this division shall be construed to prohibit the individual from 35222
applying to the state board for a career-technical workforce 35223
development educator license under this section. 35224

(3) An individual who, on July 1, 2019, holds an alternative 35225
resident educator license for teaching career-technical education 35226
issued under section 3319.26 of the Revised Code may, upon the 35227
expiration of the license, apply for a professional 35228
career-technical teaching license issued under the rules described 35229
in former section 3319.229 of the Revised Code. Such an individual 35230
may continue to renew the professional license in accordance with 35231
those rules for the remainder of the individual's teaching career. 35232
However, nothing in this division shall be construed to prohibit 35233
the individual from applying to the state board for a 35234
career-technical workforce development educator license under this 35235
section. 35236

(B) The state board, in collaboration with the chancellor of 35237
higher education, shall adopt rules establishing standards and 35238

requirements for obtaining a two-year initial career-technical 35239
workforce development educator license and a five-year advanced 35240
career-technical workforce development educator license. Each 35241
license shall be valid for teaching career-technical education or 35242
workforce development programs in grades four through twelve. The 35243
rules shall require applicants for either license to have a high 35244
school diploma or a certificate of high school equivalence as 35245
awarded under section 3301.80 of the Revised Code or as recognized 35246
as the equivalent of such certificate under division (C) of that 35247
section. 35248

(C)(1) The state board shall issue an initial 35249
career-technical workforce development educator license to an 35250
applicant upon request from the superintendent of a school 35251
district that has agreed to employ the applicant. In making the 35252
request, the superintendent shall provide documentation, in 35253
accordance with procedures prescribed by the department of 35254
education, showing that the applicant has at least five years of 35255
work experience, or the equivalent, in the subject area in which 35256
the applicant will teach. The license shall be valid for teaching 35257
only in the requesting district. The superintendent also shall 35258
provide documentation, in accordance with procedures prescribed by 35259
the department, that the applicant is enrolled in a 35260
career-technical workforce development educator preparation 35261
program offered by an institution of higher education that has an 35262
existing teacher preparatory program in place that meets all of 35263
the following criteria: 35264

(a) Is approved by the chancellor of higher education to 35265
provide instruction in teaching methods and principles; 35266

(b) Provides classroom support to the license holder; 35267

(c) Includes at least three semester hours of coursework in 35268
the teaching of reading in the subject area; 35269

(d) Is aligned with career-technical education and workforce development competencies developed by the department; 35270
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(e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C)(1)(d) of this section to evaluate the license holder's knowledge and skills; 35272
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(f) Consists of not less than twenty-four semester hours of coursework, or the equivalent. 35276
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(2) As a condition of continuing to hold the initial career-technical workforce development license, the holder of the license shall be participating in a career-technical workforce development educator preparation program described in division (C)(1) of this section. 35278
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(3) The state board shall renew an initial career-technical workforce development educator license if the supervisor of the program described in division (C)(1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position. 35283
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(D) The state board shall issue an advanced career-technical workforce development educator license to an applicant who has successfully completed the program described in division (C)(1) of this section, as indicated by the supervisor of the program, and who demonstrates mastery of the applicable career-technical education and workforce development competencies described in division (C)(1)(d) of this section in the teaching position, as indicated by the superintendent of the employing school district. 35289
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(E) The holder of an advanced career-technical workforce development educator license shall work with a local professional development committee established under section 3319.22 of the Revised Code in meeting requirements for renewal of the license. 35297
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(F) Notwithstanding the provisions of section 3319.226 of the Revised Code, the state board shall not require any applicant for an educator license for substitute teaching who holds a license issued under this section to hold a post-secondary degree in order to be issued a license under section 3319.226 of the Revised Code to work as a substitute teacher for career-technical education classes.

Sec. 3319.236. (A) Except as provided in division (B) of this section, a school district shall require an individual to hold a valid educator license in computer science, or have a license endorsement in computer technology and a passing score on a content examination in the area of computer science, to teach computer science courses.

(B) A school district may employ an individual, for the purpose of teaching computer science courses, who holds a valid educator license in any of grades kindergarten through twelve, provided the individual meets the requirements established by rules of the state board of education to qualify for a supplemental teaching license for teaching computer science. The rules shall require an applicant for a supplemental teaching license to pass a content examination in the area of computer science. The rules also shall permit an individual, after at least two years of successfully teaching computer science courses under the supplemental teaching license, to advance to a standard educator license in computer science by completing a pedagogy course applicable to the grade levels in which the individual is teaching. However, the rules may exempt an individual teaching computer science from the requirement to complete a pedagogy course if the individual previously completed a pedagogy course applicable to the grade levels in which the individual is teaching.

(C) In order for an individual to teach advanced placement computer science courses, a school district shall require the individual to also complete a professional development program endorsed or provided by the organization that creates and administers national advanced placement examinations. For this purpose, the individual may complete the program at any time during the calendar year.

(D) Notwithstanding section 3301.012 of the Revised Code, as used in this section, "computer science courses" means any courses that are reported in the education management information system established under section 3301.0714 of the Revised Code as computer science courses and which are aligned to computer science standards adopted by the state board of education.

Sec. 3319.313. (A) As used in this section:

(1) "Conduct unbecoming to the teaching profession" shall be as described in rules adopted by the state board of education.

(2) "Intervention in lieu of conviction" means intervention in lieu of conviction under section 2951.041 of the Revised Code.

(3) "License" has the same meaning as in section 3319.31 of the Revised Code.

(4) "Pre-trial diversion program" means a pre-trial diversion program under section 2935.36 of the Revised Code or a similar diversion program under rules of a court.

(B) The superintendent of each school district and each educational service center or the president of the district or service center board, if division (C)(1) of this section applies, and the chief administrator of each chartered nonpublic school or the president or chairperson of the governing authority of the nonpublic school, if division (C)(2) of this section applies, shall promptly submit to the superintendent of public instruction

the information prescribed in division (D) of this section when 35362
any of the following conditions applies to an employee of the 35363
district, service center, or nonpublic school who holds a license 35364
~~issued by the state board of education:~~ 35365

(1) The superintendent, chief administrator, president, or 35366
chairperson knows that the employee has pleaded guilty to, has 35367
been found guilty by a jury or court of, has been convicted of, 35368
has been found to be eligible for intervention in lieu of 35369
conviction for, or has agreed to participate in a pre-trial 35370
diversion program for an offense described in division (B)(2) or 35371
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 35372
the Revised Code; 35373

(2) The district board of education, service center governing 35374
board, or nonpublic school chief administrator or governing 35375
authority has initiated termination or nonrenewal proceedings 35376
against, has terminated, or has not renewed the contract of the 35377
employee because the board of education, governing board, or chief 35378
administrator has reasonably determined that the employee has 35379
committed an act that is unbecoming to the teaching profession or 35380
an offense described in division (B)(2) or (C) of section 3319.31 35381
or division (B)(1) of section 3319.39 of the Revised Code; 35382

(3) The employee has resigned under threat of termination or 35383
nonrenewal as described in division (B)(2) of this section; 35384

(4) The employee has resigned because of or in the course of 35385
an investigation by the board of education, governing board, or 35386
chief administrator regarding whether the employee has committed 35387
an act that is unbecoming to the teaching profession or an offense 35388
described in division (B)(2) or (C) of section 3319.31 or division 35389
(B)(1) of section 3319.39 of the Revised Code. 35390

(C)(1) If the employee to whom any of the conditions 35391
prescribed in divisions (B)(1) to (4) of this section applies is 35392

the superintendent or treasurer of a school district or 35393
educational service center, the president of the board of 35394
education of the school district or of the governing board of the 35395
educational service center shall make the report required under 35396
this section. 35397

(2) If the employee to whom any of the conditions prescribed 35398
in divisions (B)(1) to (4) of this section applies is the chief 35399
administrator of a chartered nonpublic school, the president or 35400
chairperson of the governing authority of the chartered nonpublic 35401
school shall make the report required under this section. 35402

(D) If a report is required under this section, the 35403
superintendent, chief administrator, president, or chairperson 35404
shall submit to the superintendent of public instruction the name 35405
and social security number of the employee about whom the 35406
information is required and a factual statement regarding any of 35407
the conditions prescribed in divisions (B)(1) to (4) of this 35408
section that applies to the employee. 35409

(E) A determination made by the board of education, governing 35410
board, chief administrator, or governing authority as described in 35411
division (B)(2) of this section or a termination, nonrenewal, 35412
resignation, or other separation described in divisions (B)(2) to 35413
(4) of this section does not create a presumption of the 35414
commission or lack of the commission by the employee of an act 35415
unbecoming to the teaching profession or an offense described in 35416
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 35417
section 3319.39 of the Revised Code. 35418

(F) No individual required to submit a report under division 35419
(B) of this section shall knowingly fail to comply with that 35420
division. 35421

(G) An individual who provides information to the 35422
superintendent of public instruction in accordance with this 35423

section in good faith shall be immune from any civil liability 35424
that otherwise might be incurred or imposed for injury, death, or 35425
loss to person or property as a result of the provision of that 35426
information. 35427

Sec. 3319.316. The department of education, on behalf of the 35428
state board of education, shall be a participating public office 35429
for purposes of the retained applicant fingerprint database 35430
established under section 109.5721 of the Revised Code and shall 35431
receive notification from the bureau of criminal identification 35432
and investigation of the arrest or conviction of persons to whom 35433
~~the state board has issued~~ a license, as defined in section 35434
3319.31 of the Revised Code, has been issued. 35435

Sec. 3319.318. (A) As used in this section: 35436

(1) "School representative" includes all of the following: 35437

(a) An employee of a school district, chartered nonpublic 35438
school, or county board of developmental disabilities; 35439

(b) An employee of an entity with which a school district, 35440
chartered nonpublic school, or county board of developmental 35441
disabilities contracts for the provision of services; 35442

(c) A member of a school district board of education, 35443
chartered nonpublic school governing body, or county board of 35444
developmental disabilities. 35445

(2) "Student" means a child who is enrolled in a school 35446
district or chartered nonpublic school or who is receiving 35447
services from a county board of developmental disabilities. 35448

(B) Except as provided in division (C) of this section, no 35449
school representative shall knowingly engage in any activity 35450
intended to assist another individual in obtaining employment with 35451
a school district or chartered nonpublic school, or in obtaining 35452

employment with a county board of developmental disabilities in a 35453
position responsible for providing educational services to 35454
children from six through twenty-one years of age, other than 35455
transmitting administrative and personnel files to the prospective 35456
employer, if the school representative knows or has reasonable 35457
cause to believe that the individual has committed an offense 35458
listed in Chapter 2907. of the Revised Code, or a substantially 35459
comparable offense, involving a student. 35460

(C) Division (B) of this section shall not apply if the 35461
information on which the knowledge or reasonable cause is based 35462
has been reported to appropriate law enforcement authorities or, 35463
if applicable, to the appropriate public children services agency 35464
under section 2151.421 of the Revised Code and one of the 35465
following conditions is met: 35466

(1) Law enforcement authorities have investigated the alleged 35467
offense and determined that there is insufficient information to 35468
indict the individual for the alleged offense. 35469

(2) The individual has not been indicted for the alleged 35470
offense within four years after the date the alleged offense was 35471
reported to law enforcement authorities or a public children 35472
services agency. 35473

(3) The individual has been acquitted or otherwise exonerated 35474
of the offense. 35475

Sec. 3319.319. The appointing or hiring officer of a school 35476
district or school located in Ohio or another state may request 35477
from the department of education any report the department has 35478
received under sections 3314.40, 3319.313, 3326.24, 3328.19, or 35479
5126.253 of the Revised Code regarding an individual who is under 35480
consideration for employment by the district or school. If the 35481
department has received a report under any of those sections 35482
regarding the individual, the department shall provide the 35483

contents of the report to the requesting officer. Upon provision 35484
of the contents of the report to the requesting officer, the 35485
department shall notify the officer that the information provided 35486
is confidential and may not be disseminated to any other person or 35487
entity. 35488

If the department provides the contents of a report to an 35489
appointing or hiring officer under this section, the department 35490
shall document the information provided in the record of any 35491
investigation undertaken pursuant to section 3319.311 of the 35492
Revised Code based on the report. Such documentation shall include 35493
a list of the information provided, the date the information was 35494
provided, and the name and contact information of the appointing 35495
or hiring officer to whom the information was provided. 35496

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 35497
of section 109.57 of the Revised Code, the appointing or hiring 35498
officer of the board of education of a school district, the 35499
governing board of an educational service center, or of a 35500
chartered nonpublic school shall request the superintendent of the 35501
bureau of criminal identification and investigation to conduct a 35502
criminal records check with respect to any applicant who has 35503
applied to the school district, educational service center, or 35504
school for employment in any position. The appointing or hiring 35505
officer shall request that the superintendent include information 35506
from the federal bureau of investigation in the criminal records 35507
check, unless all of the following apply to the applicant: 35508

(a) The applicant is applying to be an instructor of adult 35509
education. 35510

(b) The duties of the position for which the applicant is 35511
applying do not involve routine interaction with a child or 35512
regular responsibility for the care, custody, or control of a 35513

child or, if the duties do involve such interaction or 35514
responsibility, during any period of time in which the applicant, 35515
if hired, has such interaction or responsibility, another employee 35516
of the school district, educational service center, or chartered 35517
nonpublic school will be present in the same room with the child 35518
or, if outdoors, will be within a thirty-yard radius of the child 35519
or have visual contact with the child. 35520

(c) The applicant presents proof that the applicant has been 35521
a resident of this state for the five-year period immediately 35522
prior to the date upon which the criminal records check is 35523
requested or provides evidence that within that five-year period 35524
the superintendent has requested information about the applicant 35525
from the federal bureau of investigation in a criminal records 35526
check. 35527

(2) A person required by division (A)(1) of this section to 35528
request a criminal records check shall provide to each applicant a 35529
copy of the form prescribed pursuant to division (C)(1) of section 35530
109.572 of the Revised Code, provide to each applicant a standard 35531
impression sheet to obtain fingerprint impressions prescribed 35532
pursuant to division (C)(2) of section 109.572 of the Revised 35533
Code, obtain the completed form and impression sheet from each 35534
applicant, and forward the completed form and impression sheet to 35535
the superintendent of the bureau of criminal identification and 35536
investigation at the time the person requests a criminal records 35537
check pursuant to division (A)(1) of this section. 35538

(3) An applicant who receives pursuant to division (A)(2) of 35539
this section a copy of the form prescribed pursuant to division 35540
(C)(1) of section 109.572 of the Revised Code and a copy of an 35541
impression sheet prescribed pursuant to division (C)(2) of that 35542
section and who is requested to complete the form and provide a 35543
set of fingerprint impressions shall complete the form or provide 35544
all the information necessary to complete the form and shall 35545

provide the impression sheet with the impressions of the 35546
applicant's fingerprints. If an applicant, upon request, fails to 35547
provide the information necessary to complete the form or fails to 35548
provide impressions of the applicant's fingerprints, the board of 35549
education of a school district, governing board of an educational 35550
service center, or governing authority of a chartered nonpublic 35551
school shall not employ that applicant for any position. 35552

(4) Notwithstanding any provision of this section to the 35553
contrary, an applicant who meets the conditions prescribed in 35554
divisions (A)(1)(a) and (b) of this section and who, within the 35555
two-year period prior to the date of application, was the subject 35556
of a criminal records check under this section prior to being 35557
hired for short-term employment with the school district, 35558
educational service center, or chartered nonpublic school to which 35559
application is being made shall not be required to undergo a 35560
criminal records check prior to the applicant's rehiring by that 35561
district, service center, or school. 35562

(B)(1) Except as provided in rules adopted by the department 35563
of education in accordance with division (E) of this section and 35564
as provided in division (B)(3) of this section, no board of 35565
education of a school district, no governing board of an 35566
educational service center, and no governing authority of a 35567
chartered nonpublic school shall employ a person if the person 35568
previously has been convicted of or pleaded guilty to any of the 35569
following: 35570

(a) A violation of section 2903.01, 2903.02, 2903.03, 35571
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 35572
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 35573
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 35574
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 35575
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 35576
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 35577

2925.06, or 3716.11 of the Revised Code, a violation of section 35578
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 35579
violation of section 2919.23 of the Revised Code that would have 35580
been a violation of section 2905.04 of the Revised Code as it 35581
existed prior to July 1, 1996, had the violation been committed 35582
prior to that date, a violation of section 2925.11 of the Revised 35583
Code that is not a minor drug possession offense, or felonious 35584
sexual penetration in violation of former section 2907.12 of the 35585
Revised Code; 35586

(b) A violation of an existing or former law of this state, 35587
another state, or the United States that is substantially 35588
equivalent to any of the offenses or violations described in 35589
division (B)(1)(a) of this section. 35590

(2) A board, governing board of an educational service 35591
center, or a governing authority of a chartered nonpublic school 35592
may employ an applicant conditionally until the criminal records 35593
check required by this section is completed and the board or 35594
governing authority receives the results of the criminal records 35595
check. If the results of the criminal records check indicate that, 35596
pursuant to division (B)(1) of this section, the applicant does 35597
not qualify for employment, the board or governing authority shall 35598
release the applicant from employment. 35599

(3) No board and no governing authority of a chartered 35600
nonpublic school shall employ a teacher who previously has been 35601
convicted of or pleaded guilty to any of the offenses listed in 35602
section 3319.31 of the Revised Code. 35603

(C)(1) Each board and each governing authority of a chartered 35604
nonpublic school shall pay to the bureau of criminal 35605
identification and investigation the fee prescribed pursuant to 35606
division (C)(3) of section 109.572 of the Revised Code for each 35607
criminal records check conducted in accordance with that section 35608
upon the request pursuant to division (A)(1) of this section of 35609

the appointing or hiring officer of the board or governing authority. 35610
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(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C)(1) of this section. If a fee is charged under this division, the board or governing authority shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the board or governing authority will not consider the applicant for employment. 35612
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(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the board or governing authority requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant. 35623
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(E) The department of education shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which the board or governing authority may hire a person who has been convicted of an offense listed in division (B)(1) or (3) of this section but who meets standards in regard to rehabilitation set by the department. Any rules adopted by the department under this division regarding the employment of a person holding a ~~certificate~~, license, or 35634
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~~permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 as defined in section 3319.31 of the Revised Code shall comply with section 9.79 of the Revised Code all provisions of that section.~~ 35642
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The department shall amend rule 3301-83-23 of the Ohio Administrative Code that took effect August 27, 2009, and that specifies the offenses that disqualify a person for employment as a school bus or school van driver and establishes rehabilitation standards for school bus and school van drivers. 35646
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(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, of the requirement to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for the school district, educational service center, or school for that position. 35651
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(G) As used in this section: 35661

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a board of education, governing board of an educational service center, or a chartered nonpublic school, except that "applicant" does not include a person already employed by a board or chartered nonpublic school who is under consideration for a different position with such board or school. 35662
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(2) "Teacher" means a person holding an educator license or permit issued under section 3319.22 or 3319.301 of the Revised Code and teachers in a chartered nonpublic school. 35669
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(3) "Criminal records check" has the same meaning as in 35672

section 109.572 of the Revised Code. 35673

(4) "Minor drug possession offense" has the same meaning as 35674
in section 2925.01 of the Revised Code. 35675

(H) If the board of education of a local school district 35676
adopts a resolution requesting the assistance of the educational 35677
service center in which the local district has territory in 35678
conducting criminal records checks of substitute teachers and 35679
substitutes for other district employees under this section, the 35680
appointing or hiring officer of such educational service center 35681
shall serve for purposes of this section as the appointing or 35682
hiring officer of the local board in the case of hiring substitute 35683
teachers and other substitute employees for the local district. 35684

Sec. 3319.393. (A) Each school district and chartered 35685
nonpublic school shall include the following notice in boldface 35686
type in each employment application: "ANY PERSON WHO KNOWINGLY 35687
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 35688
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 35689
DEGREE." 35690

(B)(1) Each district and chartered nonpublic school shall 35691
consult the "educator profile" database maintained on the web site 35692
of the department of education prior to making any hiring 35693
decision. 35694

(2) After consulting the "educator profile" database, a 35695
district or chartered nonpublic school may further discern the 35696
employment, disciplinary, or criminal record of an applicant for 35697
employment in either or both of the following ways: 35698

(a) Consulting the office of professional conduct within the 35699
department of education in accordance with section 3319.319 of the 35700
Revised Code to determine whether the individual has been the 35701
subject of either: 35702

(i) Any notice to the department under section 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code; 35703
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(ii) Any disciplinary actions conducted by the department. 35705

(b) Consulting any prior education-related employers of the individual. 35706
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(3) A district or chartered nonpublic school may require additional background checks other than the criminal records checks authorized under sections 109.574 to 109.577 of the Revised Code or those required under section 3319.39 or 3319.391 of the Revised Code for any applicant for employment or potential volunteer. 35708
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(C) A district or chartered nonpublic school may conditionally employ an individual pending the receipt of information sought in accordance with division (B)(2) of this section. Should that information indicate that the individual has engaged in conduct unbecoming to the teaching profession or has committed an offense that prevents, limits, or otherwise affects the applicant's employment with the district or school, the district or chartered nonpublic school may release the individual from employment. 35714
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Sec. 3319.47. The school districts, public schools, and chartered nonpublic schools of this state may provide counseling to any victim of sexual harassment or sexually related conduct. 35723
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Sec. 3319.61. (A) The educator standards board, in consultation with the chancellor of higher education, shall do all of the following: 35726
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(1) Develop state standards for teachers and principals that reflect what teachers and principals are expected to know and be able to do at all stages of their careers. These standards shall be aligned with the statewide academic content standards for 35729
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students adopted pursuant to section 3301.079 of the Revised Code, 35733
be primarily based on educator performance instead of years of 35734
experience or certain courses completed, and rely on 35735
evidence-based factors. These standards shall also be aligned with 35736
the operating standards adopted under division (D)(3) of section 35737
3301.07 of the Revised Code. 35738

(a) The standards for teachers shall reflect the following 35739
additional criteria: 35740

(i) Alignment with the interstate new teacher assessment and 35741
support consortium standards; 35742

(ii) Differentiation among novice, experienced, and advanced 35743
teachers; 35744

(iii) Reliance on competencies that can be measured; 35745

(iv) Reliance on content knowledge, teaching skills, 35746
discipline-specific teaching methods, and requirements for 35747
professional development; 35748

(v) Alignment with a career-long system of professional 35749
development and evaluation that ensures teachers receive the 35750
support and training needed to achieve the teaching standards as 35751
well as reliable feedback about how well they meet the standards; 35752

(vi) The standards under section 3301.079 of the Revised 35753
Code, including standards on collaborative learning environments 35754
and interdisciplinary, project-based, real-world learning and 35755
differentiated instruction; 35756

(vii) The Ohio leadership framework. 35757

(b) The standards for principals shall be aligned with the 35758
interstate school leaders licensing consortium standards. 35759

(2) Develop standards for school district superintendents 35760
that reflect what superintendents are expected to know and be able 35761
to do at all stages of their careers. The standards shall reflect 35762

knowledge of systems theory and effective management principles 35763
and be aligned with the buckeye association of school 35764
administrators standards and the operating standards developed 35765
under division (D)(3) of section 3301.07 of the Revised Code. 35766

(3) Develop standards for school district treasurers and 35767
business managers that reflect what treasurers and business 35768
managers are expected to know and be able to do at all stages of 35769
their careers. The standards shall reflect knowledge of systems 35770
theory and effective management principles and be aligned with the 35771
association of school business officials international standards 35772
and the operating standards developed under division (D)(3) of 35773
section 3301.07 of the Revised Code. 35774

(4) Develop standards for the renewal of licenses under 35775
sections 3301.074 and 3319.22 of the Revised Code; 35776

(5) Develop standards for educator professional development; 35777

(6) Investigate and make recommendations for the creation, 35778
expansion, and implementation of school building and school 35779
district leadership academies; 35780

(7) Develop standards for school counselors that reflect what 35781
school counselors are expected to know and be able to do at all 35782
stages of their careers. The standards shall reflect knowledge of 35783
academic, personal, and social counseling for students and 35784
effective principles to implement an effective school counseling 35785
program. The standards also shall reflect Ohio-specific knowledge 35786
of career counseling for students and education options that 35787
provide flexibility for earning credit, such as earning units of 35788
high school credit using the methods adopted by the state board of 35789
education under division (J) of section 3313.603 of the Revised 35790
Code and earning college credit through the college credit plus 35791
program established under Chapter 3365. of the Revised Code and 35792
the career-technical education credit transfer criteria, policies, 35793

and procedures established under section 3333.162 of the Revised Code. The standards shall align with the American school counselor association's professional standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.

The superintendent of public instruction, the chancellor of higher education, or the education standards board itself may request that the educator standards board update, review, or reconsider any standards developed under this section.

(B) The educator standards board shall incorporate indicators of cultural competency into the standards developed under division (A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that respond equitably and appropriately to the cultural needs of individual students.

(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups.

(D) In developing the standards under division (A) of this section, the educator standards board shall ensure both of the following:

(1) That teachers have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students, and have sufficient knowledge that will enable teachers to provide learning opportunities for all children to succeed;

(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide principled, collaborative, foresighted, and data-based leadership that will provide learning opportunities for all children to succeed.

(E) The standards for educator professional development developed under division (A)(5) of this section shall include the following:

(1) Standards for the inclusion of local professional development committees established under section 3319.22 of the Revised Code in the planning and design of professional development;

(2) Standards that address the crucial link between academic achievement and mental health issues.

(F) The educator standards board shall also perform the following functions:

(1) Monitor compliance with the standards developed under division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met;

(2) Research, develop, and recommend policies on the professions of teaching and school administration;

(3) Recommend policies to close the achievement gap between students of different subgroups;

(4) Define a "master teacher" in a manner that can be used uniformly by all school districts;

(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead

teacher for purposes of division (B)(4)(d) of that section. It is 35855
the intent of the general assembly that the educator standards 35856
board shall adopt multiple, equal-weighted criteria to use in 35857
determining whether a person is a lead teacher. The criteria shall 35858
be in addition to the other standards and qualifications 35859
prescribed in division (B)(4) of section 3319.22 of the Revised 35860
Code. The criteria may include, but shall not be limited to, 35861
completion of educational levels beyond a master's degree or other 35862
professional development courses or demonstration of a leadership 35863
role in the teacher's school building or district. The board shall 35864
determine the number of criteria that a teacher shall satisfy to 35865
be recognized as a lead teacher, which shall not be the total 35866
number of criteria adopted by the board. 35867

(6) Develop model teacher and principal evaluation 35868
instruments and processes. The models shall be based on the 35869
standards developed under division (A) of this section. 35870

(7) Develop a method of measuring the academic improvement 35871
made by individual students during a one-year period and make 35872
recommendations for incorporating the measurement as one of 35873
multiple evaluation criteria into each of the following: 35874

(a) Eligibility for a professional educator license, senior 35875
professional educator license, lead professional educator license, 35876
or principal license issued under section 3319.22 of the Revised 35877
Code; 35878

(b) The Ohio teacher residency program established under 35879
section 3319.223 of the Revised Code; 35880

(c) The model teacher and principal evaluation instruments 35881
and processes developed under division (F)(6) of this section. 35882

(G) The educator standards board shall submit recommendations 35883
of standards developed under division (A) of this section to the 35884
state board of education not later than September 1, 2010. The 35885

state board of education shall review those recommendations at the 35886
state board's regular meeting that next succeeds the date that the 35887
recommendations are submitted to the state board. At that meeting, 35888
the state board of education shall vote to either adopt standards 35889
based on those recommendations or request that the educator 35890
standards board reconsider its recommendations. The state board of 35891
education shall articulate reasons for requesting reconsideration 35892
of the recommendations but shall not direct the content of the 35893
recommendations. The educator standards board shall reconsider its 35894
recommendations if the state board of education so requests, may 35895
revise the recommendations, and shall resubmit the 35896
recommendations, whether revised or not, to the state board not 35897
later than two weeks prior to the state board's regular meeting 35898
that next succeeds the meeting at which the state board requested 35899
reconsideration of the initial recommendations. The state board of 35900
education shall review the recommendations as resubmitted by the 35901
educator standards board at the state board's regular meeting that 35902
next succeeds the meeting at which the state board requested 35903
reconsideration of the initial recommendations and may adopt the 35904
standards as resubmitted or, if the resubmitted standards have not 35905
addressed the state board's concerns, the state board may modify 35906
the standards prior to adopting them. The final responsibility to 35907
determine whether to adopt standards as described in division (A) 35908
of this section and the content of those standards, if adopted, 35909
belongs solely to the state board of education. 35910

Sec. 3319.99. (A) Whoever violates division ~~(A)~~(B)(1) of 35911
section 3319.151 of the Revised Code is guilty of a minor 35912
misdemeanor. 35913

(B) Whoever violates division (H)(1) of section 3319.311 of 35914
the Revised Code is guilty of a misdemeanor of the first degree. 35915

(C) Whoever violates division (F) of section 3319.313 of the 35916

Revised Code shall be punished as follows: 35917

(1) Except as otherwise provided in division (C)(2) of this 35918
section, the person is guilty of a misdemeanor of the fourth 35919
degree. 35920

(2) The person is guilty of a misdemeanor of the first degree 35921
if both of the following conditions apply: 35922

(a) The employee who is the subject of the report that the 35923
person fails to submit was required to be reported for the 35924
commission or alleged commission of an act or offense involving 35925
the infliction on a child of any physical or mental wound, injury, 35926
disability, or condition of a nature that constitutes abuse or 35927
neglect of the child; 35928

(b) During the period between the violation of division (F) 35929
of section 3319.313 of the Revised Code and the conviction of or 35930
plea of guilty by the person for that violation, the employee who 35931
is the subject of the report that the person fails to submit 35932
inflicts on any child attending a school district, educational 35933
service center, public or nonpublic school, or county board of 35934
developmental disabilities where the employee works any physical 35935
or mental wound, injury, disability, or condition of a nature that 35936
constitutes abuse or neglect of the child. 35937

(D) Whoever violates division (B) or (D) of section 3319.317 35938
of the Revised Code is guilty of a misdemeanor of the first 35939
degree. 35940

Sec. 3326.01. (A) As used in this chapter: 35941

(1) "Compact career-technical education provider" means two 35942
or more city, exempted village, or local school districts that are 35943
not members of a joint vocational school district and that have 35944
entered into a compact under which students enrolled in any of the 35945
participating districts may access career-technical education 35946

programs provided by a participating district. 35947

(2) "Comprehensive career-technical education provider" means 35948
a city, exempted village, or local school district that is not a 35949
member of a joint vocational school district and that provides a 35950
comprehensive career-technical education program to all high 35951
schools operated by the district. 35952

(3) "STEM" is an abbreviation of "science, technology, 35953
engineering, and mathematics." 35954

~~(2)~~(4) "STEAM" is an abbreviation of "science, technology, 35955
engineering, arts, and mathematics." 35956

(B)(1) A science, technology, engineering, arts, and 35957
mathematics school shall be considered a type of science, 35958
technology, engineering, and mathematics school. 35959

(2) A STEAM school equivalent shall be considered to be a 35960
type of STEM school equivalent. 35961

(3) A STEAM program of excellence shall be considered to be a 35962
type of STEM program of excellence. 35963

(C)(1) Any reference to a STEM school or science, technology, 35964
engineering, and mathematics school in the Revised Code shall be 35965
considered to include a STEAM school, unless the context 35966
specifically indicates a different meaning or intent. All 35967
provisions of the Revised Code applicable to a STEM school shall 35968
apply to a STEAM school in the same manner, except as otherwise 35969
provided in this chapter. 35970

(2) Any reference to a STEM school equivalent in the Revised 35971
Code shall be considered to include a STEAM school equivalent, 35972
unless the context specifically indicates a different meaning or 35973
intent. All provisions of the Revised Code applicable to a STEM 35974
school equivalent shall apply to a STEAM school equivalent in the 35975
same manner, except as otherwise provided in this chapter. 35976

(3) Any reference to a STEM program of excellence in the Revised Code shall be considered to include a STEAM program of excellence, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM program of excellence shall apply to a STEAM program of excellence in the same manner, except as otherwise provided in this chapter.

Sec. 3326.02. There is hereby established the STEM committee of the department of education consisting of the following members:

(A) The superintendent of public instruction, or the superintendent's designee;

(B) The chancellor of ~~the Ohio board of regents~~ higher education, or the chancellor's designee;

(C) The director of development, or the director's designee;

(D) Four members of the public, two of whom shall be appointed by the governor, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the president of the senate. Members of the public shall be appointed based on their expertise in business or in STEM fields. ~~The initial members of the committee shall be appointed under division (D) of this section not later than forty five days after June 30, 2007.~~

All members of the committee appointed under division (D) of this section shall serve at the pleasure of their appointing authority.

If a member listed in divisions (A) to (C) of this section elects to assign a designee to participate in committee business on the member's behalf, the member shall assign that designation to a single person for the time period in which the designation is

effective. 36007

Members of the committee shall receive no compensation for 36008
their services. The department of education shall provide 36009
administrative support for the committee. 36010

Sec. 3326.03. (A) The STEM committee shall authorize the 36011
establishment of ~~and award grants to~~ science, technology, 36012
engineering, and mathematics schools based on proposals submitted 36013
to the committee. 36014

The committee shall determine the criteria for proposals, 36015
establish procedures for the submission of proposals, accept and 36016
evaluate proposals, and choose which proposals to approve to 36017
become a STEM school. In approving proposals for STEM schools, the 36018
committee shall consider ~~locating the~~ designating schools in 36019
diverse geographic regions of the state so that all students have 36020
access to a STEM school. 36021

The committee shall seek technical assistance from the Ohio 36022
STEM learning network, or its successor, throughout the process of 36023
accepting and evaluating proposals and choosing which proposals to 36024
approve. In approving proposals for STEM schools, the committee 36025
shall consider the recommendations of the Ohio STEM learning 36026
network, or its successor. 36027

The committee may authorize the establishment of a group of 36028
multiple STEM schools to operate from multiple facilities located 36029
in one or more school districts under the direction of a single 36030
governing body in the manner prescribed by section 3326.031 of the 36031
Revised Code. The committee shall consider the merits of each of 36032
the proposed STEM schools within a group and shall authorize each 36033
school separately. Anytime after authorizing a group of STEM 36034
schools to be under the direction of a single governing body, ~~upon~~ 36035
~~a proposal from the governing body,~~ the committee may authorize 36036
one or more additional schools to operate as part of that group. 36037

provided a proposal for each school is submitted in accordance 36038
with this section. 36039

The STEM committee may approve one or more STEM schools to 36040
serve only students identified as gifted under Chapter 3324. of 36041
the Revised Code. 36042

(B) Proposals may be submitted only by a partnership of 36043
public and private entities consisting of at least all of the 36044
following: 36045

(1) A city, exempted village, or local,~~or joint vocational~~ 36046
school district ~~or an educational service center;~~ 36047

(2) Higher education entities; 36048

(3) Business organizations. 36049

A community school established under Chapter 3314. of the 36050
Revised Code, a chartered nonpublic school, or both may be part of 36051
the partnership. 36052

(C) Each proposal shall include at least the following: 36053

(1) A statement of which of grades kindergarten through 36054
twelve will be offered by the school; 36055

(2) Assurances that the STEM school or group of STEM schools 36056
will be under the oversight of a governing body and a description 36057
of the members of that governing body and how they will be 36058
selected; 36059

~~(2)~~(3) Assurances that each STEM school will operate in 36060
compliance with this chapter and the provisions of the proposal as 36061
accepted by the committee and that the school will maintain the 36062
STEM education practices set forth in the proposal; 36063

~~(3)~~(4) Evidence that each school will exhibit school-wide 36064
cultural strategies reflecting innovation, an entrepreneurial 36065
spirit, inquiry, and collaboration with individual accountability; 36066

(5) Evidence that each school will offer a rigorous, diverse, 36067
integrated, and problem- or project-based curriculum to all 36068
students ~~in any of grades kindergarten through twelve~~ enrolled in 36069
the school, with the goal to prepare ~~these~~ all students for 36070
college post-high school learning experiences, the workforce, and 36071
citizenship, and that does all of the following: 36072

(a) Emphasizes and supports the role of science, technology, 36073
engineering, and mathematics in promoting innovation and economic 36074
progress; 36075

~~(b) Incorporates scientific inquiry and technological design~~ 36076
Emphasizes the use of design thinking as a school-wide approach; 36077

(c) Provides opportunities for students to engage in 36078
personalized learning; 36079

(d) Includes the arts and humanities. If the proposal is for 36080
a STEAM school, it also shall include evidence that the curriculum 36081
will integrate arts and design into the study of science, 36082
technology, engineering, and mathematics to foster creative 36083
thinking, problem-solving, and new approaches to scientific 36084
invention. 36085

~~(d) Emphasizes personalized learning and teamwork skills.~~ 36086

~~(4)(6)~~ Evidence that each school ~~will attract school leaders~~ 36087
~~who support~~ leadership supports the curriculum principles of 36088
division ~~(C)(3)~~ (C)(5) of this section; 36089

~~(5)(7)~~ A description of how each school's curriculum ~~will be~~ 36090
~~was~~ developed using the curriculum principles described in 36091
division (C)(5) of this section and approved by a team in 36092
accordance with section 3326.09 of the Revised Code; 36093

~~(6)(8)~~ Evidence that each school will ~~utilize an established~~ 36094
~~capacity to capture and share knowledge for best practices and~~ 36095
~~innovative professional development with the Ohio STEM learning~~ 36096

~~network, or its successor~~ participate in regular STEM-focused 36097
professional development and share knowledge of best practices; 36098

~~(7)(9)~~ Evidence that each school ~~will operate in~~ 36099
~~collaboration with a partnership that includes~~ has established 36100
partnerships with institutions of higher education and businesses. 36101
If the proposal is for a STEAM school, it also shall include 36102
evidence ~~that this partnership will include~~ of established 36103
partnerships with one or more arts organizations. 36104

~~(8)(10)~~ Assurances that each school has received commitments 36105
of sustained and verifiable fiscal and in-kind support from 36106
regional education and business entities. If the proposal is for a 36107
STEAM school, it also shall include assurances that the school has 36108
received commitments of sustained and verifiable fiscal and 36109
in-kind support from arts organizations. 36110

~~(9)(11)~~ A description of how each school's assets will be 36111
distributed if the school closes for any reason. 36112

(D) A STEM school that is designated under this section may 36113
submit an amended proposal to the STEM committee at any time to 36114
offer additional grade levels. Upon approval of the amended 36115
proposal by the committee, those grades may be offered by the 36116
school. 36117

(E)(1) If a school is designated as a STEM school under this 36118
section, it shall maintain that designation for five years unless 36119
the STEM committee revokes its designation during that five-year 36120
period under division (F) of this section. At the end of that 36121
five-year period, the school shall reapply to the STEM committee 36122
in order to maintain that designation. The committee shall 36123
authorize the continuation of the school's STEM designation if the 36124
committee finds that the school is in compliance with this chapter 36125
and the provisions of its proposal and any subsequent amendments 36126
to that proposal. 36127

If a school chooses not to reapply for designation as a STEM school under division (E)(1) of this section, the committee shall revoke the school's designation at the end of its five-year designation period. 36128
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(2) If a school reapplies for its designation as a STEM school under division (E)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the school, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective action plan. The school shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation. 36132
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(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school under this section. 36145
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(F) If the STEM committee has reason to believe that a school that is designated as a STEM school under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (E)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of 36148
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that year, the committee shall revoke the school's designation. 36160

(G) If a STEM school wishes to become a STEAM school, it may 36161
change its existing proposal to include the items required under 36162
divisions ~~(C)(3)(e)~~ (C)(5)(d), ~~(C)(7)~~, and ~~(C)(8)~~ (C)(9), and 36163
(C)(10) of this section and submit the revised proposal to the 36164
STEM committee for approval. 36165

(H) Notwithstanding division (B)(1) of this section, on and 36166
after the effective date of this amendment, a school operated by a 36167
joint vocational school district that was designated as a STEM 36168
school prior to that date may maintain that designation provided 36169
the school continues to comply with this chapter and all 36170
provisions of its proposal and any subsequent amendments to that 36171
proposal. However, nothing shall prohibit that school from 36172
electing to apply for a designation of STEM school equivalent or 36173
distinction as a STEM program of excellence under section 3326.032 36174
or 3326.04 of the Revised Code, respectively. 36175

Sec. 3326.032. (A) The STEM committee may grant a designation 36176
of STEM school equivalent to a any of the following schools: 36177

(1) A school operated by a joint vocational school district; 36178

(2) A school offering career-technical education programs 36179
that is operated by a school district that is a comprehensive 36180
career-technical education provider; 36181

(3) A school offering career-technical education programs 36182
that is operated by a school district that is a participant in a 36183
compact career-technical education provider; 36184

(4) A community school established under Chapter 3314. of the 36185
Revised Code, to a career center, or to a; 36186

(5) A chartered nonpublic school. ~~In~~ 36187

In order to be eligible for this designation, a ~~community~~ 36188
school, a career center, or chartered nonpublic school shall 36189

submit a proposal that satisfies the requirements of this section. 36190

The committee shall determine the criteria for proposals, 36191
establish procedures for the submission of proposals, accept and 36192
evaluate proposals, and choose which proposals warrant a ~~community~~ 36193
~~school, career center, or chartered nonpublic~~ school to be 36194
designated as a STEM school equivalent. 36195

(B) A proposal for designation as a STEM school equivalent 36196
shall include at least the following: 36197

(1) ~~Assurances that the community school, career center, or~~ 36198
~~chartered nonpublic school submitting the proposal has a working~~ 36199
~~partnership with both public and private entities, including~~ 36200
~~higher education entities and business organizations. If the~~ 36201
~~proposal is for a STEAM school equivalent, it also shall include~~ 36202
~~evidence that this partnership includes arts organizations. A~~ 36203
statement of which of grades kindergarten through twelve will be 36204
offered by the school; 36205

(2) Assurances that the school ~~or career center submitting~~ 36206
~~the proposal~~ will operate in compliance with this section and the 36207
provisions of the proposal as accepted by the committee and that 36208
the school will maintain the STEM education practices set forth in 36209
the proposal; 36210

(3) Evidence that the school will exhibit school-wide 36211
cultural strategies reflecting innovation, an entrepreneurial 36212
spirit, inquiry, and collaboration with individual accountability; 36213

(4) Evidence that the school ~~or career center submitting the~~ 36214
~~proposal~~ will offer a rigorous, diverse, integrated, and problem- 36215
or project-based curriculum to all students in any of grades 36216
kindergarten through twelve enrolled in the school, with the goal 36217
to prepare ~~those~~ all students for college post-secondary learning 36218
experiences, the workforce, and citizenship, and that does all of 36219
the following: 36220

(a) Emphasizes and supports the role of science, technology, 36221
engineering, and mathematics in promoting innovation and economic 36222
progress; 36223

(b) ~~Incorporates scientific inquiry and technological design~~ 36224
Emphasizes the use of design thinking as a school-wide approach; 36225

(c) Provides opportunities for students to engage in 36226
personalized learning; 36227

(d) Includes the arts and humanities. If the proposal is for 36228
a STEAM school equivalent, it also shall include evidence that the 36229
curriculum will integrate arts and design into the study of 36230
science, technology, engineering, and mathematics to foster 36231
creative thinking, problem-solving, and new approaches to 36232
scientific invention. 36233

~~(d) Emphasizes personalized learning and teamwork skills.~~ 36234

~~(4)(5) Evidence that the school or career center submitting~~ 36235
~~the proposal will attract school leaders who support leadership~~ 36236
supports the curriculum principles of division ~~(B)(3)~~ (B)(4) of 36237
this section; 36238

~~(5)(6) A description of how each the school's or career~~ 36239
~~center's curriculum will be was developed using the principles of~~ 36240
division (B)(4) of this section and approved by a team in 36241
accordance with section 3326.09 of the Revised Code; 36242

~~(6)(7) Evidence that the school or career center submitting~~ 36243
~~the proposal will utilize an established capacity to capture and~~ 36244
~~share knowledge for best practices and innovative professional~~ 36245
development participate in regular professional development and 36246
share knowledge of best practices; 36247

~~(7)(8) Evidence that the school has established partnerships~~ 36248
with institutions of higher education and businesses. If the 36249
proposal is for a STEAM school equivalent, it also shall include 36250

evidence of established partnerships with one or more arts organizations. 36251
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(9) Assurances that the school ~~or career center~~ submitting the proposal has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school equivalent, it also shall include assurances that the school ~~or career center~~ has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations. 36253
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(C)(1) If a school is designated as a STEM school equivalent under this section, it shall maintain that designation for five years unless the STEM committee revokes its designation during that five-year period under division (D) of this section. At the end of that five-year period, the school shall reapply to the STEM committee in order to maintain that designation. The committee shall authorize the continuation of the school's designation as a STEM school equivalent if the committee finds that the school is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal. 36260
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If a school chooses not to reapply for designation as a STEM school equivalent under division (C)(1) of this section, the committee shall revoke the school's designation at the end of its five-year designation period. 36270
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(2) If a school reapplies for its designation as a STEM school equivalent under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the school, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective action plan. The school shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices 36274
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within one year of the plan's development. If the school fails to 36283
implement the corrective action plan to the satisfaction of the 36284
committee at the end of that year, the committee shall revoke the 36285
school's designation. 36286

(3) The department shall maintain records of the application 36287
status and designation renewal deadlines for each school that has 36288
been designated as a STEM school equivalent under this section. 36289

(D) If the STEM committee has reason to believe that a school 36290
that is designated as a STEM school equivalent under this section 36291
is not in compliance with this chapter or the provisions of its 36292
proposal and any subsequent amendments to that proposal, it may 36293
review the school's designation prior to the end of its five-year 36294
designation period. If the committee reviews a school's 36295
designation under this division, it must require the school to 36296
develop a corrective action plan in the same manner as specified 36297
in division (C)(2) of this section and implement that plan and 36298
demonstrate exemplary STEM pedagogy and practices within one year 36299
of the plan's development. If the school fails to implement the 36300
corrective action plan to the satisfaction of the committee at the 36301
end of that year, the committee shall revoke the school's 36302
designation. 36303

(E) A ~~community school, career center, or chartered nonpublic~~ 36304
school that is designated as a STEM school equivalent under this 36305
section shall not be subject to the requirements of Chapter 3326. 36306
of the Revised Code, except that the school ~~or career center~~ shall 36307
be subject to the requirements of this section and to the 36308
curriculum requirements of section 3326.09 of the Revised Code. 36309

Nothing in this section, however, shall relieve a community 36310
school of the applicable requirements of Chapter 3314. of the 36311
Revised Code. Nor shall anything in this section relieve a school 36312
operated by a joint vocational school district, a school operated 36313
by a comprehensive career-technical education provider, a school 36314

operated by a compact career-technical education provider, or a 36315
chartered nonpublic school of any provisions of law outside of 36316
this chapter that are applicable to ~~chartered nonpublic~~ such 36317
schools. 36318

(2) A ~~community school, career center, or chartered nonpublic~~ 36319
school that is designated as a STEM school equivalent under this 36320
section shall not be eligible for operating funding under sections 36321
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 36322
Code. 36323

(3) A ~~community school, career center, or chartered nonpublic~~ 36324
school that is designated as a STEM school equivalent under this 36325
section may apply for any of the grants and additional funds 36326
described in section 3326.38 of the Revised Code for which the 36327
school ~~or career center~~ is eligible. 36328

~~(D)(F)~~ If a ~~community school, a career center, or chartered~~ 36329
~~nonpublic~~ school that is designated as a STEM school equivalent 36330
under this section intends to close or intends to no longer be 36331
designated as a STEM school equivalent, it shall notify the STEM 36332
committee of that fact. 36333

~~(E)(G)~~ If a ~~community school, a career center, or chartered~~ 36334
~~nonpublic~~ school that is designated as a STEM school equivalent 36335
wishes to be designated as a STEAM school equivalent, it may 36336
change its existing proposal to include the items required under 36337
divisions ~~(B)(1), (B)(3)(e)~~ (B)(4)(d), (B)(8), and (B)(7) (B)(9) 36338
of this section and submit the revised proposal to the STEM 36339
committee for approval. 36340

~~(F) As used in this section, "career center" means a school~~ 36341
~~building that enrolls students in any of grades nine through~~ 36342
~~twelve and in which a career technical planning district, as~~ 36343
~~defined in section 3317.023 of the Revised Code, provides~~ 36344
~~career technical education services that meet standards adopted by~~ 36345

~~the state board of education.~~ 36346

Sec. 3326.04. (A) The STEM committee shall ~~award grants to~~ 36347
~~support the operation of~~ grant distinctions as STEM programs of 36348
~~excellence to serve students in any of grades kindergarten through~~ 36349
~~twelve through a request for proposals to STEM programs operated~~ 36350
~~by joint vocational school districts, comprehensive~~ 36351
~~career-technical education providers, compact career-technical~~ 36352
~~education providers, and educational service centers in accordance~~ 36353
~~with this section.~~ 36354

~~(B) Proposals may be submitted by any of the following:~~ 36355

~~(1) The board of education of a city, exempted village, or~~ 36356
~~local school district;~~ 36357

~~(2) The governing authority of a community school established~~ 36358
~~under Chapter 3314. of the Revised Code;~~ 36359

~~(3) The governing authority of a chartered nonpublic school.~~ 36360

~~(C) Each~~ A joint vocational school district, comprehensive 36361
career-technical education provider, compact career-technical 36362
education provider, or educational service center may submit a 36363
proposal to the STEM committee seeking distinction as a STEM 36364
program of excellence. The proposal shall demonstrate to the 36365
satisfaction of the STEM committee that the program meets at least 36366
the following standards: 36367

(1) Unless the program is designed to serve only students 36368
identified as gifted under Chapter 3324. of the Revised Code, the 36369
program will serve all students enrolled ~~in the district or school~~ 36370
in the grades for which the program is designed. 36371

(2) ~~The program will offer a rigorous and diverse curriculum~~ 36372
~~that is based on scientific inquiry and technological design, that~~ 36373
~~emphasizes personalized learning and teamwork skills, and that~~ 36374
~~will expose students to advanced scientific concepts within and~~ 36375

~~outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem solving, and new approaches to scientific invention.~~ 36376
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~~(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.~~ 36381
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~~(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.~~ 36385
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~~(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.~~ 36388
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~~(6) The program will include teacher professional development strategies that are augmented by community and business partners. The program will provide students with the opportunity to innovate, develop an entrepreneurial spirit, engage in inquiry, and collaborate with individual accountability.~~ 36393
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(3) The program will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to students, with the goal to prepare students for post-secondary learning experiences, the workforce, and citizenship, and that does all of the following: 36398
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(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress; 36403
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(b) Emphasizes the use of design thinking as a school-wide 36406

<u>approach;</u>	36407
<u>(c) Provides opportunities for students to engage in</u>	36408
<u>personalized learning;</u>	36409
<u>(d) Includes the arts and humanities. If the proposal is for</u>	36410
<u>distinction as a STEAM program of excellence, it also shall</u>	36411
<u>include evidence that the curriculum will integrate arts and</u>	36412
<u>design into the study of science, technology, engineering, and</u>	36413
<u>mathematics to foster creative thinking, problem-solving, and new</u>	36414
<u>approaches to scientific invention.</u>	36415
<u>(4) The district, provider, or service center leadership</u>	36416
<u>supports the curriculum principles of division (B)(3) of this</u>	36417
<u>section.</u>	36418
<u>(5) The program's leaders participate in regular STEM-focused</u>	36419
<u>professional development and share knowledge of best practices.</u>	36420
<u>(6) The program has established partnerships with</u>	36421
<u>institutions of higher education and businesses. If the proposal</u>	36422
<u>is for distinction as a STEAM program of excellence, it also shall</u>	36423
<u>include evidence of established partnerships with one or more arts</u>	36424
<u>organizations.</u>	36425
<u>(7) The program has received commitments of sustained and</u>	36426
<u>verifiable fiscal and in-kind support from regional education and</u>	36427
<u>business entities. If the proposal is for distinction as a STEAM</u>	36428
<u>program of excellence, the program also has received commitments</u>	36429
<u>of sustained and verifiable fiscal and in-kind support from arts</u>	36430
<u>organizations;</u>	36431
<u>(8) The program's curriculum was developed using the</u>	36432
<u>principles described in division (B)(3) of this section and</u>	36433
<u>approved by a team in accordance with section 3326.09 of the</u>	36434
<u>Revised Code.</u>	36435
(D) The STEM committee shall give priority to proposals for	36436

~~new or expanding innovative programs~~(C)(1) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center receives a distinction as a STEM program of excellence under this section, it shall maintain that distinction for five years unless the STEM committee revokes the distinction during that five-year period under division (E) of this section. At the end of that five-year period, the district, provider, or service center shall reapply to the STEM committee in order to maintain that distinction. The committee shall authorize the continuation of the district's, provider's, or service center's distinction as a STEM program of excellence if the committee finds that the district, provider, or service center is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal.

If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center chooses not to reapply for a distinction for a STEM program of excellence under division (C)(1) of this section, the committee shall revoke the district's, provider's, or service center's distinction at the end of its five-year period of distinction.

(2) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center reapplies for distinction as a STEM program of excellence under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the district, provider, or service center, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective

action plan. The district, provider, or service center shall 36469
implement the corrective action plan and demonstrate exemplary 36470
STEM pedagogy and practices within one year of the plan's 36471
development. If the district, provider, or service center fails to 36472
implement the corrective action plan to the satisfaction of the 36473
committee at the end of that year, the committee shall revoke the 36474
district's, provider's, or service center's distinction. 36475

(3) The department shall maintain records of the application 36476
status and designation renewal deadlines for each joint vocational 36477
school district, comprehensive career-technical education 36478
provider, compact career-technical education provider, or 36479
educational service center that has received a distinction as a 36480
STEM program of excellence under this section. 36481

(D) If the STEM committee has reason to believe that a joint 36482
vocational school district, comprehensive career-technical 36483
education provider, compact career-technical education provider, 36484
or educational service center that has received a distinction as a 36485
STEM program of excellence under this section is not in compliance 36486
with this chapter or the provisions of its proposal and any 36487
subsequent amendments to that proposal, it may review the 36488
district's, provider's, or service center's distinction prior to 36489
the end of the five-year period during which that distinction is 36490
effective. If the committee reviews a district's, provider's, or 36491
service center's distinction under this division, it must require 36492
the district, provider, or service center to develop a corrective 36493
action plan in the same manner as specified in division (C)(2) of 36494
this section and implement that plan and demonstrate exemplary 36495
STEM pedagogy and practices within one year of the plan's 36496
development. If the district, provider, or service center fails to 36497
implement the corrective action plan to the satisfaction of the 36498
committee at the end of that year, the committee shall revoke the 36499
district's, provider's, or service center's distinction. 36500

(E) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center that has received distinction for a STEM program of excellence instead wishes to ~~become a~~ receive a distinction for a STEAM program of excellence, it may change its existing proposal to include the items required under divisions ~~(C)(2)~~ (B)(3)(d), (B)(6), and (C)(5) (B)(7) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.07. Each science, technology, engineering, and mathematics school established under this chapter is a public school, is part of the state's program of education, may contract for any services necessary for the operation of the school, and may continue in operation for as long as the school is in compliance with the provisions of this chapter and with the proposal for its establishment as approved by the STEM committee. If the school closes for any reason, its assets shall be distributed in the manner provided in the proposal for its establishment as required by division ~~(C)(9)~~ (C)(11) of section 3326.03 of the Revised Code.

Sec. 3326.08. (A) The governing body of each science, technology, engineering, and mathematics school shall engage the services of administrative officers, teachers, and nonteaching employees of the STEM school necessary for the school to carry out its mission and shall oversee the operations of the school. The governing body of each STEM school shall engage the services of a chief administrative officer to serve as the school's instructional and administrative leader. The chief administrative officer shall be granted the authority to oversee the recruitment, retention, and employment of teachers and nonteaching employees.

(B) The department of education shall monitor the oversight

of each STEM school exercised by the school's governing body and 36532
shall monitor the school's compliance with this chapter and with 36533
the proposal for the establishment of the school as it was 36534
approved by the STEM committee under section ~~3326.04~~ 3326.03 of 36535
the Revised Code. ~~If~~ Except in the case of a STEM school that is 36536
governed and controlled by a school district in accordance with 36537
section 3326.51 of the Revised Code, if the department finds that 36538
the school is not in compliance with this chapter or with the 36539
proposal and the STEM committee has revoked the school's STEM 36540
designation under division (E)(1) or (2) or (F) of section 3326.03 36541
of the Revised Code, the department shall consult with the STEM 36542
committee, and the committee ~~may~~ shall order the school to close 36543
on the last day of the school year in which the committee issues 36544
its order. 36545

(C) The governing body of each STEM school shall comply with 36546
sections 121.22 and 149.43 of the Revised Code. 36547

Sec. 3326.10. Each science, technology, engineering, and 36548
mathematics school shall adopt admission procedures that specify 36549
the following: 36550

(A)(1) Admission shall be open to individuals entitled and 36551
eligible to attend school pursuant to section 3313.64 or 3313.65 36552
of the Revised Code in a school district in the state. 36553

(2)(a) Admission may be open on a tuition basis to 36554
individuals who are not residents of this state. The school shall 36555
not receive state funds under ~~sections 3326.33 to 3326.51~~ section 36556
3317.022 of the Revised Code for any student who is not a resident 36557
of this state. 36558

(b) The school shall charge tuition for a student who is not 36559
a resident of this state in an amount determined by the school in 36560
accordance with section 3326.101 of the Revised Code. 36561

(B) There will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex.

(C) The school will comply with all federal and state laws regarding the education of students with disabilities.

(D) Unless the school serves only students identified as gifted under Chapter 3324. of the Revised Code, the school will not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic or artistic ability.

(E) The school will assert its best effort to attract a diverse student body that reflects the community, and the school will recruit students from disadvantaged and underrepresented groups.

Sec. 3326.101. For each student who is not a resident of this state and is enrolled in a science, technology, engineering, and mathematics school under division (A)(2) of section 3326.10 of the Revised Code, the school shall determine the amount to charge to the student as tuition. This amount shall be not less than the minimum amount paid to the school for a student under section ~~3326.33~~ 3317.022 of the Revised Code.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.232, 3301.948, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 3313.614,

3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 36592
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 36593
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 36594
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 36595
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 36596
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 36597
3319.078, 3319.21, 3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 36598
3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 36599
3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 36600
3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 36601
4113.52, 5502.262, and 5705.391 and Chapters 102., 117., 1347., 36602
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. 36603
of the Revised Code as if it were a school district. 36604

Sec. 3326.14. Each science, technology, engineering, and 36605
mathematics school and its governing body shall administer the 36606
assessments required by sections 3301.0710, 3301.0711, and 36607
3301.0712 of the Revised Code, as if it were a school district, 36608
~~except that, notwithstanding any provision of those sections to~~ 36609
~~the contrary, any student enrolled in a grade lower than the tenth~~ 36610
~~grade in a STEM school may take one or more of the Ohio graduation~~ 36611
~~tests prescribed under division (B)(1) of section 3301.0710 of the~~ 36612
~~Revised Code on any of the dates prescribed for that assessment.~~ 36613

Sec. 3326.23. This section does not apply to any science, 36614
technology, engineering, and mathematics school that is governed 36615
and controlled by a school district in accordance with section 36616
3326.51 of the Revised Code on or after the effective date of this 36617
amendment. 36618

The governing body of each science, technology, engineering, 36619
and mathematics school annually shall provide the following 36620
assurances in writing to the department of education not later 36621

than ten business days prior to the opening of the school: 36622

(A) That the school has a plan for providing special 36623
education and related services to students with disabilities and 36624
has demonstrated the capacity to provide those services in 36625
accordance with Chapter 3323. of the Revised Code and federal law; 36626

(B) That the school has a plan and procedures for 36627
administering the achievement and diagnostic assessments 36628
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 36629
Revised Code; 36630

(C) That school personnel have the necessary training, 36631
knowledge, and resources to properly use and submit information to 36632
all databases maintained by the department for the collection of 36633
education data, including the education management information 36634
system established under section 3301.0714 of the Revised Code; 36635

(D) That all required information about the school has been 36636
submitted to the Ohio education directory system or any successor 36637
system; 36638

(E) That all classroom teachers are licensed in accordance 36639
with sections 3319.22 to 3319.31 of the Revised Code or are 36640
engaged to teach pursuant to section 3319.301 of the Revised Code; 36641

(F) That the school's treasurer is in compliance with section 36642
3326.21 of the Revised Code; 36643

(G) That the school has complied with sections 3319.39 and 36644
3319.391 of the Revised Code with respect to all employees and 36645
that the school has conducted a criminal records check of each of 36646
its governing body members; 36647

(H) That the school holds all of the following: 36648

(1) Proof of property ownership or a lease for the facilities 36649
used by the school; 36650

(2) A certificate of occupancy; 36651

(3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;	36652 36653
(4) A satisfactory health and safety inspection;	36654
(5) A satisfactory fire inspection;	36655
(6) A valid food permit, if applicable.	36656
(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	36657 36658 36659
(J) That the school has designated a date it will open for the school year for which the assurances are provided;	36660 36661
(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.	36662 36663 36664
Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code:	36665 36666
(A)(1) "Category one career technical education student" means a student who is receiving the career technical education services described in division (A) of section 3317.014 of the Revised Code.	36667 36668 36669 36670
(2) "Category two career technical student" means a student who is receiving the career technical education services described in division (B) of section 3317.014 of the Revised Code.	36671 36672 36673
(3) "Category three career technical student" means a student who is receiving the career technical education services described in division (C) of section 3317.014 of the Revised Code.	36674 36675 36676
(4) "Category four career technical student" means a student who is receiving the career technical education services described in division (D) of section 3317.014 of the Revised Code.	36677 36678 36679
(5) "Category five career technical education student" means	36680

~~a student who is receiving the career technical education services described in division (E) of section 3317.014 of the Revised Code.~~ 36681
36682

~~(B)(1) "Category one English learner" means an English learner described in division (A) of section 3317.016 of the Revised Code.~~ 36683
36684
36685

~~(2) "Category two English learner" means an English learner described in division (B) of section 3317.016 of the Revised Code.~~ 36686
36687

~~(3) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code.~~ 36688
36689

~~(C)(1) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.~~ 36690
36691
36692
36693

~~(2) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.~~ 36694
36695
36696

~~(3) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.~~ 36697
36698
36699
36700

~~(4) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.~~ 36701
36702
36703

~~(5) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.~~ 36704
36705
36706

~~(6) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.~~ 36707
36708
36709

~~(D) "Formula amount" has the same meaning as in section~~ 36710

3317.02 of the Revised Code. 36711

~~(E)~~(B) "IEP" means an individualized education program as 36712
defined in section 3323.01 of the Revised Code. 36713

~~(F)~~(C) "Resident district" means the school district in which 36714
a student is entitled to attend school under section 3313.64 or 36715
3313.65 of the Revised Code. 36716

~~(G) "State education aid" has the same meaning as in section 36717
5751.20 of the Revised Code. 36718~~

Sec. 3326.34. If a science, technology, engineering, and 36719
mathematics school established under this chapter incurs costs for 36720
a fiscal year for a student receiving special education and 36721
related services pursuant to an IEP for a disability described in 36722
divisions (B) to (F) of section 3317.013 of the Revised Code that 36723
exceed the threshold ~~eatastrophie~~ cost for serving the student as 36724
specified in division (B) of section 3317.0214 of the Revised 36725
Code, the STEM school may submit to the superintendent of public 36726
instruction documentation, as prescribed by the superintendent, of 36727
all its costs for that student. Upon submission of documentation 36728
for a student of the type and in the manner prescribed, the 36729
department of education shall pay to the school or, if the school 36730
is part of a group of science, technology, engineering, and 36731
mathematics schools under section 3326.031 of the Revised Code, to 36732
the governing body of that group an amount equal to the school's 36733
costs for the student in excess of the threshold ~~eatastrophie~~ 36734
costs. 36735

The school shall only report under this section, and the 36736
department shall only pay for, the costs of educational expenses 36737
and the related services provided to the student in accordance 36738
with the student's IEP. Any legal fees, court costs, or other 36739
costs associated with any cause of action relating to the student 36740
may not be included in the amount. 36741

Sec. 3326.35. The department of education shall adjust the 36742
amounts paid under section ~~3326.33~~ 3317.022 of the Revised Code to 36743
reflect any enrollment of students in science, technology, 36744
engineering, and mathematics schools for less than the equivalent 36745
of a full school year. 36746

Sec. 3326.36. The department of education shall reduce the 36747
amounts paid to a science, technology, engineering, and 36748
mathematics school or to the governing body of a group of science, 36749
technology, engineering, and mathematics schools under section 36750
~~3326.33~~ 3317.022 of the Revised Code to reflect payments made to 36751
colleges under section 3365.07 of the Revised Code. A student 36752
shall be considered enrolled in the school for any portion of the 36753
school year the student is attending a college under Chapter 3365. 36754
of the Revised Code. 36755

Sec. 3326.39. (A) In any fiscal year, a STEM school receiving 36756
funds under ~~division (G)~~ divisions (A)(8) and (11) of section 36757
~~3326.33~~ 3317.022 of the Revised Code shall spend those funds only 36758
for the purposes that the department designates as approved for 36759
career-technical education expenses. Career-technical ~~educational~~ 36760
education expenses approved by the department shall include only 36761
expenses connected to the delivery of career-technical programming 36762
to career-technical students. The department shall require the 36763
school to report data annually so that the department may monitor 36764
the school's compliance with the requirements regarding the manner 36765
in which funding received under ~~division (G)~~ divisions (A)(8) and 36766
(11) of section ~~3326.33~~ 3317.022 of the Revised Code may be spent. 36767
36768

(B) All funds received under ~~division (G)~~ divisions (A)(8) 36769
and (11) of section ~~3326.33~~ 3317.022 of the Revised Code shall be 36770
spent in the following manner: 36771

(1) At least seventy-five per cent of the funds shall be 36772
spent on curriculum development, purchase, and implementation; 36773
instructional resources and supplies; industry-based program 36774
certification; student assessment, credentialing, and placement; 36775
curriculum specific equipment purchases and leases; 36776
career-technical student organization fees and expenses; home and 36777
agency linkages; work-based learning experiences; professional 36778
development; and other costs directly associated with 36779
career-technical education programs including development of new 36780
programs. 36781

(2) Not more than twenty-five per cent of the funds shall be 36782
used for personnel expenditures. 36783

Sec. 3326.40. A STEM school shall spend the funds it receives 36784
under division ~~(E)~~ (A)(5) of section ~~3326.33~~ 3317.022 of the 36785
Revised Code in accordance with section 3317.25 of the Revised 36786
Code. 36787

Sec. 3326.51. (A) As used in this section: 36788

(1) "Resident district" has the same meaning as in section 36789
3326.31 of the Revised Code. 36790

(2) "STEM school sponsoring district" means a municipal, 36791
city, local, or exempted village, ~~or joint vocational~~ school 36792
district that governs and controls a STEM school pursuant to this 36793
section. 36794

(B) Notwithstanding any other provision of this chapter to 36795
the contrary: 36796

(1) If a proposal for a STEM school submitted under section 36797
3326.03 of the Revised Code proposes that the governing body of 36798
the school be the board of education of a municipal, city, local, 36799
or exempted village, ~~or joint vocational~~ school district that is 36800
one of the partners submitting the proposal, and the STEM 36801

committee approves that proposal, that school district board shall 36802
govern and control the STEM school as one of the schools of its 36803
district. 36804

(2) The STEM school sponsoring district shall maintain a 36805
separate accounting for the STEM school as a separate and distinct 36806
operational unit within the district's finances. The auditor of 36807
state, in the course of an annual or biennial audit of the school 36808
district serving as the STEM school sponsoring district, shall 36809
audit that school district for compliance with the financing 36810
requirements of this section. 36811

(3) With respect to students enrolled in a STEM school whose 36812
resident district is the STEM school sponsoring district: 36813

~~(a) The department of education shall make no deductions 36814
under section 3326.33 of the Revised Code from the STEM school 36815
sponsoring district's state payments. 36816~~

~~(b)~~ The STEM school sponsoring district shall ensure that it 36817
allocates to the STEM school funds equal to or exceeding the 36818
amount that would be calculated pursuant to division (B) of 36819
section 3313.981 of the Revised Code for the students attending 36820
the school whose resident district is the STEM school sponsoring 36821
district. 36822

~~(e)~~(b) The STEM school sponsoring district is responsible for 36823
providing children with disabilities with a free appropriate 36824
public education under Chapter 3323. of the Revised Code. 36825

~~(d)~~(c) The STEM school sponsoring district shall provide 36826
student transportation in accordance with laws and policies 36827
generally applicable to the district. 36828

(4) With respect to students enrolled in the STEM school 36829
whose resident district is another school district, the department 36830
shall make no payments ~~or deductions~~ to the STEM school under 36831
~~sections 3326.31 to 3326.49~~ section 3317.022 of the Revised Code. 36832

Instead, the students shall be considered as open enrollment 36833
students and the department shall make payments and deductions in 36834
accordance with section 3313.981 of the Revised Code. The STEM 36835
school sponsoring district shall allocate the payments to the STEM 36836
school. The STEM school sponsoring district may enter into 36837
financial agreements with the students' resident districts, which 36838
agreements may provide financial support in addition to the funds 36839
received from the open enrollment calculation. The STEM school 36840
sponsoring district shall allocate all such additional funds to 36841
the STEM school. 36842

(5) Where the department is required to make, deny, reduce, 36843
or adjust payments to a STEM school sponsoring district pursuant 36844
to this section, it shall do so in such a manner that the STEM 36845
school sponsoring district may allocate that action to the STEM 36846
school. 36847

(6) A STEM school sponsoring district and its board may 36848
assign its district employees to the STEM school, in which case 36849
section 3326.18 of the Revised Code shall not apply. The district 36850
and board may apply any other resources of the district to the 36851
STEM school in the same manner that it applies district resources 36852
to other district schools. 36853

(7) Provisions of this chapter requiring a STEM school and 36854
its governing body to comply with specified laws as if it were a 36855
school district and in the same manner as a board of education 36856
shall instead require such compliance by the STEM school 36857
sponsoring district and its board of education, respectively, with 36858
respect to the STEM school. Where a STEM school or its governing 36859
body is required to perform a specific duty or permitted to take a 36860
specific action under this chapter, that duty is required to be 36861
performed or that action is permitted to be taken by the STEM 36862
school sponsoring district or its board of education, 36863
respectively, with respect to the STEM school. 36864

(8) No provision of this chapter limits the authority, as 36865
provided otherwise by law, of a school district and its board of 36866
education to levy taxes and issue bonds secured by tax revenues. 36867

(9) The treasurer of the STEM school sponsoring district or, 36868
if the STEM school sponsoring district is a municipal school 36869
district, the chief financial officer of the district, shall have 36870
all of the respective rights, authority, exemptions, and duties 36871
otherwise conferred upon the treasurer or chief financial officer 36872
by the Revised Code. 36873

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 36874
and division (D) of section 3311.52 of the Revised Code, this 36875
section and sections 3327.011, 3327.012, and 3327.02 of the 36876
Revised Code do not apply to any joint vocational or cooperative 36877
education school district. 36878

In all city, local, and exempted village school districts 36879
where resident school pupils in grades kindergarten through eight 36880
live more than two miles from the school for which the state board 36881
of education prescribes minimum standards pursuant to division (D) 36882
of section 3301.07 of the Revised Code and to which they are 36883
assigned by the board of education of the district of residence or 36884
to and from the nonpublic or community school which they attend, 36885
the board of education shall provide transportation for such 36886
pupils to and from that school except as provided in section 36887
3327.02 of the Revised Code. 36888

In all city, local, and exempted village school districts 36889
where pupil transportation is required under a career-technical 36890
plan approved by the state board of education under section 36891
3313.90 of the Revised Code, for any student attending a 36892
career-technical program operated by another school district, 36893
including a joint vocational school district, as prescribed under 36894
that section, the board of education of the student's district of 36895

residence shall provide transportation from the public high school 36896
operated by that district to which the student is assigned to the 36897
career-technical program. 36898

In all city, local, and exempted village school districts, 36899
the board may provide transportation for resident school pupils in 36900
grades nine through twelve to and from the high school to which 36901
they are assigned by the board of education of the district of 36902
residence or to and from the nonpublic or community high school 36903
which they attend for which the state board of education 36904
prescribes minimum standards pursuant to division (D) of section 36905
3301.07 of the Revised Code. 36906

A board of education shall not be required to transport 36907
elementary or high school pupils to and from a nonpublic or 36908
community school where such transportation would require more than 36909
thirty minutes of direct travel time as measured by school bus 36910
from the public school building to which the pupils would be 36911
assigned if attending the public school designated by the district 36912
of residence. 36913

Where it is impractical to transport a pupil by school 36914
conveyance, a board of education may offer payment, in lieu of 36915
providing such transportation in accordance with section 3327.02 36916
of the Revised Code. 36917

A board of education shall provide transportation to students 36918
enrolled in a community school or nonpublic school in accordance 36919
with this section on each day in which that school is open for 36920
operation with students in attendance, regardless of whether the 36921
district's own schools are open for operation with students in 36922
attendance on that day. However, a board of education shall not be 36923
required to transport elementary or high school pupils to and from 36924
a nonpublic or community school on Saturday or Sunday, unless a 36925
board of education and a nonpublic or community school have an 36926
agreement in place to do so before the first day of July of the 36927

school year in which the agreement takes effect. 36928

The governing authority of a nonpublic or community school 36929
may request, from a school district, a list of names and addresses 36930
of pupils enrolled in the school for whom the district provides 36931
transportation under this section. If so requested, a school 36932
district shall provide a list that includes only the names and 36933
addresses of the pupils enrolled in the school making the request. 36934

In all city, local, and exempted village school districts, 36935
the board shall provide transportation for all children who are so 36936
disabled that they are unable to walk to and from the school for 36937
which the state board of education prescribes minimum standards 36938
pursuant to division (D) of section 3301.07 of the Revised Code 36939
and which they attend. In case of dispute whether the child is 36940
able to walk to and from the school, the health commissioner shall 36941
be the judge of such ability. In all city, exempted village, and 36942
local school districts, the board shall provide transportation to 36943
and from school or special education classes for mentally disabled 36944
children in accordance with standards adopted by the state board 36945
of education. 36946

When transportation of pupils is provided the conveyance 36947
shall be run on a time schedule that shall be adopted and put in 36948
force by the board not later than ten days after the beginning of 36949
the school term. The operator of every school bus or motor van 36950
owned and operated by any school district or educational service 36951
center or privately owned and operated under contract with any 36952
school district or service center in this state shall deliver 36953
students enrolled in preschool through twelfth grades to their 36954
respective public and nonpublic schools not sooner than thirty 36955
minutes prior to the beginning of school and to be available to 36956
pick them up not later than thirty minutes after the close of 36957
their respective schools each day. 36958

The cost of any transportation service authorized by this 36959

section shall be paid first out of federal funds, if any, 36960
available for the purpose of pupil transportation, and secondly 36961
out of state appropriations, in accordance with regulations 36962
adopted by the state board of education. 36963

No transportation of any pupils shall be provided by any 36964
board of education to or from any school which in the selection of 36965
pupils, faculty members, or employees, practices discrimination 36966
against any person on the grounds of race, color, religion, or 36967
national origin. 36968

Sec. 3327.016. (A) As used in this section, "eligible 36969
student" means a student entitled to transportation services from 36970
the city, local, or exempted village school district pursuant to 36971
section 3327.01 of the Revised Code. 36972

(B) Each community school established under Chapter 3314. of 36973
the Revised Code or chartered nonpublic school shall establish the 36974
school's start and end times for a particular school year not 36975
later than the first day of June prior to that school year. Each 36976
community or chartered nonpublic school shall provide such start 36977
and end times to each city, local, or exempted village school 36978
district that the school expects will be responsible for providing 36979
transportation services to eligible students enrolled in the 36980
school for that school year. 36981

(C) Each city, local, or exempted village school district 36982
that receives start and end times as prescribed under division (B) 36983
of this section shall use those start and end times to develop a 36984
transportation plan, including transportation routes and 36985
schedules, for eligible students who enrolled in a community or 36986
chartered nonpublic school not later than the first day of June 36987
prior to the school year described in that division. Each district 36988
shall develop and provide such transportation plan to the 36989
community or chartered nonpublic school not later than the first 36990

day of July of that school year. For any eligible student who 36991
enrolls in a community or chartered nonpublic school after the 36992
first day of June prior to that school year, a district shall 36993
develop a transportation plan, including transportation routes and 36994
schedules, for that student within fourteen calendar days of 36995
receiving a request for transportation services from the student's 36996
parent or guardian. 36997

Sec. 3327.017. (A) As used in this section: 36998

(1) "Eligible student" has the same meaning as in section 36999
3327.016 of the Revised Code. 37000

(2) "Mass transit system" has the same meaning as in section 37001
4511.78 of the Revised Code. 37002

(B) No city, local, or exempted village school district shall 37003
provide or arrange for transportation for any eligible student 37004
enrolled in any of grades kindergarten through eight in a 37005
community school established under Chapter 3314. of the Revised 37006
Code or chartered nonpublic school to and from school using 37007
vehicles operated by a mass transit system, unless the district 37008
enters into an agreement with that school authorizing such 37009
transportation. An agreement under division (B) of this section 37010
shall not be effective unless both the school district and 37011
community or chartered nonpublic school approve it. 37012

(C) A city, local, or exempted village school district that 37013
elects to provide or arrange for transportation for any eligible 37014
student enrolled in any of grades nine through twelve in a 37015
community or chartered nonpublic school to and from school using 37016
vehicles operated by a mass transit system shall ensure that the 37017
student is assigned to a route that does not require the student 37018
to make more than one transfer. 37019

Sec. 3327.018. The board of education of each city, local, or 37020

exempted village school district that owns and operates buses for 37021
transporting students may contract, in writing, with a public or 37022
private not-for-profit agency, group, or organization, with a 37023
municipal corporation or other political subdivision or agency of 37024
the state, or with an agency of the federal government to operate 37025
its buses to assist the agency, group, organization, or political 37026
subdivision in the fulfillment of its legitimate activities and in 37027
times of emergency. These contracts shall be entered into under 37028
the authority of the school district as a political subdivision 37029
and shall not be considered commerce. When buses are made 37030
available to other agencies, groups, organizations, or political 37031
subdivisions under this section, the buses must be operated by 37032
individuals holding certificates issued by either the educational 37033
service center governing board that has entered into an agreement 37034
with the school district under section 3313.843 or 3313.845 of the 37035
Revised Code or the superintendent of the school district 37036
certifying that the individuals satisfy the requirements of 37037
section 3327.10 of the Revised Code. All state board of education 37038
regulations governing the operation of school buses when 37039
transporting students shall apply when buses are used in 37040
accordance with this section. 37041

Any board of education of a city, local, or exempted village 37042
school district that makes one or more of its vehicles available 37043
under this section shall procure liability and property damage 37044
insurance, as provided in section 3327.09 of the Revised Code, 37045
covering all vehicles used and passengers transported under this 37046
section. The board of education may recover expenses from 37047
contracting entities, not to exceed the costs of operation and 37048
insurance coverage. 37049

Sec. 3327.02. (A) After considering each of the following 37050
factors, the board of education of a city, exempted village, or 37051

local school district, or a community school governing authority 37052
providing transportation pursuant to section 3314.091 of the 37053
Revised Code, may determine that it is impractical to transport a 37054
pupil who is eligible for transportation to and from a school 37055
under section 3327.01 of the Revised Code: 37056

(1) The time and distance required to provide the 37057
transportation; 37058

(2) The number of pupils to be transported; 37059

(3) The cost of providing transportation in terms of 37060
equipment, maintenance, personnel, and administration; 37061

(4) Whether similar or equivalent service is provided to 37062
other pupils eligible for transportation; 37063

(5) Whether and to what extent the additional service 37064
unavoidably disrupts current transportation schedules; 37065

(6) Whether other reimbursable types of transportation are 37066
available. 37067

(B) Based on its consideration of the factors established in 37068
division (A) of this section, the board or governing authority may 37069
pass a resolution declaring the impracticality of transportation. 37070
The resolution shall include each pupil's name and the reason for 37071
impracticality. Such determination shall be made not later than 37072
thirty calendar days prior to the district's or school's first day 37073
of instruction, or in the case of a student who enrolls within 37074
thirty calendar days prior to the first day of instruction or on 37075
or after the first day of instruction, not later than fourteen 37076
calendar days after the student's enrollment. The determination 37077
may be made by the superintendent and formalized at the next 37078
following meeting of the board or governing authority. 37079

The board or governing authority shall report its 37080
determination to the state board of education in a manner 37081

determined by the state board. 37082

In addition, the board or governing authority shall issue a 37083
letter to the pupil's parent, guardian, or other person in charge 37084
of the pupil, the nonpublic or community school in which the pupil 37085
is enrolled, and to the state board with a detailed description of 37086
the reasons for which such determination was made. 37087

(C) After passing the resolution declaring the impracticality 37088
of transportation, the district board or governing authority shall 37089
offer to provide payment in lieu of transportation by doing the 37090
following: 37091

(1) In accordance with guidelines established by the 37092
department of education, informing the pupil's parent, guardian, 37093
or other person in charge of the pupil of both of the following: 37094

(a) The resolution; 37095

(b) The right of the pupil's parent, guardian, or other 37096
person in charge of the pupil to accept the offer of payment in 37097
lieu of transportation or to reject the offer and instead request 37098
the department to initiate mediation procedures. 37099

(2) Issuing the pupil's parent, guardian, or other person in 37100
charge of the pupil a contract or other form on which the parent, 37101
guardian, or other person in charge of the pupil is given the 37102
option to accept or reject the board's offer of payment in lieu of 37103
transportation. 37104

(D) If the parent, guardian, or other person in charge of the 37105
pupil accepts the offer of payment in lieu of providing 37106
transportation, the board or governing authority shall pay the 37107
parent, guardian, or other person in charge of the pupil an amount 37108
that shall be ~~not less than the amount determined by the general~~ 37109
~~assembly as the minimum for payment in lieu of~~ equal to fifty per 37110
cent of the cost of providing transportation as determined by the 37111
board or governing authority under division (A)(3) of this 37112

section, and not more than ~~the amount determined by the~~ 37113
~~department of education as the average cost of pupil~~ 37114
~~transportation for the previous school year~~ two thousand five 37115
hundred dollars. Payment may be prorated if the time period 37116
involved is only a part of the school year. 37117

(E)(1)(a) Upon the request of a parent, guardian, or other 37118
person in charge of the pupil who rejected the payment in lieu of 37119
transportation, the department shall conduct mediation procedures. 37120
A parent, guardian, or other person in charge of the pupil may 37121
authorize the nonpublic or community school in which the pupil is 37122
enrolled to act on the parent's, guardian's, or other person's 37123
behalf during the mediation proceedings. 37124

(b) If the mediation does not resolve the dispute, the state 37125
board ~~of education~~ shall conduct a hearing in accordance with 37126
Chapter 119. of the Revised Code. The state board may approve the 37127
payment in lieu of transportation or may order the district board 37128
of education or governing authority to provide transportation. The 37129
decision of the state board is binding in subsequent years and on 37130
future parties in interest provided the facts of the determination 37131
remain comparable. 37132

(2) The school district or governing authority shall provide 37133
transportation for the pupil from the time the parent, guardian, 37134
or other person in charge of the pupil requests mediation until 37135
the matter is resolved under division (E)(1)(a) or (b) of this 37136
section. 37137

(F)(1) If the department determines that a school district 37138
board or governing authority has failed or is failing to provide 37139
transportation as required by division (E)(2) of this section or 37140
as ordered by the state board under division (E)(1)(b) of this 37141
section, the department shall order the school district board or 37142
governing authority to pay to the pupil's parent, guardian, or 37143
other person in charge of the pupil, an amount equal to ~~the state~~ 37144

~~average daily cost of transportation as determined by the state board of education for the previous year fifty per cent of the cost of providing transportation as determined by the board or governing authority under division (A)(3) of this section, and not more than two thousand five hundred dollars. The school district board or governing authority shall make payments on a schedule ordered by the department.~~ 37145
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(2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any pupil transportation payments the department makes to the school district board under section 3317.0212 of the Revised Code or other provisions of law. The department shall use the moneys so deducted to make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions and payments required under this division until the school district board either complies with the department's order issued under division (F)(1) of this section or begins providing transportation. 37152
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(G) A nonpublic or community school that receives payments from the department under division (F)(2) of this section shall do either of the following: 37166
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(1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation; 37169
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(2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil. 37173
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(H) At any time after a parent, guardian, or other person in 37175

charge of a pupil requests transportation for a pupil, that 37176
parent, guardian, or other person may authorize the nonpublic or 37177
community school in which the pupil is enrolled to act on the 37178
parent's, guardian's, or other person's behalf for purposes of 37179
this section. 37180

Sec. 3327.021. The department of education shall monitor each 37181
city, local, or exempted village school district's compliance with 37182
sections 3327.01 and 3327.016 and division (B) of section 3327.017 37183
of the Revised Code. If the department determines a consistent or 37184
prolonged period of noncompliance on the part of the school 37185
district to provide transportation as required under those 37186
sections, the department shall deduct from the district's payment 37187
for student transportation under Chapter 3317. of the Revised Code 37188
the total daily amount of that payment, as computed by the 37189
department, for each day that the district is not in compliance. 37190

This section does not affect the authority of a school 37191
district to provide payment in lieu of transportation in 37192
accordance with section 3327.02 of the Revised Code. 37193

Sec. 3327.101. Notwithstanding anything to the contrary in 37194
this chapter or Chapter 3301-83 of the Administrative Code, the 37195
department of education shall develop an online bus driver 37196
training program to satisfy the classroom portion of pre-service 37197
and annual in-service training for school bus driver 37198
certification. On-the-bus training for drivers shall continue to 37199
be completed in person. 37200

Sec. 3328.24. A college-preparatory boarding school 37201
established under this chapter and its board of trustees shall 37202
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 37203
3301.0714, 3301.0729, 3301.948, 3313.6013, 3313.6021, 3313.6024, 37204
3313.6025, 3313.6026, 3313.617, 3313.618, 3313.6114, 3313.6411, 37205

3313.668, 3313.669, 3313.6610, 3313.7112, 3313.721, 3313.89, 37206
3319.073, 3319.077, 3319.078, 3319.318, 3319.39, 3319.391, 37207
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3323.251, and 37208
5502.262, and Chapter 3365. of the Revised Code as if the school 37209
were a school district and the school's board of trustees were a 37210
district board of education. 37211

Sec. 3333.049. (A) Not later than July 1, 2016, the 37212
chancellor of higher education shall revise the requirements for 37213
reading endorsement programs offered by institutions of higher 37214
education to align those requirements with the reading 37215
competencies adopted by the state board of education under section 37216
3301.077 of the Revised Code. 37217

(B) Each educator preparation program approved under section 37218
3333.048 of the Revised Code shall require each candidate for an 37219
educator license who enters the program in the 2022-2023 academic 37220
year, or any academic year thereafter, to receive instruction in 37221
computer science and computational thinking, as applied to student 37222
learning and classroom instruction, as appropriate for the grade 37223
level and subject area of the candidate's prospective educator 37224
license. 37225

Sec. 3333.0417. (A) The chancellor of higher education may 37226
adopt rules regarding when a state institution of higher 37227
education, as defined in section 3345.011 of the Revised Code, may 37228
withhold official transcripts from a student, including when a 37229
student owes money to the institution. 37230

(B) In adopting rules under division (A) of this section, the 37231
chancellor shall consider all of the following: 37232

(1) Promoting the state's postsecondary education attainment 37233
goals; 37234

<u>(2) Workforce goals;</u>	37235
<u>(3) Helping adult students complete their education, whether</u>	37236
<u>at the same institution or another state institution of higher</u>	37237
<u>education.</u>	37238
<u>Sec. 3333.301. (A) The chancellor of higher education, in</u>	37239
<u>collaboration with the management council of the Ohio education</u>	37240
<u>computer network established under section 3301.0715 of the</u>	37241
<u>Revised Code, shall establish a data system to track the free</u>	37242
<u>application for federal student aid form completion rate of public</u>	37243
<u>and chartered nonpublic school students in the state.</u>	37244
<u>(B) The chancellor and the management council shall develop</u>	37245
<u>guidelines and procedures for the operation of the system.</u>	37246
<u>(C) The chancellor may publish and share aggregate data</u>	37247
<u>regarding the free application for federal student aid, including</u>	37248
<u>completion counts and rates for the state and each school</u>	37249
<u>district, chartered nonpublic school, community school established</u>	37250
<u>under Chapter 3314., STEM school established under Chapter 3326.,</u>	37251
<u>and college-preparatory boarding school established under Chapter</u>	37252
<u>3328. of the Revised Code. Such data may be used for the benefit</u>	37253
<u>of public and chartered nonpublic schools, to increase public</u>	37254
<u>understanding regarding the free application for federal student</u>	37255
<u>aid, and to assist in encouraging student completion of the free</u>	37256
<u>application for federal student aid form.</u>	37257
<u>Sec. 3333.31. (A) For state subsidy and tuition surcharge</u>	37258
<u>purposes, status as a resident of Ohio shall be defined by the</u>	37259
<u>chancellor of higher education by rule promulgated pursuant to</u>	37260
<u>Chapter 119. of the Revised Code. No adjudication as to the status</u>	37261
<u>of any person under such rule, however, shall be required to be</u>	37262
<u>made pursuant to Chapter 119. of the Revised Code. The term</u>	37263
<u>"resident" for these purposes shall not be equated with the</u>	37264

definition of that term as it is employed elsewhere under the laws 37265
of this state and other states, and shall not carry with it any of 37266
the legal connotations appurtenant thereto. Rather, except as 37267
provided in divisions (B), (C), (D), ~~and (F)~~, and (G) of this 37268
section, for such purposes, the rule promulgated under this 37269
section shall have the objective of excluding from treatment as 37270
residents those who are present in the state primarily for the 37271
purpose of attending a state-supported or state-assisted 37272
institution of higher education, and may prescribe presumptive 37273
rules, rebuttable or conclusive, as to such purpose based upon the 37274
source or sources of support of the student, residence prior to 37275
first enrollment, evidence of intention to remain in the state 37276
after completion of studies, or such other factors as the 37277
chancellor deems relevant. 37278

(B) The rules of the chancellor for determining student 37279
residency shall grant residency status to a veteran and to the 37280
veteran's spouse and any dependent of the veteran, if both of the 37281
following conditions are met: 37282

(1) The veteran either: 37283

(a) Served one or more years on active military duty and was 37284
honorably discharged or received a medical discharge that was 37285
related to the military service; 37286

(b) Was killed while serving on active military duty or has 37287
been declared to be missing in action or a prisoner of war. 37288

(2) If the veteran seeks residency status for tuition 37289
surcharge purposes, the veteran has established domicile in this 37290
state as of the first day of a term of enrollment in an 37291
institution of higher education. If the spouse or a dependent of 37292
the veteran seeks residency status for tuition surcharge purposes, 37293
the veteran and the spouse or dependent seeking residency status 37294
have established domicile in this state as of the first day of a 37295

term of enrollment in an institution of higher education, except 37296
that if the veteran was killed while serving on active military 37297
duty, has been declared to be missing in action or a prisoner of 37298
war, or is deceased after discharge, only the spouse or dependent 37299
seeking residency status shall be required to have established 37300
domicile in accordance with this division. 37301

(C) The rules of the chancellor for determining student 37302
residency shall grant residency status to both of the following: 37303

(1) A veteran who is the recipient of federal veterans' 37304
benefits under the "All-Volunteer Force Educational Assistance 37305
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 37306
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 37307
successor program, if the veteran meets all of the following 37308
criteria: 37309

(a) The veteran served at least ninety days on active duty. 37310

(b) The veteran enrolls in a state institution of higher 37311
education, as defined in section 3345.011 of the Revised Code. 37312

(c) The veteran lives in the state as of the first day of a 37313
term of enrollment in the state institution of higher education. 37314

(2) A person who is the recipient of the federal Marine 37315
Gunnery Sergeant John David Fry scholarship or transferred federal 37316
veterans' benefits under any of the programs described in division 37317
(C)(1) of this section, if the person meets both of the following 37318
criteria: 37319

(a) The person enrolls in a state institution of higher 37320
education. 37321

(b) The person lives in the state as of the first day of a 37322
term of enrollment in the state institution of higher education. 37323

In order for a person using transferred federal veterans' 37324
benefits to qualify under division (C)(2) of this section, the 37325

veteran who transferred the benefits must have served at least 37326
ninety days on active duty or the service member who transferred 37327
the benefits must be on active duty. 37328

(D) The rules of the chancellor for determining student 37329
residency shall grant residency status to a service member who is 37330
on active duty and to the service member's spouse and any 37331
dependent of the service member while the service member is on 37332
active duty. In order to qualify under division (D) of this 37333
section, the rules shall require the student seeking in-state 37334
tuition rates to live in the state as of the first day of a term 37335
of enrollment in the state institution of higher education, but 37336
shall not require the service member or the service member's 37337
spouse or dependent to establish domicile in this state as of the 37338
first day of a term of enrollment in a an institution of higher 37339
education. 37340

(E) The rules of the chancellor for determining student 37341
residency shall not deny residency status to a student who is 37342
either a dependent child of a parent, or the spouse of a person 37343
who, as of the first day of a term of enrollment in an institution 37344
of higher education, has accepted full-time employment and 37345
established domicile in this state for reasons other than gaining 37346
the benefit of favorable tuition rates. 37347

Documentation of full-time employment and domicile shall 37348
include both of the following documents: 37349

(1) A sworn statement from the employer or the employer's 37350
representative on the letterhead of the employer or the employer's 37351
representative certifying that the parent or spouse of the student 37352
is employed full-time in Ohio; 37353

(2) A copy of the lease under which the parent or spouse is 37354
the lessee and occupant of rented residential property in the 37355
state, a copy of the closing statement on residential real 37356

property of which the parent or spouse is the owner and occupant 37357
in this state or, if the parent or spouse is not the lessee or 37358
owner of the residence in which the parent or spouse has 37359
established domicile, a letter from the owner of the residence 37360
certifying that the parent or spouse resides at that residence. 37361

Residency officers may also evaluate, in accordance with the 37362
chancellor's rule, requests for immediate residency status from 37363
dependent students whose parents are not living and whose domicile 37364
follows that of a legal guardian who has accepted full-time 37365
employment and established domicile in the state for reasons other 37366
than gaining the benefit of favorable tuition rates. 37367

(F)(1) The rules of the chancellor for determining student 37368
residency shall grant residency status to a person who enrolls in 37369
an institution of higher education and establishes domicile in 37370
this state, regardless of the student's residence prior to that 37371
enrollment and satisfies either of the following conditions: 37372

(a) The person, while a resident of this state for state 37373
subsidy and tuition surcharge purposes, graduated from a high 37374
school in this state or completed the final year of instruction at 37375
home as authorized under section 3321.04 of the Revised Code. 37376

(b) The person meets all of the following criteria: 37377

(i) The person officially withdrew from a school in this 37378
state while the person was a resident of this state for state 37379
subsidy and tuition surcharge purposes. 37380

(ii) The person has not received a high school diploma or 37381
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 37382
or 3325.08 of the Revised Code or a high school diploma awarded by 37383
a school located in another state or country. 37384

(iii) The person, while a resident of this state for state 37385
subsidy and tuition surcharge purposes, both took a high school 37386
equivalency test and was awarded a certificate of high school 37387

equivalence. 37388

(2) The rules of the chancellor for determining student 37389
residency shall not grant residency status to an alien if the 37390
alien is not also an immigrant or a nonimmigrant. 37391

(G) The rules of the chancellor for determining student 37392
residency status shall grant residency status to a person to whom 37393
all of the following apply: 37394

(1) The person, while not a resident of this state for state 37395
subsidy and tuition surcharge purposes, completes a bachelor's 37396
degree program at an institution of higher education in this 37397
state. 37398

(2) The person, upon completing that bachelor's degree 37399
program, immediately enrolls in a graduate degree program, as 37400
determined appropriate by the chancellor, offered at any state 37401
institution of higher education. 37402

(3) The person, while enrolled in the graduate degree 37403
program, resides in this state. 37404

The chancellor's rules adopted under this section shall 37405
define "immediately" for the purposes of division (G) of this 37406
section. 37407

(H) As used in this section: 37408

(1) "Dependent," "domicile," "institution of higher 37409
education," and "residency officer" have the meanings ascribed in 37410
the chancellor's rules adopted under this section. 37411

(2) "Alien" means a person who is not a United States citizen 37412
or a United States national. 37413

(3) "Immigrant" means an alien who has been granted the right 37414
by the United States bureau of citizenship and immigration 37415
services to reside permanently in the United States and to work 37416
without restrictions in the United States. 37417

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.

(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.

(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.

(7) "Certificate of high school equivalence" means either of the following:

(a) A certificate of high school equivalence awarded by the department of education under division (A) of section 3301.80 of the Revised Code;

(b) The equivalent of a certificate of high school equivalence awarded by the state board of education under former law, as defined in division (C)(1) of section 3301.80 of the Revised Code.

Sec. 3333.61. The chancellor of higher education shall establish and administer the ~~Ohio innovation partnership, which shall consist of the~~ choose Ohio first scholarship program ~~and the Ohio research scholars program.~~ Under the ~~programs~~ program, the chancellor, subject to approval by the controlling board, shall make awards to state universities or colleges for programs and initiatives that recruit students and ~~scientists~~ provide work-based learning opportunities in the fields of science, including health professions, technology, engineering, and mathematics, medicine, and dentistry to state universities or colleges, in order to enhance regional educational and economic strengths and meet the needs of the state's regional economies. Awards may be granted for programs and initiatives to be

implemented by a state university or college alone or in 37448
collaboration with other state institutions of higher education, 37449
nonpublic Ohio universities and colleges, or other public or 37450
private Ohio entities. If the chancellor makes an award to a 37451
program or initiative that is intended to be implemented by a 37452
state university or college in collaboration with other state 37453
institutions of higher education or nonpublic Ohio universities or 37454
colleges, the chancellor may provide that some portion of the 37455
award be received directly by the collaborating universities or 37456
colleges consistent with all terms of the choose Ohio innovation 37457
partnership first scholarship program. 37458

The choose Ohio first scholarship program shall assign a 37459
number of scholarships to state universities and colleges to 37460
recruit Ohio residents as undergraduate, ~~or as provided in section~~ 37461
~~3333.66 of the Revised Code~~ graduate, students in the fields of 37462
science, technology, engineering, and mathematics, ~~medicine, and~~ 37463
~~dentistry~~, or in science, technology, engineering, or mathematics, 37464
~~medical, or dental~~ education. The chancellor also may assign a 37465
number of choose Ohio first scholarships to state universities and 37466
colleges to recruit Ohio residents to enroll in certificate 37467
programs in the fields of science, technology, engineering, and 37468
~~mathematics, medicine, and dentistry~~. Choose Ohio first 37469
scholarships shall be awarded to each participating eligible 37470
student as a grant to the state university or college the student 37471
is attending and shall be reflected on the student's tuition bill. 37472
Choose Ohio first scholarships are student-centered grants from 37473
the state to students to use to attend a university or college and 37474
are not grants from the state to universities or colleges. 37475

Notwithstanding any other provision of this section or 37476
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 37477
four-year Ohio institution of higher education may submit a 37478
proposal for choose Ohio first scholarships ~~or Ohio research~~ 37479

~~scholarships or grants.~~ If the chancellor awards a nonpublic institution 37480
scholarships ~~or grants~~, the nonpublic institution shall comply 37481
with all requirements of this section, sections 3333.62 to 3333.69 37482
of the Revised Code, and the rules adopted under this section that 37483
apply to state universities or colleges awarded choose Ohio first 37484
scholarships ~~or Ohio research scholars grants~~. 37485

~~The Ohio research scholars program shall award grants to use 37486
in recruiting scientists to the faculties of state universities or 37487
colleges.~~ 37488

The chancellor shall adopt rules in accordance with Chapter 37489
119. of the Revised Code to administer the ~~programs~~ program. 37490

Sec. 3333.613. There is hereby created in the state treasury 37491
the choose Ohio first scholarship reserve fund to consist of such 37492
amounts designated for the purposes of the fund by the general 37493
assembly or the federal government. As soon as possible following 37494
the end of each fiscal year, the chancellor of higher education 37495
shall certify to the director of budget and management the 37496
unencumbered balance of the general revenue fund appropriations 37497
made in the immediately preceding fiscal year for purposes of the 37498
choose Ohio first scholarship program created in section 3333.61 37499
of the Revised Code. Upon receipt of the certification, the 37500
director of budget and management may transfer an amount not 37501
exceeding the certified amount from the general revenue fund to 37502
the choose Ohio first scholarship reserve fund. Moneys in the 37503
choose Ohio first scholarship reserve fund shall be used to pay 37504
scholarship obligations in excess of the general revenue fund 37505
appropriations made for that purpose. 37506

The director of budget and management may transfer any 37507
unencumbered balance from the choose Ohio first scholarship 37508
reserve fund to the general revenue fund. 37509

If it is determined that general revenue fund appropriations 37510

are insufficient to meet the obligations for the choose Ohio first 37511
scholarship in a fiscal year, the director of budget and 37512
management may transfer funds from the choose Ohio first 37513
scholarship reserve fund to the general revenue fund in order to 37514
meet those obligations. The amount transferred is hereby 37515
appropriated. If the funds transferred from the choose Ohio first 37516
scholarship reserve fund are not needed, the director of budget 37517
and management may transfer the unexpended balance from the 37518
general revenue fund back to the choose Ohio first scholarship 37519
reserve fund. 37520

Sec. 3333.615. The primary care medical student, primary care 37521
nursing student, and primary care dental student components of the 37522
choose Ohio first scholarship program created under former 37523
sections 3333.611, 3333.612, and 3333.614 of the Revised Code as 37524
those sections existed prior to the effective date of this section 37525
are abolished on the effective date of this section. 37526

Sec. 3333.62. The chancellor of higher education shall 37527
establish a competitive process for making awards under the choose 37528
Ohio first scholarship program ~~and the Ohio research scholars~~ 37529
~~program~~. The chancellor, on completion of that process, shall make 37530
a recommendation to the controlling board asking for approval of 37531
each award selected by the chancellor. 37532

Any state university or college may apply for ~~one or more~~ 37533
~~awards~~ an award under ~~one or both programs~~ the program. The state 37534
university or college shall submit a proposal and other 37535
documentation required by the chancellor, in the form and manner 37536
prescribed by the chancellor, ~~for each award it seeks~~. A proposal 37537
may propose an initiative to be implemented solely by the state 37538
university or college or in collaboration with other state 37539
institutions of higher education, nonpublic Ohio universities or 37540
colleges, or other public or nonpublic Ohio entities. ~~A single~~ 37541

~~proposal may seek an award under one or both programs.~~ 37542

The chancellor shall determine which proposals will receive 37543
awards each fiscal year, and the amount of each award, on the 37544
basis of the merit of each proposal, which the chancellor, subject 37545
to approval by the controlling board, shall determine based on the 37546
extent to which a proposal recruits underrepresented populations 37547
in the fields of science, technology, engineering, and mathematics 37548
or science, technology, engineering, or mathematics education, 37549
along with one or more of the following criteria: 37550

(A) The quality of the program that is the subject of the 37551
proposal and the extent to which additional resources will enhance 37552
its quality; 37553

(B) The extent to which the proposal is integrated with the 37554
strengths of the regional economy; 37555

~~(C) The extent to which the proposal is integrated with~~ 37556
~~centers of research excellence within the private sector;~~ 37557

~~(D) The amount of other institutional, public, or private~~ 37558
~~resources, whether monetary or nonmonetary, that the proposal~~ 37559
~~pledges to leverage;~~ 37560

~~(E) The extent to which the proposal is collaborative with~~ 37561
~~other public or nonpublic Ohio institutions of higher education;~~ 37562

~~(F) The extent to which the proposal is integrated with the~~ 37563
~~university's or college's mission and does not displace existing~~ 37564
~~resources already committed to the mission;~~ 37565

(D) The extent to which the university or college has 37566
committed to, or demonstrated, an increase in total graduates 37567
within the disciplines of science, technology, engineering, and 37568
mathematics or science, technology, engineering, or mathematics 37569
education, consistent with a goal to increase the total number of 37570
Ohio residents in the workforce who are highly qualified in these 37571

<u>disciplines;</u>	37572
(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;	37573 37574
(H) (E) The extent to which the proposal meets a statewide educational need;	37575 37576
(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;	37577 37578
(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	37579 37580
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	37581 37582 37583 37584 37585 37586
(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;	37587 37588 37589
(M) (F) The extent to which the proposal facilitates the completion of <u>an associate or</u> a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;	37590 37591 37592 37593 37594
(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;	37595 37596 37597
(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;	37598 37599 37600 37601

~~(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;~~ 37602
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~~(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;~~ 37607
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~~(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship program;~~ 37612
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~~(S)(G)~~ The extent to which the proposal encourages students to complete a certificate program at a state university or college. 37615
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Sec. 3333.63. The chancellor of higher education shall conduct at least one public meeting annually, prior to deciding awards under the choose Ohio innovation partnership first scholarship program. At the meeting, an employee of the chancellor shall summarize the proposals submitted for consideration, and each state university or college that has a proposal pending shall have the opportunity to review the summary of their proposal prepared by the chancellor's staff and answer questions or respond to concerns about the proposal raised by the chancellor's staff. 37618
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Sec. 3333.64. The chancellor of higher education shall endeavor to make awards under the choose Ohio first scholarship program ~~and the Ohio research scholars program~~ such that the aggregate, statewide amount of other institutional, public, and private money pledged to the proposals program in each fiscal year 37627
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equals at least one hundred per cent of the aggregate amount of 37632
the money awarded under ~~both programs~~ the program that year. The 37633
~~chancellor shall endeavor to make awards under the choose Ohio~~ 37634
~~first scholarship program in such a way that at least fifty per~~ 37635
~~cent of the students receiving the scholarships are involved in a~~ 37636
~~co-op or internship program in a private industry or a university~~ 37637
~~laboratory. All students receiving a choose Ohio first scholarship~~ 37638
~~shall be involved in work-based learning through a co-op,~~ 37639
~~internship, experience in a university, college, or private~~ 37640
~~laboratory, or other work-based learning experience. State~~ 37641
~~universities or colleges or nonpublic four-year Ohio institutions~~ 37642
~~of higher education may appeal to the chancellor for a waiver of~~ 37643
~~this requirement in cases where exceptional circumstances make one~~ 37644
~~hundred per cent placement in a work-based learning environment~~ 37645
~~impractical or significantly unachievable. The value of~~ 37646
institutional, public, or private industry co-ops and internships 37647
shall count toward the statewide aggregate amount of other 37648
institutional, public, or private money specified in this 37649
paragraph. 37650

The chancellor also shall endeavor to ~~distribute awards in~~ 37651
~~such a way that all regions of the state benefit from the economic~~ 37652
~~development impact of the programs and shall guarantee provide~~ 37653
that students from all regions of the state are able to 37654
participate in the scholarship program. 37655

Sec. 3333.65. The chancellor of higher education shall 37656
require each state university or college, and any nonpublic Ohio 37657
university or college with which the state university or college 37658
is collaborating, that the controlling board approves to receive 37659
an award under the choose Ohio innovation partnership first 37660
scholarship program to enter into an agreement governing the use 37661
of ~~the~~ an award under the program. The agreement shall contain 37662
terms the chancellor determines to be necessary, ~~which shall~~ 37663

~~include performance measures, reporting requirements, and an obligation to fulfill pledges of other institutional, public, or nonpublic resources for the proposal.~~ 37664
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The chancellor may require a state university or college or a nonpublic Ohio university or college that violates the terms of the agreement to repay the award plus interest at the rate required by section 5703.47 of the Revised Code ~~to the chancellor, except that the chancellor shall not hold a state or nonpublic university or college responsible for a repayment due to a student obligation under section 3333.611 of the Revised Code, until the state or nonpublic university or college is able to obtain repayment from the student or if the state or nonpublic university or college has certified collection of the repayment to the attorney general and has sent a copy of the certification to the chancellor.~~ 37667
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~~If the chancellor makes an award to a program or initiative that is intended to be implemented by a state university or college in collaboration with other state institutions of higher education or nonpublic Ohio universities or colleges, the chancellor may enter into an agreement with the collaborating universities or colleges that permits awards to be received directly by the collaborating universities or colleges consistent with the terms of the program or initiative. In that case, the chancellor shall incorporate into the agreement terms consistent with the requirements of this section.~~ 37679
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Sec. 3333.66. (A)(1) Except as provided in ~~divisions~~ division (A)(2), ~~(3), and (4)~~ of this section, in each academic year, no student who receives a choose Ohio first scholarship shall receive less than one thousand five hundred dollars or more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities. For this purpose, if Miami 37689
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university is implementing the pilot tuition restructuring plan 37695
originally recognized in Am. Sub. H.B. 95 of the 125th general 37696
assembly, that university's instructional and general fees shall 37697
be considered to be the average full-time in-state undergraduate 37698
instructional and general fee amount after taking into account the 37699
Ohio resident and Ohio leader scholarships and any other credit 37700
provided to all Ohio residents. 37701

~~(2) The chancellor of higher education may authorize a state 37702
university or college or a nonpublic Ohio institution of higher 37703
education to award a choose Ohio first scholarship in an amount 37704
greater than one half of the highest in state undergraduate 37705
instructional and general fees charged by all state universities 37706
to either of the following: 37707~~

~~(a) Any undergraduate student who qualifies for a scholarship 37708
and is enrolled in a program leading to a teaching profession in 37709
science, technology, engineering, mathematics, or medicine; 37710~~

~~(b) Any graduate student who qualifies for a scholarship, if 37711
any initiatives are selected for award under division (B) of this 37712
section. 37713~~

~~(3) The chancellor may authorize a state university or 37714
college or a nonpublic Ohio institution of higher education to 37715
award a choose Ohio first scholarship in the amount of not less 37716
than five hundred dollars but not more than one-half of the 37717
highest in-state undergraduate instructional and general fees 37718
charged by all state universities to a student enrolled in a 37719
certificate program designated as an eligible program by the 37720
chancellor. 37721~~

~~(4)(3) A student receiving multiple awards under division (A) 37722
of this section may not exceed the maximum permitted ~~provided that~~ 37723
~~each award is within its permitted amount~~ for each individual 37724
award. 37725~~

~~(B) The chancellor shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit either of the following:~~

~~(1) Ohio residents who enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least one of the proposals preference for an award.~~

~~(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard to staff school district in the state upon completion of the master's degree program. The chancellor may require a college or university to give priority to qualified candidates who graduated from a high school in this state.~~

~~"Hard to staff" shall be as defined by the department of education.~~

~~(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.~~

Sec. 3333.68. When making an award under the choose Ohio 37758
~~innovation partnership~~ first scholarship program, the chancellor 37759
of higher education, subject to approval by the controlling board, 37760
may commit to giving a state university's or college's proposal 37761
preference for future awards after the current fiscal year or 37762
fiscal biennium. A proposal's eligibility for future awards 37763
remains conditional on all of the following: 37764

(A) Future appropriations of the general assembly; 37765

(B) The university's or college's adherence to the agreement 37766
entered into under section 3333.65 of the Revised Code, including 37767
its fulfillment of pledges of other institutional, public, or 37768
nonpublic resources; 37769

(C) ~~With respect to the choose Ohio first scholarship~~ 37770
~~program, a~~ A demonstration that the students receiving the 37771
scholarship are satisfied with the state universities or colleges 37772
selected by the chancellor to offer the scholarships. 37773

The chancellor and the controlling board shall not commit to 37774
awarding any proposal for more than five fiscal years at a time. 37775
However, when a commitment for future awards expires, ~~a state~~ 37776
~~university or college may reapply~~ the chancellor and the 37777
controlling board may grant a one-time extension of the award for 37778
a period not to exceed four years. 37779

Sec. 3333.69. The chancellor of higher education shall 37780
monitor each initiative for which an award is granted under the 37781
choose Ohio ~~innovation partnership~~ first scholarship program to 37782
ensure the following: 37783

(A) Fiscal accountability, so that the award is used in 37784
accordance with the agreement entered into under section 3333.65 37785
of the Revised Code; 37786

(B) Operating progress, so that the initiative is managed to 37787

achieve the goals stated in the proposal and in the agreement, and 37788
so that problems may be promptly identified and remedied; 37789

(C) Desired outcomes, so that the initiative contributes to 37790
the ~~programs'~~ program's goals of enhancing regional educational 37791
and economic strengths and meeting regional economic needs. 37792

Sec. 3333.79. (A) As used in this section, "minority" has the 37793
same meaning as in section 184.17 of the Revised Code. The term 37794
also includes an individual who is economically disadvantaged. 37795

(B) The chancellor of higher education shall conduct outreach 37796
activities in Ohio that seek to include minorities in the Ohio 37797
co-op/internship program established under section 3333.72 of the 37798
Revised Code. The outreach activities shall include the following, 37799
when appropriate: 37800

(1) Identifying and partnering with historically black 37801
colleges and universities; 37802

(2) Working with all institutions of higher education in the 37803
state to support minority faculty and students involved in 37804
cooperative and intern programs; 37805

(3) Developing a plan to contact by telephone minorities and 37806
other economically disadvantaged individuals to notify them of 37807
opportunities to participate in the co-op/internship program; 37808

(4) Identifying minority professional and trade associations 37809
and economic development assistance organizations and notifying 37810
them of the co-op/internship program; 37811

(5) Partnering with regional technology councils to foster 37812
local efforts to support minority participation in the 37813
co-op/internship program. 37814

(C) To the extent possible, outreach activities described in 37815
this section shall be conducted in conjunction with the EDGE 37816
program created in section ~~123.152~~122.922 of the Revised Code. 37817

Sec. 3335.38. The board of trustees of the Ohio state 37818
university shall establish a farm production, policy, and 37819
financial management institute in OSU extension to train 37820
interested and qualified persons to assist farmers ~~needing help~~ 37821
~~with~~ in addressing integration of farm production practices, 37822
agricultural marketing, farm policy, and financial management 37823
~~problems~~ challenges. 37824

Participation shall be open to all interested persons, but 37825
the following persons shall be given priority as to enrollment: 37826
farm owners and managers, employees or representatives of banks 37827
and other farm credit agencies, agricultural teachers, and faculty 37828
and employees of the Ohio state university and OSU extension who 37829
agree to assist Ohio farmers in completing and understanding the 37830
coordinated financial statement and other subjects. A fee may be 37831
charged participants, as determined by OSU extension, but may be 37832
waived for those participants granted priority status at 37833
enrollment. 37834

Sec. 3345.063. (A) As used in this section, "state 37835
university" has the same meaning as in section 3345.011 of the 37836
Revised Code. 37837

(B) Beginning with the 2022-2023 academic year, each state 37838
university shall recognize the successful completion of a course 37839
in advanced computer science in high school, as described in the 37840
standards adopted pursuant to division (A)(4) of section 3301.079 37841
of the Revised Code, as a unit for admission to the university, as 37842
follows: 37843

(1) The state university shall recognize one unit of advanced 37844
computer science as one unit toward meeting a general mathematics 37845
requirement, as determined by the university, if the student used 37846
that advanced computer science unit to meet the mathematics 37847

curriculum requirement under division (C)(3) of section 3313.603 37848
of the Revised Code. 37849

(2) The state university shall recognize one unit of advanced 37850
computer science as one unit toward meeting a general science 37851
requirement, as determined by the university, if the student used 37852
that advanced computer science unit to meet the science curriculum 37853
requirement under division (C)(5) of section 3313.603 of the 37854
Revised Code. 37855

(3) The state university shall recognize one unit of advanced 37856
computer science as one unit toward meeting a general elective 37857
requirement, as determined by the university, if the student used 37858
the advanced computer science unit to meet the curriculum 37859
requirement under division (C)(8) of section 3313.603 of the 37860
Revised Code. 37861

(4) The state university shall recognize one unit of computer 37862
coding as one unit toward meeting a general foreign language 37863
requirement, as determined by the university, if the student used 37864
the computer coding unit to meet a school district's or school's 37865
foreign language curriculum requirement as described in division 37866
(E) of section 3313.603 of the Revised Code. 37867

(C) Each state university shall post a description of the 37868
university's recognition of advanced computer science as a core 37869
unit for admission to the university, as described in division (B) 37870
of this section, in a prominent location on the university's web 37871
site. 37872

Sec. 3365.01. As used in this chapter: 37873

(A) "Articulated credit" means post-secondary credit that is 37874
reflected on the official record of a student at an institution of 37875
higher education only upon enrollment at that institution after 37876
graduation from a secondary school. 37877

(B) "Default ceiling amount" means one of the following amounts, whichever is applicable:	37878
	37879
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	37880
	37881
	37882
((0.83 X formula amount) / 30)	37883
X number of enrolled credit hours	37884
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	37885
	37886
	37887
	37888
((0.83 X formula amount) / 45)	37888
X number of enrolled credit hours	37889
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	37890
	37891
(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of higher education to participate in the college credit plus program.	37892
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	37895
(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	37896
	37897
	37898
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	37899
	37900
(G) "Governing entity" means a <u>any of the following:</u>	37901
<u>(1) A board of education of a school district,</u> a	37902
<u>(2) A governing authority of a community school established under Chapter 3314.</u> a <u>of the Revised Code;</u>	37903
	37904
<u>(3) A governing body of a STEM school established under Chapter 3326.</u> or a <u>of the Revised Code;</u>	37905
	37906
<u>(4) A board of trustees of a college-preparatory boarding</u>	37907

school established under Chapter 3328. of the Revised Code; 37908

(5) When referring to the state school for the deaf or the 37909
state school for the blind, the state board of education; 37910

(6) When referring to an institution operated by the 37911
department of youth services, the superintendent of that 37912
institution. 37913

(H) "Home-instructed participant" means a student who has 37914
been excused from the compulsory attendance law for the purpose of 37915
home instruction under section 3321.04 of the Revised Code, and is 37916
participating in the program established by this chapter. 37917

(I) "Maximum per participant charge amount" means one of the 37918
following amounts, whichever is applicable: 37919

(1) For a participant enrolled in a college operating on a 37920
semester schedule, the amount calculated according to the 37921
following formula: 37922

((formula amount / 30) 37923
X number of enrolled credit hours) 37924

(2) For a participant enrolled in a college operating on a 37925
quarter schedule, the amount calculated according to the following 37926
formula: 37927

((formula amount / 45) 37928
X number of enrolled credit hours) 37929

(J) "Nonpublic secondary school" means a chartered school for 37930
which minimum standards are prescribed by the state board of 37931
education pursuant to division (D) of section 3301.07 of the 37932
Revised Code. 37933

(K) "Number of enrolled credit hours" means the number of 37934
credit hours for a course in which a participant is enrolled 37935
during the previous term after the date on which a withdrawal from 37936
a course would have negatively affected the participant's 37937

transcribed grade, as prescribed by the college's established withdrawal policy.

(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(M) "Participant" means any student enrolled in a college under the program established by this chapter.

(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.

(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.

(P) "Private college" means any of the following:

(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university.

(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314. of the Revised Code, a STEM school

established under Chapter 3326. of the Revised Code, or a 37968
college-preparatory boarding school established under Chapter 37969
3328. of the Revised Code, the state school for the deaf, the 37970
state school for the blind, or an institution operated by the 37971
department of youth services. 37972

(S) "School year" has the same meaning as in section 3313.62 37973
of the Revised Code. 37974

(T) "Secondary grade" means any of grades nine through 37975
twelve. 37976

(U) "Standard rate" means the amount per credit hour assessed 37977
by the college for an in-state student who is enrolled in an 37978
undergraduate course at that college, but who is not participating 37979
in the college credit plus program, as prescribed by the college's 37980
established tuition policy. 37981

(V) "Transcripted credit" means post-secondary credit that is 37982
conferred by an institution of higher education and is reflected 37983
on a student's official record at that institution upon completion 37984
of a course. 37985

Sec. 3365.02. (A) There is hereby established the college 37986
credit plus program under which, beginning with the 2015-2016 37987
school year, a secondary grade student who is a resident of this 37988
state may enroll at a college, on a full- or part-time basis, and 37989
complete nonsectarian, nonremedial courses for high school and 37990
college credit. The program shall govern arrangements in which a 37991
secondary grade student enrolls in a college and, upon successful 37992
completion of coursework taken under the program, receives 37993
transcripted credit from the college. The following are not 37994
governed by the college credit plus program: 37995

(1) An agreement governing an early college high school 37996
program, provided the program meets the definition set forth in 37997

division (F)(2) of section 3313.6013 of the Revised Code and is 37998
approved by the superintendent of public instruction and the 37999
chancellor of higher education; 38000

(2) An advanced placement course or international 38001
baccalaureate diploma course, as described in divisions (A)(2) and 38002
(3) of section 3313.6013 of the Revised Code; 38003

(3) A career-technical education program that is approved by 38004
the department of education under section 3317.161 of the Revised 38005
Code and grants articulated credit to students participating in 38006
that program. However, any portion of an approved program that 38007
results in the conferral of transcribed credit upon the 38008
completion of the course shall be governed by the college credit 38009
plus program. 38010

(B) Any student enrolled in a public or nonpublic secondary 38011
school in the student's ninth, tenth, eleventh, or twelfth grade; 38012
any student enrolled in a nonchartered nonpublic secondary school 38013
in the student's ninth, tenth, eleventh, or twelfth grade; and any 38014
student who has been excused from the compulsory attendance law 38015
for the purpose of home instruction under section 3321.04 of the 38016
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 38017
twelfth grade student, may participate in the program, if the 38018
student meets the applicable eligibility criteria in section 38019
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 38020
school student chooses to participate in the program, that student 38021
shall be subject to the same requirements as a home-instructed 38022
student who chooses to participate in the program under this 38023
chapter. 38024

(C) All public secondary schools and all public colleges 38025
shall participate in the program and are subject to the 38026
requirements of this chapter. Any nonpublic secondary school or 38027
private college that chooses to participate in the program shall 38028
also be subject to the requirements of this chapter. 38029

If a nonpublic secondary school chooses not to participate in the program, the school shall not be subject to the requirements of this chapter or any rule adopted by the chancellor of higher education or the state board of education for purposes of the college credit plus program.

(D) The chancellor, in accordance with Chapter 119. of the Revised Code and in consultation with the state superintendent, shall adopt rules governing the program.

Sec. 3365.03. (A) A student enrolled in a public or nonpublic secondary school during the student's ninth, tenth, eleventh, or twelfth grade school year; a student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade school year; or a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may apply to and enroll in a college under the college credit plus program.

(1) In order for a public secondary school student to participate in the program, all of the following criteria shall be met:

(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education of the student's intent to participate within ten days

of the date on which the student seeks consent. If the principal 38061
does not provide written consent, the student may appeal the 38062
principal's decision to the governing entity of the school, except 38063
for a student who is enrolled in a school district, who may appeal 38064
the decision to the district superintendent. Not later than thirty 38065
days after the notification of the appeal, the district 38066
superintendent or governing entity shall hear the appeal and shall 38067
make a decision to either grant or deny that student's 38068
participation in the program. The decision of the district 38069
superintendent or governing entity shall be final. 38070

(b) The student shall: 38071

(i) Apply to a public or a participating private college, or 38072
an eligible out-of-state college participating in the program, in 38073
accordance with the college's established procedures for 38074
admission, pursuant to section 3365.05 of the Revised Code; 38075

(ii) As a condition of eligibility, ~~be~~ satisfy one of the 38076
following criteria: 38077

(I) Be remediation-free, in accordance with one of the 38078
assessments established under division (F) of section 3345.061 of 38079
the Revised Code. ~~However, a student who scores within one~~ 38080
~~standard error of measurement below the remediation-free threshold~~ 38081
~~for one of those assessments shall be considered to have met this~~ 38082
~~requirement if the student also either:~~ 38083

~~(I) Has a cumulative high school grade point average of at~~ 38084
~~least 3.0. If the student is seeking to participate under section~~ 38085
~~3365.033 of the Revised Code, the student must have an equivalent~~ 38086
~~cumulative grade point average in the applicable grade levels.;~~ 38087

~~(II) Receives a recommendation from a school counselor,~~ 38088
~~principal, or career technical program advisor~~ Meet an alternative 38089
remediation-free eligibility option, as defined by the chancellor 38090
of higher education, in consultation with the superintendent of 38091

public instruction, in rules adopted under this section; 38092

(III) Have participated in the program prior to the effective 38093
date of this amendment and qualified to participate in the program 38094
by scoring within one standard error of measurement below the 38095
remediation-free threshold for one of the assessments established 38096
under division (F) of section 3345.061 of the Revised Code and 38097
satisfying one of the conditions specified under division 38098
(A)(1)(b)(ii)(I) or (II) of this section as those divisions 38099
existed prior to the effective date of this amendment. 38100

(iii) Meet the college's and relevant academic program's 38101
established standards for admission, enrollment, and course 38102
placement, including course-specific capacity limitations, 38103
pursuant to section 3365.05 of the Revised Code. 38104

(c) The student shall elect at the time of enrollment to 38105
participate under either division (A) or (B) of section 3365.06 of 38106
the Revised Code for each course under the program. 38107

(d) The student and the student's parent shall sign a form, 38108
provided by the school, stating that they have received the 38109
counseling required under division (B) of section 3365.04 of the 38110
Revised Code and that they understand the responsibilities they 38111
must assume in the program. 38112

(2) In order for a nonpublic secondary school student, a 38113
nonchartered nonpublic secondary school student, or a 38114
home-instructed student to participate in the program, both of the 38115
following criteria shall be met: 38116

(a) The student shall meet the criteria in divisions 38117
(A)(1)(b) and (c) of this section. 38118

(b)(i) If the student is enrolled in a nonpublic secondary 38119
school, that student shall send to the department of education a 38120
copy of the student's acceptance from a college and an 38121
application. The application shall be made on forms provided by 38122

the state board of education and shall include information about 38123
the student's proposed participation, including the school year in 38124
which the student wishes to participate; and the semesters or 38125
terms the student wishes to enroll during such year. The 38126
department shall mark each application with the date and time of 38127
receipt. 38128

(ii) If the student is enrolled in a nonchartered nonpublic 38129
secondary school or is home-instructed, the parent or guardian of 38130
that student shall notify the department by the first day of April 38131
prior to the school year in which the student wishes to 38132
participate. 38133

(B) Except as provided for in division (C) of this section 38134
and in sections 3365.031 and 3365.032 of the Revised Code: 38135

(1) No public secondary school shall prohibit a student 38136
enrolled in that school from participating in the program if that 38137
student meets all of the criteria in division (A)(1) of this 38138
section. 38139

(2) No participating nonpublic secondary school shall 38140
prohibit a student enrolled in that school from participating in 38141
the program if the student meets all of the criteria in division 38142
(A)(2) of this section and, if the student is enrolled under 38143
division (B) of section 3365.06 of the Revised Code, the student 38144
is awarded funding from the department in accordance with rules 38145
adopted by the chancellor ~~of higher education~~, in consultation 38146
with the superintendent of public instruction, pursuant to section 38147
3365.071 of the Revised Code. 38148

(C) For purposes of this section, during the period of an 38149
expulsion imposed by a public secondary school, a student is 38150
ineligible to apply to enroll in a college under this section, 38151
unless the student is admitted to another public secondary or 38152
participating nonpublic secondary school. If a student is enrolled 38153

in a college under this section at the time the student is 38154
expelled, the student's status for the remainder of the college 38155
term in which the expulsion is imposed shall be determined under 38156
section 3365.032 of the Revised Code. 38157

(D) Upon a student's graduation from high school, 38158
participation in the college credit plus program shall not affect 38159
the student's eligibility at any public college for scholarships 38160
or for other benefits or opportunities that are available to 38161
first-time college students and are awarded by that college, 38162
regardless of the number of credit hours that the student 38163
completed under the program. 38164

(E) The college to which a student applies to participate 38165
under this section shall pay for one assessment used to determine 38166
that student's eligibility under this section. However, 38167
notwithstanding anything to the contrary in Chapter 3365. of the 38168
Revised Code, any additional assessments used to determine the 38169
student's eligibility shall be the financial responsibility of the 38170
student. 38171

Sec. 3365.032. (A) For purposes of this section: 38172

(1) The "expulsion of a student" or "expelling a student" 38173
means the following: 38174

(a) For a public secondary school that is a school operated 38175
by a city, local, exempted village, or joint vocational school 38176
district, community school established under Chapter 3314. of the 38177
Revised Code, or STEM school established under Chapter 3326. of 38178
the Revised Code, the expulsion of a student or the act of 38179
expelling a student under division (B) of section 3313.66 of the 38180
Revised Code; 38181

(b) For a public secondary school that is a 38182
college-preparatory boarding school, the expulsion of a student or 38183

the act of expelling a student in accordance with the school's 38184
bylaws adopted pursuant to section 3328.13 of the Revised Code; 38185

(c) For a public secondary school that is the state school 38186
for the deaf or the state school for the blind, the expulsion of a 38187
student or the act of expelling a student in accordance with rules 38188
adopted by the state board of education. 38189

(2) A "policy to deny high school credit for courses taken 38190
under the college credit plus program during an expulsion" means 38191
the following: 38192

(a) For a public secondary school that is a school operated 38193
by a city, local, exempted village, or joint vocational school 38194
district, community school established under Chapter 3314. of the 38195
Revised Code, or STEM school established under Chapter 3326. of 38196
the Revised Code, a policy adopted under section 3313.613 of the 38197
Revised Code; 38198

(b) For a college-preparatory boarding school established 38199
under Chapter 3328. of the Revised Code, a policy adopted in 38200
accordance with the school's bylaws adopted pursuant to section 38201
3328.13 of the Revised Code; 38202

(c) For the state school for the deaf or the state school for 38203
the blind, a policy adopted in accordance with any rules adopted 38204
by the state board requiring such a policy. 38205

(B) When a public secondary school expels a student under 38206
division (B) of section 3313.66 of the Revised Code or, for a 38207
college-preparatory boarding school established under Chapter 38208
3328. of the Revised Code, in accordance with the school's bylaws 38209
adopted pursuant to section 3328.13 of the Revised Code, the 38210
superintendent, or equivalent, shall send a written notice of the 38211
expulsion to any college in which the expelled student is enrolled 38212
under section 3365.03 of the Revised Code at the time the 38213
expulsion is imposed. The notice shall indicate the date the 38214

expulsion is scheduled to expire. The notice also shall indicate 38215
whether the school has adopted a policy ~~under section 3313.613 of~~ 38216
~~the Revised Code or, for a college preparatory boarding school, in~~ 38217
~~accordance with the school's bylaws adopted pursuant to section~~ 38218
~~3328.13 of the Revised Code~~ to deny high school credit for courses 38219
taken under the college credit plus program during an expulsion. 38220
If the expulsion is extended ~~under division (F) of section 3313.66~~ 38221
~~of the Revised Code or, for a college preparatory boarding school,~~ 38222
~~in accordance with the school's bylaws adopted pursuant to section~~ 38223
~~3328.13 of the Revised Code~~, the superintendent, or equivalent, 38224
shall notify the college of the extension. 38225

~~(B)~~(C) A college may withdraw its acceptance under section 38226
3365.03 of the Revised Code of a student who is expelled from 38227
school ~~under division (B) of section 3313.66 of the Revised Code~~ 38228
~~or, for a college preparatory boarding school, in accordance with~~ 38229
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 38230
~~Revised Code~~. As provided in section 3365.03 of the Revised Code, 38231
regardless of whether the college withdraws its acceptance of the 38232
student for the college term in which the student is expelled, the 38233
student is ineligible to enroll in a college under that section 38234
for subsequent college terms during the period of the expulsion, 38235
unless the student enrolls in another public school or a 38236
participating nonpublic school during that period. 38237

If a college withdraws its acceptance of an expelled student 38238
who elected either option of division (A)(1) or (2) of section 38239
3365.06 of the Revised Code, the college shall refund tuition and 38240
fees paid by the student in the same proportion that it refunds 38241
tuition and fees to students who voluntarily withdraw from the 38242
college at the same time in the term. 38243

If a college withdraws its acceptance of an expelled student 38244
who elected the option of division (B) of section 3365.06 of the 38245
Revised Code, the public school shall not award high school credit 38246

for the college courses in which the student was enrolled at the 38247
time the college withdrew its acceptance, and any reimbursement 38248
under section 3365.07 of the Revised Code for the student's 38249
attendance prior to the withdrawal shall be the same as would be 38250
paid for a student who voluntarily withdrew from the college at 38251
the same time in the term. If the withdrawal results in the 38252
college's receiving no reimbursement, the college or secondary 38253
school may require the student to return or pay for any textbooks 38254
and materials it provided the student free of charge. 38255

~~(C)(D)~~ When a student who elected the option of division (B) 38256
of section 3365.06 of the Revised Code is expelled ~~under division~~ 38257
~~(B) of section 3313.66 of the Revised Code or, for a~~ 38258
~~college preparatory boarding school, in accordance with the~~ 38259
~~school's bylaws adopted pursuant to section 3328.13 of the Revised~~ 38260
~~Code from a public school that has adopted a policy under section~~ 38261
~~3313.613 of the Revised Code or, for a college preparatory~~ 38262
~~boarding school, in accordance with the school's bylaws adopted~~ 38263
~~pursuant to section 3328.13 of the Revised Code to deny high~~ 38264
school credit for courses taken under the college credit plus 38265
program during an expulsion, that election is automatically 38266
revoked for all college courses in which the student is enrolled 38267
during the college term in which the expulsion is imposed. Any 38268
reimbursement under section 3365.07 of the Revised Code for the 38269
student's attendance prior to the expulsion shall be the same as 38270
would be paid for a student who voluntarily withdrew from the 38271
college at the same time in the term. If the revocation results in 38272
the college's receiving no reimbursement, the college or secondary 38273
school may require the student to return or pay for any textbooks 38274
and materials it provided the student free of charge. 38275

Not later than five days after receiving an expulsion notice 38276
from the superintendent, or equivalent, of a public school that 38277
has adopted a policy ~~under section 3313.613 of the Revised Code~~ 38278

er, ~~for a college preparatory boarding school, in accordance with~~ 38279
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 38280
~~Revised Code to deny high school credit for courses taken under~~ 38281
~~the college credit plus program during an expulsion,~~ the college 38282
shall send a written notice to the expelled student that the 38283
student's election of division (B) of section 3365.06 of the 38284
Revised Code is revoked. If the college elects not to withdraw its 38285
acceptance of the student, the student shall pay all applicable 38286
tuition and fees for the college courses and shall pay for any 38287
textbooks and materials that the college or secondary school 38288
provided to the student. 38289

Sec. 3365.035. (A) As used in this section, "mature subject 38290
matter" means any course subject matter or material of a graphic, 38291
explicit, violent, or sexual nature. 38292

(B) The department of education and the department of higher 38293
education shall jointly develop a permission slip regarding the 38294
potential for mature subject matter in a course taken through the 38295
college credit plus program. The departments shall post the 38296
permission slip in a prominent place on their college credit plus 38297
program web sites. 38298

(C) For a student enrolled in a public, chartered nonpublic, 38299
or nonchartered nonpublic school or a home-instructed student to 38300
enroll in any college course under the college credit plus 38301
program, the parent of the student and the student shall sign and 38302
include the permission slip described in division (B) of this 38303
section within the student's application to the public college, 38304
participating private college, or eligible out-of-state college in 38305
which the student wishes to enroll. 38306

(D) Each public and participating private college and 38307
eligible out-of-state college participating in the program, upon 38308
admitting a student under the program, shall include in the 38309

college's enrollment materials the following: 38310

(1) A questionnaire for students, developed by the college, 38311
to answer in the affirmative acknowledging that the student 38312
possesses the necessary social and emotional maturity and is ready 38313
to accept the responsibility and independence that a college 38314
classroom demands and to resubmit to the college; 38315

(2) Guidance on reviewing any course materials available 38316
prior to enrolling in a course; 38317

(3) Information about the college's and the program's 38318
policies on withdrawing from or dropping a course; 38319

(4) Information about the student's right to speak with the 38320
student's high school counselor or with the academic advisor 38321
assigned to the student as prescribed in division (F) of section 38322
3365.05 of the Revised Code. 38323

(E) Each public and participating private college and 38324
eligible out-of-state college participating in the program shall 38325
include a discussion at student orientation about the potential 38326
for mature subject matter in courses taken through the program. 38327

(F) The department of education, the department of higher 38328
education, and each public and participating private college and 38329
eligible out-of-state college participating in the program shall 38330
post in a prominent place on their college credit plus program web 38331
sites the following disclaimer: 38332

"The subject matter of a course enrolled in under the college 38333
credit plus program may include mature subject matter or 38334
materials, including those of a graphic, explicit, violent, or 38335
sexual nature, that will not be modified based upon college credit 38336
plus enrollee participation regardless of where course instruction 38337
occurs." 38338

Sec. 3365.04. Each public and participating nonpublic 38339

secondary school shall do all of the following with respect to the 38340
college credit plus program: 38341

(A) Provide information about the program prior to the first 38342
day of February of each year to all students enrolled in grades 38343
six through eleven; 38344

(B) Provide counseling services to students in grades six 38345
through eleven and to their parents before the students 38346
participate in the program under this chapter to ensure that 38347
students and parents are fully aware of the possible consequences 38348
and benefits of participation. Counseling information shall 38349
include: 38350

(1) Program eligibility; 38351

(2) The process for granting academic credits; 38352

(3) Any necessary financial arrangements for tuition, 38353
textbooks, and fees; 38354

(4) Criteria for any transportation aid; 38355

(5) Available support services; 38356

(6) Scheduling; 38357

(7) Communicating the possible consequences and benefits of 38358
participation, including all of the following: 38359

(a) The consequences of failing or not completing a course 38360
under the program, including the effect on the student's ability 38361
to complete the secondary school's graduation requirements; 38362

(b) The effect of the grade attained in a course under the 38363
program being included in the student's grade point average, as 38364
applicable; 38365

(c) The benefits to the student for successfully completing a 38366
course under the program, including the ability to reduce the 38367
overall costs of, and the amount of time required for, a college 38368

education. 38369

(8) The academic and social responsibilities of students and 38370
parents under the program; 38371

(9) Information about and encouragement to use the counseling 38372
services of the college in which the student intends to enroll; 38373

(10) The standard packet of information for the program 38374
developed by the chancellor of higher education pursuant to 38375
section 3365.15 of the Revised Code; 38376

For a participating nonpublic secondary school, counseling 38377
information shall also include an explanation that funding may be 38378
limited and that not all students who wish to participate may be 38379
able to do so. 38380

(11) Information about the potential for mature subject 38381
matter, as defined in section 3365.035 of the Revised Code, in 38382
courses in which the student intends to enroll through the program 38383
and notification that courses will not be modified based upon 38384
program enrollee participation regardless of where course 38385
instruction occurs. The information shall include the permission 38386
slip described in division (B) of section 3365.035 of the Revised 38387
Code. 38388

(C) Promote the program on the school's web site, including 38389
the details of the school's current agreements with partnering 38390
colleges; 38391

(D) Schedule at least one informational session per school 38392
year to allow each participating college that is located within 38393
thirty miles of the school to meet with interested students and 38394
parents. The session shall include the benefits and consequences 38395
of participation and shall outline any changes or additions to the 38396
requirements of the program. If there are no participating 38397
colleges located within thirty miles of the school, the school 38398
shall coordinate with the closest participating college to offer 38399

an informational session. 38400

For the purposes of division (D) of this section, 38401
"participating college" shall include both of the following: 38402

(1) A partnering college; 38403

(2) Any public college, private college, or eligible 38404
out-of-state college to which both of the following ~~applies~~ apply: 38405

(a) The college participates in the college credit plus 38406
program. 38407

(b) The college submits to the public or participating 38408
nonpublic secondary school a request to attend an informational 38409
session. 38410

(E) Implement a policy for the awarding of grades and the 38411
calculation of class standing for courses taken under division 38412
(A)(2) or (B) of section 3365.06 of the Revised Code. The policy 38413
adopted under this division shall be equivalent to the school's 38414
policy for courses taken under the advanced standing programs 38415
described in divisions (A)(2) and (3) of section 3313.6013 of the 38416
Revised Code or for other courses designated as honors courses by 38417
the school. If the policy includes awarding a weighted grade or 38418
enhancing a student's class standing for these courses, the policy 38419
adopted under this section shall also provide for these procedures 38420
to be applied to courses taken under the college credit plus 38421
program. 38422

(F) Develop model course pathways, pursuant to section 38423
3365.13 of the Revised Code, and publish the course pathways among 38424
the school's official list of course offerings for the program. 38425

(G) Annually collect, report, and track specified data 38426
related to the program according to data reporting guidelines 38427
adopted by the chancellor and the superintendent of public 38428
instruction pursuant to section 3365.15 of the Revised Code. 38429

Sec. 3365.07. The department of education shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that participant is awarded funding according to rules adopted by the chancellor of higher education, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code. The program shall be the sole mechanism by which state funds are paid to colleges for students to earn transcribed credit for college courses while enrolled in both a secondary school and a college, with the exception of state funds paid to colleges according to an agreement described in division (A)(1) of section 3365.02 of the Revised Code.

(A) For each public or nonpublic secondary school participant enrolled in a public college:

(1) If no agreement has been entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable amount as follows:

(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the lesser of the default ceiling amount or the college's standard rate;

(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, the lesser of fifty per cent of the default ceiling amount or the college's standard rate;

(iii) For a participant enrolled in a college course 38460
delivered at the participant's secondary school and taught by a 38461
high school teacher who has met the credential requirements 38462
established for purposes of the program in rules adopted by the 38463
chancellor, the default floor amount. 38464

(b) The participant's secondary school shall pay for 38465
textbooks, and the college shall waive payment of all other fees 38466
related to participation in the program. 38467

(2) The governing entity of a participant's secondary school 38468
and the college may enter into an agreement to establish an 38469
alternative payment structure for tuition, textbooks, and fees. 38470
Under such an agreement, payments for each participant made by the 38471
department shall be not less than the default floor amount, unless 38472
approved by the chancellor, and not more than either the default 38473
ceiling amount or the college's standard rate, whichever is less. 38474
The chancellor may approve an agreement that includes a payment 38475
below the default floor amount, as long as the provisions of the 38476
agreement comply with all other requirements of this chapter to 38477
ensure program quality. If no agreement is entered into under 38478
division (A)(2) of this section, both of the following shall 38479
apply: 38480

(a) The department shall pay to the college the applicable 38481
default amounts prescribed by division (A)(1)(a) of this section, 38482
depending upon the method of delivery and instruction. 38483

(b) In accordance with division (A)(1)(b) of this section, 38484
the participant's secondary school shall pay for textbooks, and 38485
the college shall waive payment of all other fees related to 38486
participation in the program. 38487

(3) No participant that is enrolled in a public college shall 38488
be charged for any tuition, textbooks, or other fees related to 38489
participation in the program. 38490

(B) For each public secondary school participant enrolled in a private college:

(1) If no agreement has been entered into under division (B)(2) of this section, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less.

If an agreement is entered into under division (B)(2) of this section, both of the following shall apply:

(a) The department shall make a payment to the college for each participant that is equal to the default floor amount, unless approved by the chancellor to pay an amount below the default floor amount. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality.

(b) Payment for costs for the participant that exceed the amount paid by the department pursuant to division (B)(2)(a) of this section shall be negotiated by the school and the college. The agreement may include a stipulation permitting the charging of a participant.

However, under no circumstances shall:

(i) Payments for a participant made by the department under division (B)(2) of this section exceed the lesser of the default ceiling amount or the college's standard rate;

(ii) The amount charged to a participant under division 38522
(B)(2) of this section exceed the difference between the maximum 38523
per participant charge amount and the default floor amount; 38524

(iii) The sum of the payments made by the department for a 38525
participant and the amount charged to that participant under 38526
division (B)(2) of this section exceed the following amounts, as 38527
applicable: 38528

(I) For a participant enrolled in a college course delivered 38529
on the college campus, at another location operated by the 38530
college, or online, the maximum per participant charge amount; 38531

(II) For a participant enrolled in a college course delivered 38532
at the participant's secondary school but taught by college 38533
faculty, one hundred twenty-five dollars; 38534

(III) For a participant enrolled in a college course 38535
delivered at the participant's secondary school and taught by a 38536
high school teacher who has met the credential requirements 38537
established for purposes of the program in rules adopted by the 38538
chancellor, one hundred dollars. 38539

(iv) A participant that is identified as economically 38540
disadvantaged according to rules adopted by the department be 38541
charged under division (B)(2) of this section for any tuition, 38542
textbooks, or other fees related to participation in the program. 38543

(C) For each nonpublic secondary school participant enrolled 38544
in a private or eligible out-of-state college, the department 38545
shall pay to the college the applicable amount calculated in the 38546
same manner as in division (A)(1)(a) of this section. Payment for 38547
costs for the participant that exceed the amount paid by the 38548
department shall be negotiated by the governing body of the 38549
nonpublic secondary school and the college. 38550

However, under no circumstances shall: 38551

(1) The payments for a participant made by the department 38552
under this division exceed the lesser of the default ceiling 38553
amount or the college's standard rate. 38554

(2) Any nonpublic secondary school participant, who is 38555
enrolled in that secondary school with a scholarship awarded under 38556
either the educational choice scholarship pilot program, as 38557
prescribed by sections 3310.01 to 3310.17, or the pilot project 38558
scholarship program, as prescribed by sections 3313.974 to 38559
3313.979 of the Revised Code, and who qualifies as a low-income 38560
student under either of those programs, be charged for any 38561
tuition, textbooks, or other fees related to participation in the 38562
college credit plus program. 38563

(D) For each nonchartered nonpublic secondary school 38564
participant and each home-instructed participant enrolled in a 38565
public, private, or eligible out-of-state college, the department 38566
shall pay to the college the lesser of the default ceiling amount 38567
or the college's standard rate, if that participant is enrolled in 38568
a college course delivered on the college campus, at another 38569
location operated by the college, or online. 38570

(E) Not later than thirty days after the end of each term, 38571
each college expecting to receive payment for the costs of a 38572
participant under this section shall notify the department of the 38573
number of enrolled credit hours for each participant. 38574

(F) The department shall make the applicable payments under 38575
this section to each college, which provided proper notification 38576
to the department under division (E) of this section, for the 38577
number of enrolled credit hours for participants enrolled in the 38578
college under division (B) of section 3365.06 of the Revised Code. 38579
Except in cases involving incomplete participant information or a 38580
dispute of participant information, payments shall be made by the 38581
last day of January for participants who were enrolled during the 38582
fall term and by the last day of July for participants who were 38583

enrolled during the spring term. The department shall not make any 38584
payments to a college under this section if a participant withdrew 38585
from a course prior to the date on which a withdrawal from the 38586
course would have negatively affected the participant's 38587
transcripted grade, as prescribed by the college's established 38588
withdrawal policy. 38589

(1) Payments made for public secondary school participants 38590
under this section shall be deducted as follows: 38591

(a) For a participant enrolled in a school district, from the 38592
school foundation payments made to the participant's school 38593
district ~~or, if the participant is enrolled in a community school,~~ 38594
~~a STEM school, or a college preparatory boarding school, from the~~ 38595
~~payments made to that school under section 3314.08, 3326.33, or~~ 38596
~~3328.34 of the Revised Code.~~ If the participant is enrolled in a 38597
joint vocational school district, a portion of the amount shall be 38598
deducted from the payments to the joint vocational school district 38599
and a portion shall be deducted from the payments to the 38600
participant's city, local, or exempted village school district in 38601
accordance with the full-time equivalency of the student's 38602
enrollment in each district. 38603

(b) For a participant enrolled in a community school 38604
established under Chapter 3314. of the Revised Code, from the 38605
payments made to that school under section 3317.022 of the Revised 38606
Code; 38607

(c) For a participant enrolled in a STEM school, from the 38608
payments made to that school under section 3317.022 of the Revised 38609
Code; 38610

(d) For a participant enrolled in a college-preparatory 38611
boarding school, from the payments made to that school under 38612
section 3328.34 of the Revised Code; 38613

(e) For a participant enrolled in the state school for the 38614

deaf or the state school for the blind, from the amount paid to 38615
that school with funds appropriated by the general assembly for 38616
support of that school; 38617

(f) For a participant enrolled in an institution operated by 38618
the department of youth services, from the amount paid to that 38619
institution with funds appropriated by the general assembly for 38620
support of that institution. Amounts 38621

Amounts deducted under ~~division~~ divisions (F)(1)(a) to (f) of 38622
this section shall be calculated in accordance with rules adopted 38623
by the chancellor, in consultation with the state superintendent, 38624
pursuant to division (B) of section 3365.071 of the Revised Code 38625

(2) Payments made for nonpublic secondary school 38626
participants, nonchartered nonpublic secondary school 38627
participants, and home-instructed participants under this section 38628
shall be deducted from moneys appropriated by the general assembly 38629
for such purpose. Payments shall be allocated and distributed in 38630
accordance with rules adopted by the chancellor, in consultation 38631
with the state superintendent, pursuant to division (A) of section 38632
3365.071 of the Revised Code. 38633

(G) Any public college that enrolls a student under division 38634
(B) of section 3365.06 of the Revised Code may include that 38635
student in the calculation used to determine its state share of 38636
instruction funds appropriated to the department of higher 38637
education by the general assembly. 38638

Sec. 3365.08. (A) No participant enrolled under this chapter 38639
in a course for which credit toward high school graduation is 38640
awarded shall receive direct financial aid through any state or 38641
federal program. 38642

(B) If a school district provides transportation for resident 38643
school students in grades eleven and twelve under section 3327.01 38644

of the Revised Code, a parent of a participant enrolled in a 38645
course under division (A)(2) or (B) of section 3365.06 of the 38646
Revised Code may apply to the board of education for full or 38647
partial reimbursement for the necessary costs of transporting the 38648
participant between the secondary school the participant attends 38649
and the college in which the participant is enrolled. 38650
Reimbursement may be paid solely from funds received by the 38651
district for student transportation under section 3317.0212 of the 38652
Revised Code or other provisions of law. The state board of 38653
education shall establish guidelines, based on financial need, 38654
under which a district may provide such reimbursement. 38655

(C) If a community school provides or arranges transportation 38656
for its students in grades nine through twelve under section 38657
3314.091 of the Revised Code, a parent of a participant of the 38658
community school who is enrolled in a course under division (A)(2) 38659
or (B) of section 3365.06 of the Revised Code may apply to the 38660
governing authority of the community school for full or partial 38661
reimbursement of the necessary costs of transporting the 38662
participant between the community school and the college. The 38663
governing authority may pay the reimbursement in accordance with 38664
the state board's rules adopted under division (B) of this section 38665
solely from funds paid to it under division (H) of section 38666
3314.091 3317.0212 of the Revised Code. 38667

Sec. 3375.011. Any library organized under Chapter 3375. of 38668
the Revised Code shall provide free of charge to any individual a 38669
photocopy of that individual's driver's license, temporary 38670
driver's permit, or state identification card, if the individual 38671
requests one. 38672

Sec. 3501.01. As used in the sections of the Revised Code 38673
relating to elections and political communications: 38674

(A) "General election" means the election held on the first Tuesday after the first Monday in each November. 38675
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(B) "Regular municipal election" means the election held on the first Tuesday after the first Monday in November in each odd-numbered year. 38677
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(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year. 38680
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(D) "Special election" means any election other than those elections defined in other divisions of this section. A special election may be held only on the first Tuesday after the first Monday in May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in May, except as authorized by a municipal or county charter, but may be held on the third Tuesday after the first Monday in March. 38683
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(E)(1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held. 38692
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(2) "Presidential primary election" means a primary election as defined by division (E)(1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise specified, presidential primary elections are included in 38700
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references to primary elections. In years in which a presidential 38706
primary election is held, all primary elections shall be held on 38707
the third Tuesday after the first Monday in March except as 38708
otherwise authorized by a municipal or county charter. 38709

(F) "Political party" means any group of voters meeting the 38710
requirements set forth in section 3517.01 of the Revised Code for 38711
the formation and existence of a political party. 38712

(1) "Major political party" means any political party 38713
organized under the laws of this state whose candidate for 38714
governor or nominees for presidential electors received not less 38715
than twenty per cent of the total vote cast for such office at the 38716
most recent regular state election. 38717

(2) "Minor political party" means any political party 38718
organized under the laws of this state that meets either of the 38719
following requirements: 38720

(a) Except as otherwise provided in this division, the 38721
political party's candidate for governor or nominees for 38722
presidential electors received less than twenty per cent but not 38723
less than three per cent of the total vote cast for such office at 38724
the most recent regular state election. A political party that 38725
meets the requirements of this division remains a political party 38726
for a period of four years after meeting those requirements. 38727

(b) The political party has filed with the secretary of 38728
state, subsequent to its failure to meet the requirements of 38729
division (F)(2)(a) of this section, a petition that meets the 38730
requirements of section 3517.01 of the Revised Code. 38731

A newly formed political party shall be known as a minor 38732
political party until the time of the first election for governor 38733
or president which occurs not less than twelve months subsequent 38734
to the formation of such party, after which election the status of 38735
such party shall be determined by the vote for the office of 38736

governor or president. 38737

(G) "Dominant party in a precinct" or "dominant political 38738
party in a precinct" means that political party whose candidate 38739
for election to the office of governor at the most recent regular 38740
state election at which a governor was elected received more votes 38741
than any other person received for election to that office in such 38742
precinct at such election. 38743

(H) "Candidate" means any qualified person certified in 38744
accordance with the provisions of the Revised Code for placement 38745
on the official ballot of a primary, general, or special election 38746
to be held in this state, or any qualified person who claims to be 38747
a write-in candidate, or who knowingly assents to being 38748
represented as a write-in candidate by another at either a 38749
primary, general, or special election to be held in this state. 38750

(I) "Independent candidate" means any candidate who claims 38751
not to be affiliated with a political party, and whose name has 38752
been certified on the office-type ballot at a general or special 38753
election through the filing of a statement of candidacy and 38754
nominating petition, as prescribed in section 3513.257 of the 38755
Revised Code. 38756

(J) "Nonpartisan candidate" means any candidate whose name is 38757
required, pursuant to section 3505.04 of the Revised Code, to be 38758
listed on the nonpartisan ballot, including all candidates for 38759
judicial office judge of a municipal court, county court, or court 38760
of common pleas, for member of any board of education, for 38761
municipal or township offices in which primary elections are not 38762
held for nominating candidates by political parties, and for 38763
offices of municipal corporations having charters that provide for 38764
separate ballots for elections for these offices. 38765

(K) "Party candidate" means any candidate who claims to be a 38766
member of a political party and who has been certified to appear 38767

on the office-type ballot at a general or special election as the 38768
nominee of a political party because the candidate has won the 38769
primary election of the candidate's party for the public office 38770
the candidate seeks, has been nominated under section 3517.012, or 38771
is selected by party committee in accordance with section 3513.31 38772
of the Revised Code. 38773

(L) "Officer of a political party" includes, but is not 38774
limited to, any member, elected or appointed, of a controlling 38775
committee, whether representing the territory of the state, a 38776
district therein, a county, township, a city, a ward, a precinct, 38777
or other territory, of a major or minor political party. 38778

(M) "Question or issue" means any question or issue certified 38779
in accordance with the Revised Code for placement on an official 38780
ballot at a general or special election to be held in this state. 38781

(N) "Elector" or "qualified elector" means a person having 38782
the qualifications provided by law to be entitled to vote. 38783

(O) "Voter" means an elector who votes at an election. 38784

(P) "Voting residence" means that place of residence of an 38785
elector which shall determine the precinct in which the elector 38786
may vote. 38787

(Q) "Precinct" means a district within a county established 38788
by the board of elections of such county within which all 38789
qualified electors having a voting residence therein may vote at 38790
the same polling place. 38791

(R) "Polling place" means that place provided for each 38792
precinct at which the electors having a voting residence in such 38793
precinct may vote. 38794

(S) "Board" or "board of elections" means the board of 38795
elections appointed in a county pursuant to section 3501.06 of the 38796
Revised Code. 38797

(T) "Political subdivision" means a county, township, city, village, or school district.	38798 38799
(U) "Election officer" or "election official" means any of the following:	38800 38801
(1) Secretary of state;	38802
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	38803 38804 38805 38806
(3) Director of a board of elections;	38807
(4) Deputy director of a board of elections;	38808
(5) Member of a board of elections;	38809
(6) Employees of a board of elections;	38810
(7) Precinct election officials;	38811
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	38812 38813
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	38814 38815 38816 38817 38818 38819 38820
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	38821 38822 38823 38824
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides	38825 38826

state-funded programs primarily engaged in providing services to 38827
persons with disabilities and that is required by the National 38828
Voter Registration Act of 1993 to implement a program designed and 38829
administered by the secretary of state for registering voters, or 38830
any other public or government office or agency that implements a 38831
program designed and administered by the secretary of state for 38832
registering voters, including the department of job and family 38833
services, the program administered under section 3701.132 of the 38834
Revised Code by the department of health, the department of mental 38835
health and addiction services, the department of developmental 38836
disabilities, the opportunities for Ohioans with disabilities 38837
agency, and any other agency the secretary of state designates. 38838
"Designated agency" does not include public high schools and 38839
vocational schools, public libraries, or the office of a county 38840
treasurer. 38841

(Y) "National Voter Registration Act of 1993" means the 38842
"National Voter Registration Act of 1993," 107 Stat. 77, 42 38843
U.S.C.A. 1973gg. 38844

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 38845
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 38846

(AA) "Photo identification" means a document that meets each 38847
of the following requirements: 38848

(1) It shows the name of the individual to whom it was 38849
issued, which shall conform to the name in the poll list or 38850
signature pollbook. 38851

(2) It shows the current address of the individual to whom it 38852
was issued, which shall conform to the address in the poll list or 38853
signature pollbook, except for a driver's license or a state 38854
identification card issued under section 4507.50 of the Revised 38855
Code, which may show either the current or former address of the 38856
individual to whom it was issued, regardless of whether that 38857

address conforms to the address in the poll list or signature 38858
pollbook. 38859

(3) It shows a photograph of the individual to whom it was 38860
issued. 38861

(4) It includes an expiration date that has not passed. 38862

(5) It was issued by the government of the United States or 38863
this state. 38864

Sec. 3501.302. The secretary of state may enter into 38865
agreements for the bulk purchase of election supplies in order to 38866
reduce the costs for such purchases by individual boards of 38867
elections. A board of elections desiring to participate in such 38868
purchase agreements shall file with the secretary of state a 38869
written request for inclusion. A request for inclusion shall 38870
include an agreement to be bound by such terms and conditions as 38871
the secretary of state prescribes and to make direct payments to 38872
the vendor under each purchase agreement. 38873

Nothing in this section prohibits a board of elections from 38874
purchasing election supplies through the department of 38875
administrative services under section 125.04 of the Revised Code. 38876

Sec. 3505.03. (A) On the office type ballot shall be printed 38877
the names of all candidates for election to offices, except 38878
~~judicial offices~~ the office of judge of a municipal court, county 38879
court, or court of common pleas, who were nominated at the most 38880
recent primary election as candidates of a political party or who 38881
were nominated in accordance with section 3513.02 of the Revised 38882
Code, and the names of all candidates for election to offices who 38883
were nominated by nominating petitions, except candidates for 38884
~~judicial offices~~ the office of judge of a municipal court, county 38885
court, or court of common pleas, for member of the state board of 38886
education, for member of a board of education, for municipal 38887

offices, and for township offices. 38888

(B) The face of the ballot below the stub shall be 38889
substantially in the following form: 38890

"OFFICIAL OFFICE TYPE BALLOT 38891

~~(A)~~(1) To vote for a candidate record your vote in the manner 38892
provided next to the name of such candidate. 38893

~~(B)~~(2) If you tear, soil, deface, or erroneously mark this 38894
ballot, return it to the precinct election officers or, if you 38895
cannot return it, notify the precinct election officers, and 38896
obtain another ballot." 38897

(C) The order in which the offices shall be listed on the 38898
ballot shall be prescribed by, and certified to each board of 38899
elections by, the secretary of state; provided that for state, 38900
district, and county offices the order from top to bottom shall be 38901
as follows: governor and lieutenant governor, attorney general, 38902
auditor of state, secretary of state, treasurer of state, chief 38903
justice of the supreme court, justice of the supreme court, United 38904
States senator, representative to congress, state senator, state 38905
representative, judge of a court of appeals, county commissioner, 38906
county auditor, prosecuting attorney, clerk of the court of common 38907
pleas, sheriff, county recorder, county treasurer, county 38908
engineer, and coroner. The offices of governor and lieutenant 38909
governor shall be printed on the ballot in a manner that requires 38910
a voter to cast one vote jointly for the candidates who have been 38911
nominated by the same political party or petition. 38912

(D) Within the rectangular space within which the title of 38913
each judicial office listed in division (C) of this section is 38914
printed on the ballot and immediately below the title shall be 38915
printed the date of the commencement of the term of the office, if 38916
it is a full term, as follows: "Full term commencing 38917
_____ (Date) _____," or the date of the end of the term of the 38918

office, if it is an unexpired term, as follows: "Unexpired term 38919
ending (Date)" 38920

(E)(1) The names of all candidates for an office shall be 38921
arranged in a group under the title of that office, and, except 38922
for absentee ballots or when the number of candidates for a 38923
particular office is the same as the number of candidates to be 38924
elected for that office, shall be rotated from one precinct to 38925
another. On absentee ballots, the names of all candidates for an 38926
office shall be arranged in a group under the title of that office 38927
and shall be so alternated that each name shall appear, insofar as 38928
may be reasonably possible, substantially an equal number of times 38929
at the beginning, at the end, and in each intermediate place, if 38930
any, of the group in which such name belongs, unless the number of 38931
candidates for a particular office is the same as the number of 38932
candidates to be elected for that office. 38933

(2) The method of printing the ballots to meet the rotation 38934
requirement of this section shall be as follows: the least common 38935
multiple of the number of names in each of the several groups of 38936
candidates shall be used, and the number of changes made in the 38937
printer's forms in printing the ballots shall correspond with that 38938
multiple. The board of elections shall number all precincts in 38939
regular serial sequence. In the first precinct, the names of the 38940
candidates in each group shall be listed in alphabetical order. In 38941
each succeeding precinct, the name in each group that is listed 38942
first in the preceding precinct shall be listed last, and the name 38943
of each candidate shall be moved up one place. In each precinct 38944
using paper ballots, the printed ballots shall then be assembled 38945
in tablets. 38946

(F) Under the name of each candidate nominated at a primary 38947
election, nominated by petition under section 3517.012 of the 38948
Revised Code, or certified by a party committee to fill a vacancy 38949
under section 3513.31 of the Revised Code shall be printed, in 38950

less prominent type face than that in which the candidate's name 38951
is printed, the name of the political party by which the candidate 38952
was nominated or certified. Under the name of each candidate 38953
appearing on the ballot who filed a nominating petition and 38954
requested a ballot designation as a nonparty candidate under 38955
section 3513.257 of the Revised Code shall be printed, in less 38956
prominent type face than that in which the candidate's name is 38957
printed, the designation of "nonparty candidate." Under the name 38958
of each candidate appearing on the ballot who filed a nominating 38959
petition and requested a ballot designation as an other-party 38960
candidate under section 3513.257 of the Revised Code shall be 38961
printed, in less prominent type face than that in which the 38962
candidate's name is printed, the designation of "other-party 38963
candidate." No designation shall appear under the name of a 38964
candidate appearing on the ballot who filed a nominating petition 38965
and requested that no ballot designation appear under the 38966
candidate's name under section 3513.257 of the Revised Code, or 38967
who filed a nominating petition and failed to request a ballot 38968
designation either as a nonparty candidate or as an other-party 38969
candidate under that section. 38970

(G) Except as provided in this section, no words, 38971
designations, or emblems descriptive of a candidate or the 38972
candidate's political affiliation, or indicative of the method by 38973
which the candidate was nominated or certified, shall be printed 38974
under or after a candidate's name that is printed on the ballot. 38975

Sec. 3505.04. On the nonpartisan ballot shall be printed the 38976
names of all nonpartisan candidates for election to ~~judicial~~ the 38977
office of judge of a municipal court, county court, or court of 38978
common pleas, the office of member of the state board of 38979
education, the office of member of a board of education, municipal 38980
or township offices for municipal corporations and townships in 38981
which primary elections are not held for nomination of candidates 38982

by political parties, and municipal offices of municipal 38983
corporations having charters which provide for separate ballots 38984
for elections for such municipal offices. 38985

Such ballots shall have printed across the top, and below the 38986
stubs, "Official Nonpartisan Ballot." 38987

The order in which the offices are listed on the ballot shall 38988
be prescribed by, and certified to each board of elections by, the 38989
secretary of state; provided that the office of member of the 38990
state board of education shall be listed first on the ballot, then 38991
~~state, district, and county judicial offices shall be listed on~~ 38992
~~the ballot in such order,~~ followed by municipal and township 38993
offices, and by offices of member of a board of education, in the 38994
order stated. 38995

Within the rectangular space within which the title of each 38996
judicial office is printed on the ballot and immediately below 38997
such title shall be printed the date of the commencement of the 38998
term of the office, if a full term, as follows: "Full term 38999
commencing(Date).....," or the date of the end of the 39000
term of the office, if an unexpired term, as follows: "Unexpired 39001
term ending(Date)....." 39002

The secretary of state shall prescribe the information and 39003
directions to the voter to be printed on the ballot within the 39004
rectangular space in which the title of office of member of the 39005
state board of education appears. 39006

Within the rectangular space within which the title of each 39007
office for member of a board of education is printed on the ballot 39008
shall be printed "For Member of Board of Education," and the 39009
number to be elected, directions to the voter as to voting for 39010
one, two, or more, and, if the office to be voted for is member of 39011
a board of education of a city school district, words shall be 39012
printed in said space on the ballot to indicate whether candidates 39013

are to be elected from subdistricts or at large. 39014

The names of all nonpartisan candidates for an office shall 39015
be arranged in a group under the title of that office, and shall 39016
be rotated and printed on the ballot as provided in section 39017
3505.03 of the Revised Code. 39018

No name or designation of any political party nor any words, 39019
designations, or emblems descriptive of a candidate or ~~his~~ the 39020
candidate's political affiliation, or indicative of the method by 39021
which such candidate was nominated or certified, shall be printed 39022
under or after any nonpartisan candidate's name which is printed 39023
on the ballot. 39024

Sec. 3513.257. Each person desiring to become an independent 39025
candidate for an office for which candidates may be nominated at a 39026
primary election, except persons desiring to become independent 39027
joint candidates for the offices of governor and lieutenant 39028
governor and for the offices of president and vice-president of 39029
the United States, shall file no later than four p.m. of the day 39030
before the day of the primary election immediately preceding the 39031
general election at which such candidacy is to be voted for by the 39032
voters, a statement of candidacy and nominating petition as 39033
provided in section 3513.261 of the Revised Code. Persons desiring 39034
to become independent joint candidates for the offices of governor 39035
and lieutenant governor shall file, not later than four p.m. of 39036
the day before the day of the primary election, one statement of 39037
candidacy and one nominating petition for the two of them. Persons 39038
desiring to become independent joint candidates for the offices of 39039
president and vice-president of the United States shall file, not 39040
later than four p.m. of the ninetieth day before the day of the 39041
general election at which the president and vice-president are to 39042
be elected, one statement of candidacy and one nominating petition 39043
for the two of them. The prospective independent joint candidates' 39044

statement of candidacy shall be filed with the nominating petition 39045
as one instrument. 39046

The statement of candidacy and separate petition papers of 39047
each candidate or pair of joint candidates shall be filed at the 39048
same time as one instrument. 39049

The nominating petition shall contain signatures of qualified 39050
electors of the district, political subdivision, or portion of a 39051
political subdivision in which the candidacy is to be voted on in 39052
an amount to be determined as follows: 39053

(A) If the candidacy is to be voted on by electors throughout 39054
the entire state, the nominating petition, including the 39055
nominating petition of independent joint candidates for the 39056
offices of governor and lieutenant governor, shall be signed by no 39057
less than five thousand qualified electors, provided that no 39058
petition shall be accepted for filing if it purports to contain 39059
more than fifteen thousand signatures. 39060

(B) If the candidacy is to be voted on by electors in any 39061
district, political subdivision, or part thereof in which less 39062
than five thousand electors voted for the office of governor at 39063
the most recent election for that office, the nominating petition 39064
shall contain signatures of not less than twenty-five qualified 39065
electors of the district, political subdivision, or part thereof, 39066
or a number of qualified signatures equal to at least five per 39067
cent of that vote, if this number is less than twenty-five. 39068

(C) If the candidacy is to be voted on by electors in any 39069
district, political subdivision, or part thereof in which five 39070
thousand or more electors voted for the office of governor at the 39071
most recent election for that office, the nominating petition 39072
shall contain a number of signatures equal to at least one per 39073
cent of those electors. 39074

All nominating petitions of candidates for offices to be 39075

voted on by electors throughout the entire state shall be filed in 39076
the office of the secretary of state. No nominating petition for 39077
the offices of president and vice-president of the United States 39078
shall be accepted for filing unless there is submitted to the 39079
secretary of state, at the time of filing the petition, a slate of 39080
presidential electors sufficient in number to satisfy the 39081
requirement of the United States Constitution. The secretary of 39082
state shall not accept for filing the statement of candidacy of a 39083
person who desires to be an independent candidate for the office 39084
of governor unless it also shows the joint candidacy of a person 39085
who desires to be an independent candidate for the office of 39086
lieutenant governor, shall not accept for filing the statement of 39087
candidacy of a person who desires to be an independent candidate 39088
for the office of lieutenant governor unless it also shows the 39089
joint candidacy of a person who desires to be an independent 39090
candidate for the office of governor, and shall not accept for 39091
filing the statement of candidacy of a person who desires to be an 39092
independent candidate to the office of governor or lieutenant 39093
governor who, for the same election, has already filed a 39094
declaration of candidacy, a declaration of intent to be a write-in 39095
candidate, or a statement of candidacy, or has become a candidate 39096
by the filling of a vacancy under section 3513.30 of the Revised 39097
Code for any other state office or any federal or county office. 39098

Nominating petitions of candidates for offices to be voted on 39099
by electors within a district or political subdivision comprised 39100
of more than one county but less than all counties of the state 39101
shall be filed with the boards of elections of that county or part 39102
of a county within the district or political subdivision which had 39103
a population greater than that of any other county or part of a 39104
county within the district or political subdivision according to 39105
the last federal decennial census. 39106

Nominating petitions for offices to be voted on by electors 39107

within a county or district smaller than a county shall be filed 39108
with the board of elections for such county. 39109

No petition other than the petition of a candidate whose 39110
candidacy is to be considered by electors throughout the entire 39111
state shall be accepted for filing if it appears on its face to 39112
contain more than three times the minimum required number of 39113
signatures. A board of elections shall not accept for filing a 39114
nominating petition of a person seeking to become a candidate if 39115
that person, for the same election, has already filed a 39116
declaration of candidacy, a declaration of intent to be a write-in 39117
candidate, or a nominating petition, or has become a candidate by 39118
the filling of a vacancy under section 3513.30 of the Revised Code 39119
for any federal, state, or county office, if the nominating 39120
petition is for a state or county office, or for any municipal or 39121
township office, for member of a city, local, or exempted village 39122
board of education, or for member of a governing board of an 39123
educational service center, if the nominating petition is for a 39124
municipal or township office, or for member of a city, local, or 39125
exempted village board of education, or for member of a governing 39126
board of an educational service center. When a petition of a 39127
candidate has been accepted for filing by a board of elections, 39128
the petition shall not be deemed invalid if, upon verification of 39129
signatures contained in the petition, the board of elections finds 39130
the number of signatures accepted exceeds three times the minimum 39131
number of signatures required. A board of elections may 39132
discontinue verifying signatures when the number of verified 39133
signatures on a petition equals the minimum required number of 39134
qualified signatures. 39135

Any ~~nonjudicial~~ candidate, other than a candidate for judge 39136
of a municipal court, county court, or court of common pleas, who 39137
files a nominating petition may request, at the time of filing, 39138
that the candidate be designated on the ballot as a nonparty 39139

candidate or as an other-party candidate, or may request that the 39140
candidate's name be placed on the ballot without any designation. 39141
Any such candidate who fails to request a designation either as a 39142
nonparty candidate or as an other-party candidate shall have the 39143
candidate's name placed on the ballot without any designation. 39144

The purpose of establishing a filing deadline for independent 39145
candidates prior to the primary election immediately preceding the 39146
general election at which the candidacy is to be voted on by the 39147
voters is to recognize that the state has a substantial and 39148
compelling interest in protecting its electoral process by 39149
encouraging political stability, ensuring that the winner of the 39150
election will represent a majority of the community, providing the 39151
electorate with an understandable ballot, and enhancing voter 39152
education, thus fostering informed and educated expressions of the 39153
popular will in a general election. The filing deadline for 39154
independent candidates required in this section prevents 39155
splintered parties and unrestrained factionalism, avoids political 39156
fragmentation, and maintains the integrity of the ballot. The 39157
deadline, one day prior to the primary election, is the least 39158
drastic or restrictive means of protecting these state interests. 39159
The general assembly finds that the filing deadline for 39160
independent candidates in primary elections required in this 39161
section is reasonably related to the state's purpose of ensuring 39162
fair and honest elections while leaving unimpaired the political, 39163
voting, and associational rights secured by the first and 39164
fourteenth amendments to the United States Constitution. 39165

Sec. 3701.021. (A) The director of health shall adopt, in 39166
accordance with Chapter 119. of the Revised Code, such rules as 39167
are necessary to carry out sections 3701.021 to 3701.0210 of the 39168
Revised Code, including, but not limited to, rules to establish 39169
the following: 39170

(1) Medical <u>Subject to division (D) of this section, medical</u>	39171
and financial eligibility requirements for the program for	39172
medically handicapped children;	39173
(2) Subject to division (C) of this section, eligibility	39174
requirements for providers who provide goods and services for the	39175
program for medically handicapped children;	39176
(3) Procedures to be followed by the department of health in	39177
disqualifying providers for violating requirements adopted under	39178
division (A)(2) of this section;	39179
(4) Procedures to be used by the department regarding	39180
application for diagnostic services under division (B) of section	39181
3701.023 of the Revised Code and payment for those services under	39182
division (E) of that section;	39183
(5) Standards for the provision of service coordination by	39184
the department of health and city and general health districts;	39185
(6) Procedures for the department to use to determine the	39186
amount to be paid annually by each county for services for	39187
medically handicapped children and to allow counties to retain	39188
funds under divisions (A)(2) and (3) of section 3701.024 of the	39189
Revised Code;	39190
(7) Financial eligibility requirements for services for Ohio	39191
residents twenty-one years of age or older who have cystic	39192
fibrosis;	39193
(8) Criteria for payment of approved providers who provide	39194
goods and services for medically handicapped children;	39195
(9) Criteria for the department to use in determining whether	39196
the payment of health insurance premiums of participants in the	39197
program for medically handicapped children is cost-effective;	39198
(10) Procedures for appeal of denials of applications under	39199
divisions (A) and (D) of section 3701.023 of the Revised Code,	39200

disqualification of providers, and amounts paid for services;	39201
(11) Terms of appointment for members of the medically	39202
handicapped children's medical advisory council created in section	39203
3701.025 of the Revised Code;	39204
(12) Eligibility requirements for the hemophilia program,	39205
including income and hardship requirements;	39206
(13) If a manufacturer discount program is established under	39207
division (J)(1) of section 3701.023 of the Revised Code,	39208
procedures for administering the program, including criteria and	39209
other requirements for participation in the program by	39210
manufacturers of drugs and nutritional formulas.	39211
(B) The department of health shall develop a manual of	39212
operational procedures and guidelines for the program for	39213
medically handicapped children to implement sections 3701.021 to	39214
3701.0210 of the Revised Code.	39215
(C) A medicaid provider, as defined in section 5164.01 of the	39216
Revised Code, is eligible to be a provider of the same goods and	39217
services for the program for medically handicapped children that	39218
the provider is approved to provide for the medicaid program and	39219
the director shall approve such a provider for participation in	39220
the program for medically handicapped children.	39221
<u>(D) In establishing medical and financial eligibility</u>	39222
<u>requirements for the program for medically handicapped children,</u>	39223
<u>the director of health shall not specify an age restriction that</u>	39224
<u>excludes from eligibility an individual who is either of the</u>	39225
<u>following:</u>	39226
<u>(1) Beginning on July 1, 2021, less than twenty-two years of</u>	39227
<u>age;</u>	39228
<u>(2) Beginning on July 1, 2022, less than twenty-three years</u>	39229
<u>of age.</u>	39230

Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of 39231
the Revised Code: 39232

(A) "Medically handicapped child" means an Ohio resident who 39233
meets the age requirements set forth in division (D) of section 39234
3701.021 of the Revised Code who suffers primarily from an organic 39235
disease, defect, or a congenital or acquired physically 39236
handicapping and associated condition that may hinder the 39237
achievement of normal growth and development. 39238

(B) "Provider" means a health professional, hospital, medical 39239
equipment supplier, and any individual, group, or agency that is 39240
approved by the department of health pursuant to division (C) of 39241
section 3701.023 of the Revised Code and that provides or intends 39242
to provide goods or services to a child who is eligible for the 39243
program for medically handicapped children. 39244

(C) "Service coordination" means case management services 39245
provided to medically handicapped children that promote effective 39246
and efficient organization and utilization of public and private 39247
resources and ensure that care rendered is family-centered, 39248
community-based, and coordinated. 39249

(D)(1) "Third party" means any person or government entity 39250
other than the following: 39251

(a) A medically handicapped child participating in the 39252
program for medically handicapped children or the child's parent 39253
or guardian; 39254

(b) The department or any program administered by the 39255
department, including the "Maternal and Child Health Block Grant," 39256
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 39257
U.S.C.A. 701, as amended; 39258

(c) The "caring program for children" operated by the 39259
nonprofit community mutual insurance corporation. 39260

(2) "Third party" includes all of the following: 39261

(a) Any trust established to benefit a medically handicapped 39262
child participating in the program or the child's family or 39263
guardians, if the trust was established after the date the 39264
medically handicapped child applied to participate in the program; 39265

(b) That portion of a trust designated to pay for the medical 39266
and ancillary care of a medically handicapped child, if the trust 39267
was established on or before the date the medically handicapped 39268
child applied to participate in the program; 39269

(c) The program awarding reparations to victims of crime 39270
established under sections 2743.51 to 2743.72 of the Revised Code. 39271

(E) "Third-party benefits" means any and all benefits paid by 39272
a third party to or on behalf of a medically handicapped child 39273
participating in the program or the child's parent or guardian for 39274
goods or services that are authorized by the department pursuant 39275
to division (B) or (D) of section 3701.023 of the Revised Code. 39276

(F) "Hemophilia program" means the hemophilia program the 39277
department of health is required to establish and administer under 39278
section 3701.029 of the Revised Code. 39279

Sec. 3701.132. (A) As used in this section, "WIC program" 39280
means the "special supplemental nutrition program for women, 39281
infants, and children" established under the "Child Nutrition Act 39282
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 39283

(B) The department of health is hereby designated as the 39284
state agency to administer the WIC program. 39285

The director of health shall adopt rules pursuant to Chapter 39286
119. of the Revised Code as necessary for administering the WIC 39287
program. The rules may include civil money penalties for 39288
violations of the rules. ~~The rules shall require a contract the 39289
department enters into with a WIC clinic to include provisions 39290~~

~~requiring the clinic to promote the use of technology based 39291
resources, such as mobile telephone or text messaging 39292
applications, that offer tips on having a healthy pregnancy and 39293
healthy baby to clinic clients who are pregnant or have an infant 39294
who is less than one year of age. 39295~~

(C) In determining eligibility for services provided under 39296
the WIC program, the department may use the application form 39297
established under section 5163.40 of the Revised Code for the 39298
healthy start program. The department may require applicants to 39299
furnish their social security numbers. 39300

(D) If the department determines that a vendor has committed 39301
an act with respect to the WIC program that federal statutes or 39302
regulations or state statutes or rules prohibit, the department 39303
shall take action against the vendor in the manner required by 7 39304
C.F.R. part 246, including imposition of a civil money penalty in 39305
accordance with 7 C.F.R. 246.12, or rules adopted under this 39306
section. 39307

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) 39308
of this section, all newborn children shall be screened for the 39309
presence of the genetic, endocrine, and metabolic disorders 39310
specified in rules adopted pursuant to this section. 39311

(2) Division (A)(1) of this section does not apply in either 39312
of the following circumstances: 39313

(a) If the parents of the child object to the screening on 39314
the grounds that it conflicts with their religious tenets and 39315
practices; 39316

(b) With respect to the screening for Krabbe disease 39317
described in division (C)(1)(b) of this section, if the parents of 39318
the child communicate their decision to forgo the screening. 39319

(B) There is hereby created the newborn screening advisory 39320

council to advise the director of health regarding the screening 39321
of newborn children for genetic, endocrine, and metabolic 39322
disorders. The council shall engage in an ongoing review of the 39323
newborn screening requirements established under this section and 39324
shall provide recommendations and reports to the director as the 39325
director requests and as the council considers necessary. The 39326
director may assign other duties to the council, as the director 39327
considers appropriate. 39328

The council shall consist of fourteen members appointed by 39329
the director. In making appointments, the director shall select 39330
individuals and representatives of entities with interest and 39331
expertise in newborn screening, including such individuals and 39332
entities as health care professionals, hospitals, children's 39333
hospitals, regional genetic centers, regional sickle cell centers, 39334
newborn screening coordinators, and members of the public. 39335

The department of health shall provide meeting space, staff 39336
services, and other technical assistance required by the council 39337
in carrying out its duties. Members of the council shall serve 39338
without compensation, but shall be reimbursed for their actual and 39339
necessary expenses incurred in attending meetings of the council 39340
or performing assignments for the council. 39341

The council is not subject to sections 101.82 to 101.87 of 39342
the Revised Code. 39343

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 39344
director of health shall adopt rules in accordance with Chapter 39345
119. of the Revised Code specifying the disorders for which each 39346
newborn child must be screened. 39347

(b) In adopting the rules, all of the following apply: 39348

(i) The director shall specify Krabbe disease as a disorder 39349
for which a newborn child who is born on or after July 1, 2016, 39350
must be screened. 39351

(ii) The director shall specify spinal muscular atrophy and X-linked adrenoleukodystrophy as disorders for which a newborn child who is born on or after the date that is two hundred forty days after the effective date of this amendment must be screened.

(iii) Not later than six months after receiving a recommendation as described in division (C)(3)(b) of this section, the director shall specify for screening a disorder recommended as described in division (C)(3)(b) of this section, with such screening to begin not later than one year after the date that the rule specifying the disorder for screening becomes effective.

(2) The newborn screening advisory council shall evaluate genetic, metabolic, and endocrine disorders to assist the director in determining which disorders should be included in the screenings required under this section. In determining whether a disorder should be included, the council shall consider all of the following:

(a) The disorder's incidence, mortality, and morbidity;

(b) Whether the disorder causes disability if diagnosis, treatment, and early intervention are delayed;

(c) The potential for successful treatment of the disorder;

(d) The expected benefits to children and society in relation to the risks and costs associated with screening for the disorder;

(e) Whether a screening for the disorder can be conducted without taking an additional blood sample or specimen;

(f) Whether the secretary of the United States department of health and human services has included the disorder in the federal recommended uniform screening panel.

(3)(a) Based on the considerations specified in division (C)(2) of this section, the council shall make recommendations to the director of health for the adoption of rules under division

(C)(1) of this section. ~~The~~ 39382

(b) In the case of a disorder included within the federal recommended uniform screening panel, the council shall determine not later than six months after the date of the disorder's inclusion on the federal panel whether or not to recommend to the director that each newborn child be screened for the disorder. If the council recommends screening for the disorder, the council shall submit to the director as soon as practicable a recommendation for such screening. 39383
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(c) The director shall promptly and thoroughly review each recommendation the council submits. 39391
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(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the screenings required by this section. The rules shall include standards and procedures for all of the following: 39393
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(1) Causing rescreenings to be performed when initial screenings have abnormal results; 39397
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(2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed; 39399
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(3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary; 39401
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(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed; 39404
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(5) Giving notice of the results of an initial screening and any rescreenings to the person who caused the child to be screened or rescreened, or to another person or government entity when the person who caused the child to be screened or rescreened cannot be contacted; 39406
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(6) Referring children who receive abnormal screening or 39411

rescreening results to providers of follow-up services, including 39412
the services made available through funds disbursed under division 39413
(F) of this section. 39414

(E)(1) Except as provided in divisions (E)(2) and (3) of this 39415
section, all newborn screenings required by this section shall be 39416
performed by the public health laboratory authorized under section 39417
3701.22 of the Revised Code. 39418

(2) If the director determines that the public health 39419
laboratory is unable to perform screenings for all of the 39420
disorders specified in the rules adopted under division (C) of 39421
this section, the director shall select another laboratory to 39422
perform the screenings. The director shall select the laboratory 39423
by issuing a request for proposals. The director may accept 39424
proposals submitted by laboratories located outside this state. At 39425
the conclusion of the selection process, the director shall enter 39426
into a written contract with the selected laboratory. If the 39427
director determines that the laboratory is not complying with the 39428
terms of the contract, the director shall immediately terminate 39429
the contract and another laboratory shall be selected and 39430
contracted with in the same manner. 39431

(3) Any rescreening caused to be performed pursuant to this 39432
section may be performed by the public health laboratory or one or 39433
more other laboratories designated by the director. Any laboratory 39434
the director considers qualified to perform rescreenings may be 39435
designated, including a laboratory located outside this state. If 39436
more than one laboratory is designated, the person responsible for 39437
causing a rescreening to be performed is also responsible for 39438
selecting the laboratory to be used. 39439

(F)(1) The director shall adopt rules in accordance with 39440
Chapter 119. of the Revised Code establishing a fee that shall be 39441
charged and collected in addition to or in conjunction with any 39442
laboratory fee that is charged and collected for performing the 39443

screenings required by this section. The fee, which shall be not less than fourteen dollars, shall be disbursed as follows:

(a) Not less than ten dollars and twenty-five cents shall be deposited in the state treasury to the credit of the genetics services fund, which is hereby created. Not less than seven dollars and twenty-five cents of each fee credited to the genetics services fund shall be used to defray the costs of the programs authorized by section 3701.502 of the Revised Code. Not less than three dollars from each fee credited to the genetics services fund shall be used to defray costs of phenylketonuria programs.

(b) Not less than three dollars and seventy-five cents shall be deposited into the state treasury to the credit of the sickle cell fund, which is hereby created. Money credited to the sickle cell fund shall be used to defray costs of programs authorized by section 3701.131 of the Revised Code.

(2) In adopting rules under division (F)(1) of this section, the director shall not establish a fee that differs according to whether a screening is performed by the public health laboratory or by another laboratory selected by the director pursuant to division (E)(2) of this section.

Sec. 3701.602. (A) As used in this section, "eligible nonprofit corporation" means a nonprofit corporation that meets all of the following requirements:

(1) The nonprofit corporation is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code.

(2) For at least ten years before ~~the effective date of this section~~ September 29, 2015, the primary purpose of the nonprofit corporation, or the nonprofit corporation's predecessor in interest, has been granting the wishes of individuals under the age of eighteen who have been diagnosed with a life-threatening

medical condition. 39474

(3) The nonprofit corporation has spent at least ~~one million~~ 39475
two hundred fifty thousand dollars per year for each of the last 39476
three years in furtherance of the purpose described in division 39477
(A)(2) of this section. 39478

(B) There is hereby created in the state treasury the wishes 39479
for sick children income tax contribution fund, which shall 39480
consist of money contributed to it under section 5747.113 of the 39481
Revised Code and of contributions made directly to it. Any person 39482
may contribute directly to the fund in addition to or 39483
independently of the income tax refund contribution system 39484
established in section 5747.113 of the Revised Code. 39485

The department of health shall distribute all funds 39486
contributed under this section to an eligible nonprofit 39487
corporation that will use the contributions to grant the wishes of 39488
individuals who are under the age of eighteen, are residents of 39489
this state, and have been diagnosed with a life-threatening 39490
medical condition. Not later than six months after ~~the effective~~ 39491
~~date of this section~~ September 29, 2015, the department shall 39492
develop guidelines under which an eligible nonprofit corporation 39493
may apply to receive funding under this section. 39494

Sec. 3701.61. (A) The department of health shall establish 39495
the help me grow program as the state's evidence-based parent 39496
support program that encourages early prenatal and well-baby care, 39497
as well as provides parenting education to promote the 39498
comprehensive health and development of children. The program 39499
shall also provide home visiting services to families with a 39500
pregnant woman or an infant or toddler under three years of age 39501
who meet the eligibility requirements established in rules adopted 39502
under this section. Home visiting services shall be provided 39503
through evidence-based home visiting models or innovative, 39504

promising home visiting models recommended by the Ohio home 39505
visiting consortium created under section 3701.612 of the Revised 39506
Code. 39507

(B) Families shall be referred to the appropriate home 39508
visiting services through the central intake and referral system 39509
created under section 3701.611 of the Revised Code. 39510

(C) To the extent possible, the goals of the help me grow 39511
program shall be consistent with the goals of the federal home 39512
visiting program, as specified by the maternal and child health 39513
bureau of the health resources and services administration in the 39514
United States department of health and human services or its 39515
successor. 39516

(D) The director of health may enter into an interagency 39517
agreement with one or more state agencies to implement the help me 39518
grow program and ensure coordination of early childhood programs. 39519

(E) The director may distribute help me grow program funds 39520
through contracts, grants, or subsidies to entities providing 39521
services under the program. 39522

(F) As a condition of receiving payments for home visiting 39523
services, providers shall ~~do both of the following:~~ 39524

~~(1) Promote the use of technology based resources, such as 39525
mobile telephone or text messaging applications, that offer tips 39526
on having a healthy pregnancy and healthy baby to families with a 39527
pregnant woman or infant who is less than one year of age;~~ 39528

~~(2) Report report to the director data on the program 39529
performance indicators, specified in rules adopted under division 39530
(G) of this section, that are used to assess progress toward 39531
achieving all of the following: 39532~~

~~(a)(1) The benchmark domains established for the federal home 39533
visiting program, including improvement in maternal and newborn 39534~~

health; reduction in child injuries, abuse, and neglect; improved 39535
school readiness and achievement; reduction in crime and domestic 39536
violence; and improved family economic self-sufficiency; 39537

~~(b)~~(2) Improvement in birth outcomes and reduction in 39538
stillbirths, as that term is defined in section 3701.97 of the 39539
Revised Code; 39540

~~(e)~~(3) Reduction in tobacco use by pregnant women, new 39541
parents, and others living in households with children. 39542

The providers shall report the data in the format and within 39543
the time frames specified in the rules. 39544

The director shall prepare an annual report on the data 39545
received from the providers. The director shall make the report 39546
available on the internet web site maintained by the department of 39547
health. 39548

(G) Pursuant to Chapter 119. of the Revised Code, the 39549
director shall adopt rules that are necessary and proper to 39550
implement this section. The rules shall specify all of the 39551
following: 39552

(1) Subject to division (H) of this section, eligibility 39553
requirements for home visiting services; 39554

(2) Eligibility requirements for providers of home visiting 39555
services; 39556

(3) Standards and procedures for the provision of program 39557
services, including data collection, program monitoring, and 39558
program evaluation; 39559

(4) Procedures for appealing the denial of an application for 39560
program services or the termination of services; 39561

(5) Procedures for appealing the denial of an application to 39562
become a provider of program services or the termination of the 39563
department's approval of a provider; 39564

(6) Procedures for addressing complaints; 39565

(7) The program performance indicators on which data must be 39566
reported by providers of home visiting services under division (F) 39567
of this section, which, to the extent possible, shall be 39568
consistent with federal reporting requirements for federally 39569
funded home visiting services; 39570

(8) The format in which reports must be submitted under 39571
division (F) of this section and the time frames within which the 39572
reports must be submitted; 39573

(9) Criteria for payment of approved providers of program 39574
services; 39575

(10) Any other rules necessary to implement the program. 39576

(H) When adopting rules required by division (G)(1) of this 39577
section, the department shall specify that families residing in 39578
the urban and rural communities specified in rules adopted under 39579
section 3701.142 of the Revised Code are to receive priority over 39580
other families for home visiting services. 39581

Sec. 3701.831. The director of health may assess the 39582
operating funds of the department to pay a share of the 39583
department's administrative costs. The assessments shall be based 39584
on a plan that the director develops ~~and submits to the office of~~ 39585
~~budget and management not later than the fifteenth day of July of~~ 39586
~~the fiscal year in which the assessments are to be made. If the~~ 39587
~~office of budget and management determines that the assessments~~ 39588
~~proposed in the plan can be implemented with uniformity and~~ 39589
~~administrative ease, it shall approve the plan within two weeks~~ 39590
~~after it is submitted.~~ Assessments shall be paid from the funds 39591
designated in the plan and credited by means of intrastate 39592
transfer voucher to the central support indirect fund which is 39593
hereby created in the state treasury. The fund shall be 39594

administered by the director of health and used to pay 39595
administrative costs of the department of health. 39596

Sec. 3702.511. (A) Except as provided in division (B) of this 39597
section and section 3702.512 of the Revised Code, the following 39598
activities are reviewable under sections 3702.51 to 3702.62 of the 39599
Revised Code: 39600

(1) Establishment, development, or construction of a new 39601
long-term care facility; 39602

(2) Replacement of an existing long-term care facility; 39603

(3) Renovation of or addition to a long-term care facility 39604
that involves a capital expenditure of ~~two~~ six million dollars or 39605
more, not including expenditures for equipment, staffing, or 39606
operational costs; 39607

(4) An increase in long-term care bed capacity; 39608

(5) A relocation of long-term care beds from one physical 39609
facility or site to another, excluding relocation of beds within a 39610
long-term care facility or among buildings of a long-term care 39611
facility at the same site; 39612

(6) Expenditure of more than one hundred ten per cent of the 39613
maximum expenditure specified in a certificate of need concerning 39614
long-term care beds; 39615

(7) Any failure to conduct a reviewable activity in 39616
substantial accordance with the approved application for which a 39617
certificate of need was granted, including a change in the site, 39618
if the failure occurs within five years after implementation of 39619
the reviewable activity for which the certificate was granted. 39620

(B) The following activities are not subject to review under 39621
sections 3702.51 to 3702.62 of the Revised Code: 39622

(1) Acquisition of computer hardware or software; 39623

(2) Acquisition of a telephone system;	39624
(3) Construction or acquisition of parking facilities;	39625
(4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations;	39626 39627 39628 39629
(5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;	39630 39631
(6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;	39632 39633 39634
(7) Construction, repair, or renovation of bathroom facilities;	39635 39636
(8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;	39637 39638 39639 39640
(9) Removal of asbestos from a health care facility.	39641
Only that portion of a project that is described in this division is not reviewable.	39642 39643
Sec. 3703.01. (A) Except as otherwise provided in this section, the division of industrial compliance in the department of commerce shall do all of the following:	39644 39645 39646
(1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code;	39647 39648
(2) Condemn all unsanitary or defective plumbing that is found in connection with those places;	39649 39650
(3) Order changes in plumbing necessary to insure the safety of the public health.	39651 39652

(B)(1)(a) The division of industrial compliance, boards of health of city and general health districts, and county building departments shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any municipal corporation that is certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority for plumbing in those types of buildings.

(b) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district that ~~employs~~ has given the division written notice that it intends to inspect plumbing in the particular types of buildings and that either:

(i) Employs one or more plumbing inspectors, certified pursuant to ~~division (D) of this section 3781.10 of the Revised Code,~~ to enforce Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters relating to plumbing in those types of buildings;

(ii) Has a contract with a board of county commissioners or another board of health, entered pursuant to division (C) of this section, that authorizes a county building department or the other board of health to inspect plumbing in the particular types of buildings in the health district.

~~(c) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district where the county building department is authorized to inspect those types of buildings pursuant to a contract described in division (C)(1) of this section.~~

~~(d) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district where the board of health has entered into a contract with the board of health of another district to conduct~~

~~inspections pursuant to division (C)(2) of this section.~~ 39684

(2) No county building department shall inspect plumbing or 39685
collect fees for inspecting plumbing in any type of building in a 39686
health district unless the department is authorized to inspect 39687
that type of building pursuant to a contract described in division 39688
(C)(1) of this section. 39689

(3) No municipal corporation shall inspect plumbing or 39690
collect fees for inspecting plumbing in types of buildings for 39691
which it is not certified by the board of building standards under 39692
section 3781.10 of the Revised Code to exercise enforcement 39693
authority. 39694

~~(4) No board of health of a health district shall inspect 39695
plumbing or collect fees for inspecting plumbing in types of 39696
buildings for which it does not have a plumbing inspector 39697
certified pursuant to division (D) of this section.~~ 39698

(C)(1) The board of health of a health district may enter 39699
into a contract with a board of county commissioners to authorize 39700
the county building department to inspect plumbing in buildings 39701
within the health district. The contract may designate that the 39702
department inspect either residential or nonresidential buildings, 39703
as those terms are defined in section 3781.06 of the Revised Code, 39704
or both types of buildings, ~~so long as the department employs or 39705
contracts with a plumbing inspector certified pursuant to division 39706
(D) of this section to inspect the types of buildings the contract 39707
designates. The board of health may enter into a contract 39708
regardless of whether the health district employs any certified 39709
plumbing inspectors to enforce Chapters 3781. and 3791. of the 39710
Revised Code.~~ 39711

(2) The board of health of a health district, ~~regardless of 39712
whether it employs any certified plumbing inspectors to enforce 39713
Chapters 3781. and 3791. of the Revised Code,~~ may enter into a 39714

contract with the board of health of another health district to 39715
authorize that board to inspect plumbing in buildings within the 39716
contracting board's district. The contract may designate the 39717
inspection of either residential or nonresidential buildings as 39718
defined in section 3781.06 of the Revised Code, or both types of 39719
buildings, ~~so long as the board that performs the inspections~~ 39720
~~employs a plumbing inspector certified pursuant to division (D) of~~ 39721
~~this section to inspect the types of buildings the contract~~ 39722
~~designates.~~ 39723

~~(D) The superintendent of industrial compliance shall adopt~~ 39724
~~rules prescribing minimum qualifications based on education,~~ 39725
~~training, experience, or demonstrated ability, that the~~ 39726
~~superintendent shall use in certifying or recertifying plumbing~~ 39727
~~inspectors to do plumbing inspections for health districts and~~ 39728
~~county building departments that are authorized to perform~~ 39729
~~inspections pursuant to a contract under division (C)(1) of this~~ 39730
~~section, and for continuing education of plumbing inspectors.~~ 39731
~~Those minimum qualifications shall be related to the types of~~ 39732
~~buildings for which a person seeks certification.~~ 39733

~~(E) The superintendent may enter into reciprocal~~ 39734
~~registration, licensure, or certification agreements with other~~ 39735
~~states and other agencies of this state relative to plumbing~~ 39736
~~inspectors if both of the following apply:~~ 39737

~~(1) The requirements for registration, licensure, or~~ 39738
~~certification of plumbing inspectors under the laws of the other~~ 39739
~~state or laws administered by the other agency are substantially~~ 39740
~~equal to the requirements the superintendent adopts under division~~ 39741
~~(D) of this section for certifying plumbing inspectors.~~ 39742

~~(2) The other state or agency extends similar reciprocity to~~ 39743
~~persons certified under this chapter.~~ 39744

~~(F) The superintendent may select and contract with one or~~ 39745

~~more persons to do all of the following regarding examinations for certification of plumbing inspectors:~~ 39746
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~~(1) Prepare, administer, score, and maintain the confidentiality of the examination;~~ 39748
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~~(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section;~~ 39750
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~~(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;~~ 39752
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~~(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.~~ 39754
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~~(G)~~ Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters. 39757
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~~(H)~~(E) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to be a menace to the public health. 39761
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Sec. 3703.03. In the administration of sections 3703.01 to 3703.08 of the Revised Code, the division of industrial compliance shall enforce rules governing plumbing adopted by the board of building standards under authority of sections 3781.10 and 3781.11 of the Revised Code, ~~and register those persons engaged in or at the plumbing business.~~ 39765
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Plans and specifications for all plumbing to be installed in or for buildings coming within such sections shall be submitted to and approved by the division before the contract for plumbing is let. 39771
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Sec. 3709.012. (A) Not later than the date that is eighteen months after the official announcement of the result of a federal decennial census taken in a particular census year, including the 2020 census, a city with a population less than fifty thousand that is represented by a board of health of a city health district shall complete a study examining the efficiency and effectiveness of the city health district merging with the general health district of the county in which the city is located. As part of the study, the city shall compare the merger's efficiency and effectiveness with that of remaining as a separate health district.

(B) The director of health, in consultation with the auditor of state, shall develop criteria to be used by the city described in division (A) of this section in determining whether such a merger is advisable. The criteria may include accreditation standards promulgated by the public health accreditation board.

(C) The director of health shall provide technical and financial assistance to each city described in this section and shall oversee any efficiency and effectiveness study conducted under division (A) of this section.

(D) If, based on the criteria described in division (B) of this section, the study indicates that a merger would be efficient and effective, then the chief executive of the city shall enter into a contract with the district advisory council of the general health district that includes the city for the administration of health affairs in the former city health district and the merged general health district.

(E) If a merger is required by this section, the merger shall be completed not later than thirty months after the official announcement of the result of a federal decennial census, unless either of the following, as applicable, acts for good cause to

delay implementation of the merger: 39806

(1) In the case of a general health district consisting of a 39807
single county, the district advisory council of the general health 39808
district; 39809

(2) In the case of a general health district consisting of 39810
more than one county as a result of a union of general health 39811
districts under section 3709.10 of the Revised Code, the district 39812
advisory council representing the county within the district where 39813
a majority of the population to be served by the merged general 39814
health district resides. 39815

Sec. 3709.052. When a majority of the members of the 39816
legislative authority or a majority of the electors of each city 39817
constituting a city health district have voted affirmatively, the 39818
chief executives of the cities affected shall enter into a 39819
contract for the administration of public health affairs in the 39820
combined district. Such contract shall state the proportion of 39821
expenses of the board of health or health department of the 39822
combined district to be paid by each city. Unless the proposal 39823
establishing the district as contained in the petition and 39824
submitted to the electors provides for the board of health of the 39825
new district, the contract may provide that the administration of 39826
the combined district be taken over by either the board of health 39827
or the health department of one of the cities or by a combined 39828
board of health. If the contract provides for a combined board of 39829
health, the number of members of the board, their terms of office, 39830
and the method of appointment, shall be set forth in the contract. 39831
The contract shall designate the city in which the central office 39832
of the board of health shall be located. The city treasurer of 39833
such city shall be the custodian of the health funds of the 39834
combined district. The auditor of such city shall act as the 39835
auditor of the combined district and shall pay the expenses of the 39836

health program as approved by the board of health and signed by 39837
the health commissioner. A copy of such contract shall be filed 39838
with the director of health. 39839

The service status of any person employed by a city health 39840
district shall not be affected by the creation of a combined 39841
district. 39842

Sec. 3709.06. If any city constituting a city health district 39843
fails to establish a board of health under section 3709.05 of the 39844
Revised Code, the director of health may appoint a health 39845
commissioner for such city, and fix the commissioner's salary and 39846
term of office. Such commissioner shall have the same powers and 39847
perform the duties granted to or imposed upon a board of health of 39848
a city health district, except that rules, regulations, or orders 39849
of a general nature, made by the commissioner and required to be 39850
published, shall be approved by the director. The salary of such 39851
commissioner and all necessary expenses incurred by the 39852
commissioner in performing the duties of the board shall be paid 39853
by and be a valid claim against such city. 39854

Sec. 3709.07. Except as provided in section 3709.071 of the 39855
Revised Code, when it is proposed that one or more city health 39856
districts unite with a general health district in the formation of 39857
a single district, the district advisory council of the general 39858
health district shall meet and vote on the question of union. It 39859
shall require a majority affirmative vote of the members of the 39860
district advisory council to carry the question. The legislative 39861
authority of each city constituting a city health district shall 39862
likewise vote on the question. A majority voting affirmatively 39863
shall be required for approval. When the majority of the district 39864
advisory council and the legislative authority have voted 39865
affirmatively, the chair of the council and the chief executive of 39866
each city shall enter into a contract for the administration of 39867

health affairs in the combined district. Such contract shall state 39868
the proportion of the expenses of the board of health or health 39869
department of the combined district to be paid by the city or 39870
cities and by the original general health district. The contract 39871
may provide that the administration of the combined district shall 39872
be taken over by either the board of health or health department 39873
of one of the cities, by the board of health of the general health 39874
district, or by a combined board of health. Such contract shall 39875
prescribe the date on which such change of administration shall be 39876
made. A copy of such contract shall be filed with the director of 39877
health. 39878

The combined district shall constitute a general health 39879
district, and the board of health or health department of the 39880
city, the board of health of the original general health district, 39881
or the combined board of health, as may be agreed in the contract, 39882
shall have, within the combined district, all the powers granted 39883
to, and perform all the duties required of, the board of health of 39884
a general health district. 39885

The district advisory council of the combined general health 39886
district shall consist of the members of the district advisory 39887
council of the original general health district and the chief 39888
executive of each city constituting a city health district, each 39889
member having one vote. 39890

If the contract provides that the administration of the 39891
combined district shall be taken over by a combined board of 39892
health, rather than the board of health of the original health 39893
district, the contract shall set forth the number of members of 39894
such board, their terms of office, and the manner of appointment 39895
or election of officers. One of the members of such combined board 39896
of health shall be a physician, and one member shall be an 39897
individual appointed by the health district licensing council, if 39898
such council is established under section 3709.41 of the Revised 39899

Code. The contract may also provide for the representation of 39900
areas by one or more members and shall, in such event, specify the 39901
territory to be included in each such area. 39902

The appointment of any member of the combined board who is 39903
designated by the provisions of the contract to represent a city 39904
shall be made by the chief executive and approved by the 39905
legislative authority of such city. If a member is designated by 39906
the contract to represent more than one city, the member shall be 39907
appointed by majority vote of the chief executives of all cities 39908
included in any such area. Except for the member appointed by the 39909
health district licensing council, if such council is established, 39910
the appointment of all members of the combined board who are 39911
designated to represent the balance of the district shall be made 39912
by the district advisory council. 39913

The service status of any person employed by a city or 39914
general health district shall not be affected by the creation of a 39915
combined district. 39916

Sec. 3709.291. (A) As used in this section: 39917

(1) "Combined health district" means a single city health 39918
district created under section 3709.051 of the Revised Code or a 39919
general health district created under section 3709.07 or 3709.10 39920
of the Revised Code. 39921

(2) "Current operating expenses," "subdivision," "taxing 39922
authority," and "fiscal officer," have the same meanings as in 39923
section 5705.01 of the Revised Code. 39924

(B) The board of health of a combined health district may, by 39925
vote of two-thirds of the members of the board, declare by 39926
resolution that the district's revenues will be insufficient to 39927
provide an adequate amount for the necessary requirements of such 39928
district, and that it is necessary to levy a tax in excess of the 39929

ten-mill limitation to pay the current operating expenses of the 39930
district. Such resolution shall conform to section 5705.19 of the 39931
Revised Code, except that the increased rate may be in effect for 39932
any number of years not exceeding ten. 39933

The resolution shall be certified and submitted in the manner 39934
provided in section 5705.25 of the Revised Code, except that it 39935
may be placed on the ballot in any election, and shall be 39936
certified to the board of elections not less than ninety days 39937
before the election at which it will be voted upon. If the 39938
district includes territory in more than one county, the 39939
resolution shall be certified to the board of elections of each 39940
county and submitted to all electors of the district. 39941

If the majority of the electors voting on a levy under this 39942
section vote in favor of the levy, the board of health may levy a 39943
tax within the district at the additional rate during the 39944
specified period for current operating expenses. 39945

(C) When electors have approved a tax levy under this 39946
section, the board of health of a combined health district may 39947
anticipate a fraction of the proceeds of the levy and, from time 39948
to time, issue anticipation notes in accordance with section 39949
5705.191 or 5705.193 of the Revised Code. 39950

(D) If the board of health of a combined health district 39951
levies a tax under this section all of the following shall apply: 39952

(1) The combined health district is a subdivision. 39953

(2) The board is a taxing authority. 39954

(3) The city or county treasurer of the district appointed 39955
under section 3709.052 or 3709.10 of the Revised Code or the 39956
custodian of funds of a district created under section 3709.07 of 39957
the Revised Code, as applicable, is the district's fiscal officer. 39958

(4) The board shall comply with all requirements of Chapter 39959

5705. of the Revised Code, notwithstanding section 3709.28 of the 39960
Revised Code. 39961

(5) The health fund or district health fund of the combined 39962
health district, as applicable, constitutes the general fund of 39963
the combined district for the purpose of section 5705.09 of the 39964
Revised Code. 39965

Sec. 3717.22. (A) The following are not retail food 39966
establishments: 39967

(1) A food service operation licensed under this chapter, 39968
including a food service operation that provides the services of a 39969
retail food establishment pursuant to an endorsement issued under 39970
section 3717.44 of the Revised Code; 39971

(2) An entity exempt under divisions (B)(1) to (9), (11) to 39972
(13), or (15) of section 3717.42 of the Revised Code from the 39973
requirement to be licensed as a food service operation and an 39974
entity exempt under division (B)(10) of that section if the entity 39975
is regulated by the department of agriculture as a food processing 39976
establishment under section 3715.021 of the Revised Code; 39977

(3) A business or that portion of a business that is 39978
regulated by the federal government or the department of 39979
agriculture as a food manufacturing or food processing business, 39980
including a business or that portion of a business regulated by 39981
the department of agriculture under Chapter 911., 913., 915., 39982
917., 918., or 925. of the Revised Code. 39983

(B) All of the following are exempt from the requirement to 39984
be licensed as a retail food establishment: 39985

(1) An establishment with commercially prepackaged foods that 39986
are not potentially hazardous and contained in displays, the total 39987
space of which equals less than two hundred cubic feet; 39988

(2) A person at a farmers market ~~that is registered with the~~ 39989

~~director of agriculture pursuant to section 3717.221 of the~~ 39990
~~Revised Code that offers for sale only one or more of the~~ 39991
following: 39992

(a) Fresh unprocessed fruits or vegetables; 39993

(b) Products of a cottage food production operation; 39994

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter 39995
that is produced by a tree syrup or sorghum producer, beekeeper, 39996
or apple syrup or apple butter processor described in division (A) 39997
of section 3715.021 of the Revised Code; 39998

(d) Wine as authorized under section 4303.2010 of the Revised 39999
Code; 40000

(e) Commercially prepackaged food that is not potentially 40001
hazardous, on the condition that the food is contained in 40002
displays, the total space of which equals less than one hundred 40003
cubic feet on the premises where the person conducts business at 40004
the farmers market. 40005

(3) A person who offers for sale at a roadside stand only 40006
fresh fruits and fresh vegetables that are unprocessed; 40007

(4) A nonprofit organization exempt from federal income 40008
taxation under section 501(c)(3) of the "Internal Revenue Code of 40009
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 40010
funds by selling foods and that, if required to be licensed, would 40011
be classified as risk level one in accordance with rules 40012
establishing licensing categories for retail food establishments 40013
adopted under section 3717.33 of the Revised Code, if the sales 40014
occur inside a building and are for not more than seven 40015
consecutive days or more than fifty-two separate days during a 40016
licensing period. This exemption extends to any individual or 40017
group raising all of its funds during the time periods specified 40018
in division (B)(4) of this section for the benefit of the 40019
nonprofit organization by selling foods under the same conditions. 40020

(5) An establishment that offers food contained in displays of less than five hundred square feet, and if required to be licensed would be classified as risk level one pursuant to rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar year;

(6) A cottage food production operation, on the condition that the operation offers its products directly to the consumer from the site where the products are produced;

(7) A tree syrup and sorghum processor, beekeeper, or apple syrup and apple butter processor described in division (A) of section 3715.021 of the Revised Code, on the condition that the processor or beekeeper offers only tree syrup, sorghum, honey, apple syrup, or apple butter directly to the consumer from the site where those products are processed;

(8) A person who annually maintains five hundred or fewer birds, on the condition that the person offers the eggs from those birds directly to the consumer from the location where the eggs are produced or at a farm product auction to which division (B)(11) of this section applies;

(9) A person who annually raises and slaughters one thousand or fewer chickens, on the condition that the person offers dressed chickens directly to the consumer from the location where the chickens are raised and slaughtered or at a farm product auction to which division (B)(11) of this section applies;

(10) A person who raises, slaughters, and processes the meat of nonamenable species described in divisions (A) and (B) of section 918.12 of the Revised Code, on the condition that the person offers the meat directly to the consumer from the location where the meat is processed or at a farm product auction to which

division (B)(11) of this section applies; 40052

(11) A farm product auction, on the condition that it is 40053
registered with the director pursuant to section 3717.221 of the 40054
Revised Code that offers for sale at the farm product auction only 40055
one or more of the following: 40056

(a) The products described in divisions (B)(8) to (10) of 40057
this section that are produced, raised, slaughtered, or processed, 40058
as appropriate, by persons described in divisions (B)(8) to (10) 40059
of this section; 40060

(b) Fresh unprocessed fruits or vegetables; 40061

(c) Products of a cottage food production operation; 40062

(d) Tree syrup, sorghum, honey, apple syrup, or apple butter 40063
that is produced by a tree syrup or sorghum producer, beekeeper, 40064
or apple syrup or apple butter processor described in division (A) 40065
of section 3715.021 of the Revised Code. 40066

(12) An establishment that, with respect to offering food for 40067
sale, offers only alcoholic beverages or prepackaged beverages 40068
that are not potentially hazardous; 40069

(13) An establishment that, with respect to offering food for 40070
sale, offers only alcoholic beverages, prepackaged beverages that 40071
are not potentially hazardous, or commercially prepackaged food 40072
that is not potentially hazardous, on the condition that the 40073
commercially prepackaged food is contained in displays, the total 40074
space of which equals less than two hundred cubic feet on the 40075
premises of the establishment; 40076

(14) An establishment that, with respect to offering food for 40077
sale, offers only fountain beverages that are not potentially 40078
hazardous; 40079

(15) A person who offers for sale only one or more of the 40080
following foods at a festival or celebration, on the condition 40081

that the festival or celebration is organized by a political 40082
subdivision of the state and lasts for a period not longer than 40083
seven consecutive days: 40084

(a) Fresh unprocessed fruits or vegetables; 40085

(b) Products of a cottage food production operation; 40086

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter 40087
if produced by a tree syrup or sorghum processor, beekeeper, or 40088
apple syrup or apple butter processor as described in division (A) 40089
of section 3715.021 of the Revised Code; 40090

(d) Commercially prepackaged food that is not potentially 40091
hazardous, on the condition that the food is contained in 40092
displays, the total space of which equals less than one hundred 40093
cubic feet; 40094

(e) Fruit butter produced at the festival or celebration and 40095
sold from the production site. 40096

(16) A farm market on the condition that it is registered 40097
with the director pursuant to section 3717.221 of the Revised Code 40098
that offers for sale at the farm market only one or more of the 40099
following: 40100

(a) Fresh unprocessed fruits or vegetables; 40101

(b) Products of a cottage food production operation; 40102

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter 40103
that is produced by a tree syrup or sorghum producer, beekeeper, 40104
or apple syrup or apple butter processor described in division (A) 40105
of section 3715.021 of the Revised Code; 40106

(d) Commercially prepackaged food that is not potentially 40107
hazardous, on the condition that the food is contained in 40108
displays, the total space of which equals less than one hundred 40109
cubic feet on the premises where the person conducts business at 40110
the farm market; 40111

(e) Cider and other juices manufactured on site at the farm market; 40112
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(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens. 40114
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(17)(a) An establishment to which all of the following apply: 40121

(i) The establishment has been issued an A-2 permit under section 4303.03 of the Revised Code or an A-2f permit under section 4303.031 of the Revised Code, annually produces ten thousand gallons or less of wine, and sells that wine in accordance with Chapter 4303. of the Revised Code on the premises of the establishment. 40122
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(ii) The establishment serves unopened commercially prepackaged food, other than wine. 40128
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(iii) The amount of the establishment's commercially prepackaged food sales, other than wine sales, for the previous calendar year did not exceed five per cent of the establishment's total gross receipts. 40130
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(b) The owner or operator of the establishment shall notify the director that it is exempt from licensure because it qualifies under division (B)(17)(a) of this section. The owner or operator also shall display a notice in a place conspicuous to all of its guests informing them that the establishment is not required to be licensed as a retail food establishment. 40134
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Sec. 3717.221. (A) ~~Any~~ Either of the following may register with the director of agriculture: 40140
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(1) A farm market, which is a location where a producer offers fruits, vegetables, and other items for sale; 40142
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~~(2) A farmers market, which is a location where producers congregate to offer fruits, vegetables, and other items for sale;~~ 40144
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~~(3)~~ A farm product auction, which is a location where agricultural products, including food products, are offered for sale at auction. 40146
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(B) The director shall inspect each farm market, ~~farmers market,~~ and farm product auction that registers under this section. Inspections shall occur at a frequency considered appropriate by the director and shall be conducted in accordance with sanitation standards established in rules adopted under this section. 40149
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(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to administer this section. 40155
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Sec. 3721.02. (A) As used in this section, "residential facility" means a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. 40157
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(B)(1) The director of health shall license homes and establish procedures to be followed in inspecting and licensing homes. The director may inspect a home at any time. Each The director may enter at any time, for the purposes of investigation, any institution, residence, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is operating as a nursing home, residential care facility, or home for the aging without a valid license required by section 3721.05 of the Revised Code or, in the case of a county home or district home, is operating despite the revocation of its 40162
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residential care facility license. The director may delegate the 40172
director's authority and duties under this chapter to any 40173
division, bureau, agency, or official of the department of health. 40174

(2)(a) Except as provided in division (B)(2)(b) of this 40175
section, prior to the issuance of a license, each home shall be 40176
inspected by the director at least once prior to the issuance of a 40177
license and at least once every fifteen months thereafter. The and 40178
the state fire marshal or a township, municipal, or other legally 40179
constituted fire department approved by the marshal shall also 40180
inspect a home prior to issuance of a license, 40181

(b) The inspections set forth in division (B)(2)(a) of this 40182
section are not required prior to the issuance of a license if 40183
ownership of the home is assigned or transferred to a different 40184
person and the home was licensed under this chapter immediately 40185
prior to the assignment or transfer. 40186

(3) After issuance of a license by the director, each home 40187
shall be inspected as follows: 40188

(a) By the director at least once every fifteen months 40189
thereafter, and at any other time requested by the director. A 40190
home does not have to be inspected prior to issuance of a license 40191
by the director, state fire marshal, or a fire department if 40192
ownership of the home is assigned or transferred to a different 40193
person and the home was licensed under this chapter immediately 40194
prior to the assignment or transfer except that a home that is a 40195
residential care facility, or part of a home for the aging that is 40196
licensed as a residential care facility, may, at the discretion of 40197
the director, be inspected at least once every thirty months if 40198
all of the following apply: 40199

(i) During the two most recent consecutive inspections that 40200
occurred at least once every fifteen months, there were no 40201
substantiated violations against the residential care facility; 40202

(ii) During the time period of the inspections referred to in 40203
division (B)(4)(a) of this section, there were no substantiated 40204
violations against the residential care facility from any other 40205
inspections or from any investigations of complaints; 40206

(iii) The residential care facility does not have any 40207
outstanding violations from any previous inspections or 40208
investigations. 40209

(b) By the state fire marshal or a township, municipal, or 40210
other legally constituted fire department approved by the marshal 40211
at least once every fifteen months. 40212

(4) A nursing home does not need to be inspected before the 40213
director increases the nursing home's licensed capacity if the 40214
beds being added to the nursing home are placed in resident rooms 40215
that were inspected, as part of the most recent previous 40216
inspection of the nursing home, for the same number of residents 40217
proposed to be placed in a room after the capacity increase. The 40218
director may enter at any time, for the purposes of investigation, 40219
any institution, residence, facility, or other structure that has 40220
been reported to the director or that the director has reasonable 40221
cause to believe is operating as a nursing home, residential care 40222
facility, or home for the aging without a valid license required 40223
by section 3721.05 of the Revised Code or, in the case of a county 40224
home or district home, is operating despite the revocation of its 40225
residential care facility license. The director may delegate the 40226
director's authority and duties under this chapter to any 40227
division, bureau, agency, or official of the department of health. 40228

(2)(5)(a) If, prior to issuance of a license, a home The 40229
inspection procedures established under division (B) of this 40230
section shall include a process for conducting expedited licensing 40231
inspections. An expedited licensing inspection may be requested by 40232
an applicant seeking a license for a new home or, in the case of 40233
an existing home that is licensed as a residential care facility, 40234

an applicant seeking approval to increase or decrease the 40235
facility's licensed capacity or to make any other change for which 40236
the director requires a licensing inspection to be conducted. 40237

If an applicant submits a request for an expedited licensing 40238
inspection and the request is submitted in a manner and form 40239
approved by the director, the director shall commence ~~an~~the 40240
inspection of the home not later than ten business days after 40241
receiving the request. 40242

Any rules adopted by the director pursuant to section 3721.04 40243
of the Revised Code to implement the requirements described in 40244
division (B)(5)(a) of this section are not subject to the 40245
requirements of division (F) of section 121.95 of the Revised 40246
Code. 40247

~~(b) On request, submitted in a manner and form approved by~~ 40248
~~the director, the director may review plans for a building that is~~ 40249
~~to be used as a home for compliance with applicable state and~~ 40250
~~local building and safety codes.~~ 40251

~~(e)~~ The director may charge a fee for an expedited licensing 40252
inspection ~~or a plan review~~ that is adequate to cover the expense 40253
of expediting the inspection ~~or reviewing the plans~~. The fee shall 40254
be deposited in the state treasury to the credit of the general 40255
operations fund created in section 3701.83 of the Revised Code and 40256
used solely for expediting inspections ~~and reviewing plans~~. 40257

(C) A single facility may be licensed both as a nursing home 40258
pursuant to this chapter and as a residential facility pursuant to 40259
section 5119.34 of the Revised Code if the director determines 40260
that the part or unit to be licensed as a nursing home can be 40261
maintained separate and discrete from the part or unit to be 40262
licensed as a residential facility. 40263

(D) In determining the number of residents in a home for the 40264
purpose of licensing, the director shall consider all the 40265

individuals for whom the home provides accommodations as one group 40266
unless one of the following is the case: 40267

(1) The home is a home for the aging, in which case all the 40268
individuals in the part or unit licensed as a nursing home shall 40269
be considered as one group, and all the individuals in the part or 40270
unit licensed as a ~~rest-home~~ residential care facility shall be 40271
considered as another group. 40272

(2) The home is both a nursing home and a residential 40273
facility. In that case, all the individuals in the part or unit 40274
licensed as a nursing home shall be considered as one group, and 40275
all the individuals in the part or unit licensed as an ~~adult-care~~ 40276
residential facility shall be considered as another group. 40277

(3) The home maintains, in addition to a nursing home or 40278
residential care facility, a separate and discrete part or unit 40279
that provides accommodations to individuals who do not require or 40280
receive skilled nursing care and do not receive personal care 40281
services from the home, in which case the individuals in the 40282
separate and discrete part or unit shall not be considered in 40283
determining the number of residents in the home if the separate 40284
and discrete part or unit is in compliance with the Ohio basic 40285
building code established by the board of building standards under 40286
Chapters 3781. and 3791. of the Revised Code and the home permits 40287
the director, on request, to inspect the separate and discrete 40288
part or unit and speak with the individuals residing there, if 40289
they consent, to determine whether the separate and discrete part 40290
or unit meets the requirements of this division. 40291

(E)(1) The director of health shall charge the following 40292
application fee and annual renewal licensing and inspection fee 40293
for each fifty persons or part thereof of a home's licensed 40294
capacity: 40295

(a) For state fiscal year 2010, two hundred twenty dollars; 40296

(b) For state fiscal year 2011, two hundred seventy dollars; 40297

(c) For each state fiscal year thereafter, three hundred 40298
twenty dollars. 40299

(2) All fees collected by the director for the issuance or 40300
renewal of licenses shall be deposited into the state treasury to 40301
the credit of the general operations fund created in section 40302
3701.83 of the Revised Code for use only in administering and 40303
enforcing this chapter and rules adopted under it. 40304

(F)(1) Except as otherwise provided in this section, the 40305
results of an inspection or investigation of a home that is 40306
conducted under this section, including any statement of 40307
deficiencies and all findings and deficiencies cited in the 40308
statement on the basis of the inspection or investigation, shall 40309
be used solely to determine the home's compliance with this 40310
chapter or another chapter of the Revised Code in any action or 40311
proceeding other than an action commenced under division (I) of 40312
section 3721.17 of the Revised Code. Those results of an 40313
inspection or investigation, that statement of deficiencies, and 40314
the findings and deficiencies cited in that statement shall not be 40315
used in either of the following: 40316

(a) Any court or in any action or proceeding that is pending 40317
in any court and are not admissible in evidence in any action or 40318
proceeding unless that action or proceeding is an appeal of an 40319
action by the department of health under this chapter or is an 40320
action by any department or agency of the state to enforce this 40321
chapter or another chapter of the Revised Code; 40322

(b) An advertisement, unless the advertisement includes all 40323
of the following: 40324

(i) The date the inspection or investigation was conducted; 40325

(ii) A statement that the director of health inspects all 40326
homes at least once every fifteen months or, if applicable under 40327

this section, at least once every thirty months; 40328

(iii) If a finding or deficiency cited in the statement of 40329
deficiencies has been substantially corrected, a statement that 40330
the finding or deficiency has been substantially corrected and the 40331
date that the finding or deficiency was substantially corrected; 40332

(iv) The number of findings and deficiencies cited in the 40333
statement of deficiencies on the basis of the inspection or 40334
investigation; 40335

(v) The average number of findings and deficiencies cited in 40336
a statement of deficiencies on the basis of an inspection or 40337
investigation conducted under this section during the same 40338
calendar year as the inspection or investigation used in the 40339
advertisement; 40340

(vi) A statement that the advertisement is neither authorized 40341
nor endorsed by the department of health or any other government 40342
agency. 40343

(2) Nothing in division (F)(1) of this section prohibits the 40344
results of an inspection or investigation conducted under this 40345
section from being used in a criminal investigation or 40346
prosecution. 40347

Sec. 3721.28. (A)(1) Each nurse aide used by a long-term care 40348
facility on a full-time, temporary, per diem, or other basis on 40349
July 1, 1989, shall be provided by the facility a competency 40350
evaluation program approved by the director of health under 40351
division (A) of section 3721.31 of the Revised Code or conducted 40352
by the director under division (C) of that section. Each long-term 40353
care facility using a nurse aide on July 1, 1989, shall provide 40354
the nurse aide the preparation necessary to complete the 40355
competency evaluation program by January 1, 1990. 40356

(2) Each nurse aide used by a long-term care facility on a 40357

full-time, temporary, per diem, or other basis on January 1, 1990, 40358
who either was not used by the facility on July 1, 1989, or was 40359
used by the facility on July 1, 1989, but had not successfully 40360
completed a competency evaluation program by January 1, 1990, 40361
shall be provided by the facility a competency evaluation program 40362
approved by the director under division (A) of section 3721.31 of 40363
the Revised Code or conducted by the director under division (C) 40364
of that section. Each long-term care facility using a nurse aide 40365
described in division (A)(2) of this section shall provide the 40366
nurse aide the preparation necessary to complete the competency 40367
evaluation program by October 1, 1990, and shall assist the nurse 40368
aide in registering for the program. 40369

(B) Effective June 1, 1990, no long-term care facility shall 40370
use an individual as a nurse aide for more than four months unless 40371
the individual is competent to provide the services the individual 40372
is to provide, the facility has received from the nurse aide 40373
registry established under section 3721.32 of the Revised Code the 40374
information concerning the individual provided through the 40375
registry, and one of the following is the case: 40376

(1) The individual was used by a facility as a nurse aide on 40377
a full-time, temporary, per diem, or other basis at any time 40378
during the period commencing July 1, 1989, and ending January 1, 40379
1990, and successfully completed, not later than October 1, 1990, 40380
a competency evaluation program approved by the director under 40381
division (A) of section 3721.31 of the Revised Code or conducted 40382
by the director under division (C) of that section. 40383

(2) The individual has successfully completed a training and 40384
competency evaluation program approved by the director under 40385
division (A) of section 3721.31 of the Revised Code or conducted 40386
by the director under division (C) of that section or has met the 40387
conditions specified in division (F)(1) or (2) of this section 40388
and, in addition, if the training and competency evaluation 40389

program or the training, instruction, or education the individual 40390
completed in meeting the conditions specified in division (F)(1) 40391
or (2) of this section was conducted by or in a long-term care 40392
facility, or if the director pursuant to division (E) of section 40393
3721.31 of the Revised Code so requires, the individual has 40394
successfully completed a competency evaluation program conducted 40395
by the director. 40396

(3) Prior to July 1, 1989, if the long-term care facility is 40397
certified as a skilled nursing facility or a nursing facility 40398
under Title XVIII or XIX of the "Social Security Act," 49 Stat. 40399
620 (1935), 42 U.S.C.A. 301, as amended, or prior to January 1, 40400
1990, if the facility is not so certified, the individual 40401
completed a program that the director determines included a 40402
competency evaluation component no less stringent than the 40403
competency evaluation programs approved by the director under 40404
division (A) of section 3721.31 of the Revised Code or conducted 40405
by the director under division (C) of that section, and was 40406
otherwise comparable to the training and competency evaluation 40407
programs being approved by the director under division (A) of that 40408
section. 40409

(4) The individual is listed in a nurse aide registry 40410
maintained by another state and that state certifies that its 40411
program for training and evaluation of competency of nurse aides 40412
complies with Titles XVIII and XIX of the "Social Security Act" 40413
and regulations adopted thereunder. 40414

(5) Prior to July 1, 1989, the individual was found competent 40415
to serve as a nurse aide after the completion of a course of nurse 40416
aide training of at least one hundred hours' duration. 40417

(6) The individual is enrolled in a prelicensure program of 40418
nursing education approved by the board of nursing or by an agency 40419
of another state that regulates nursing education, has provided 40420
the long-term care facility with a certificate from the program 40421

indicating that the individual has successfully completed the 40422
courses that teach basic nursing skills including infection 40423
control, safety and emergency procedures, and personal care, and 40424
has successfully completed a competency evaluation program 40425
conducted by the director under division (C) of section 3721.31 of 40426
the Revised Code. 40427

(7) The individual has the equivalent of twelve months or 40428
more of full-time employment in the preceding five years as a 40429
hospital aide or orderly and has successfully completed a 40430
competency evaluation program conducted by the director under 40431
division (C) of section 3721.31 of the Revised Code. 40432

(C) Effective June 1, 1990, no long-term care facility shall 40433
continue for longer than four months to use as a nurse aide an 40434
individual who previously met the requirements of division (B) of 40435
this section but since most recently doing so has not performed 40436
nursing and nursing-related services for monetary compensation for 40437
twenty-four consecutive months, unless the individual successfully 40438
completes additional training and competency evaluation by 40439
complying with divisions (C)(1) and (2) of this section: 40440

(1) Doing one of the following: 40441

(a) Successfully completing a training and competency 40442
evaluation program approved by the director under division (A) of 40443
section 3721.31 of the Revised Code or conducted by the director 40444
under division (C) of that section; 40445

(b) Successfully completing a training and competency 40446
evaluation program described in division (B)(4) of this section; 40447

(c) Meeting the requirements specified in division (B)(6) or 40448
(7) of this section. 40449

(2) If the training and competency evaluation program 40450
completed under division (C)(1)(a) of this section was conducted 40451
by or in a long-term care facility, or if the director pursuant to 40452

division (E) of section 3721.31 of the Revised Code so requires, 40453
successfully completing a competency evaluation program conducted 40454
by the director. 40455

(D)(1) The four-month periods provided for in divisions (B) 40456
and (C) of this section include any time, on or after June 1, 40457
1990, that an individual is used as a nurse aide on a full-time, 40458
temporary, per diem, or any other basis by the facility or any 40459
other long-term care facility. 40460

(2) During the four-month period provided for in division (B) 40461
of this section, during which a long-term care facility may, 40462
subject to division (E) of this section, use as a nurse aide an 40463
individual who does not have the qualifications specified in 40464
divisions (B)(1) to (7) of this section, a facility shall require 40465
the individual to comply with divisions (D)(2)(a) and (b) of this 40466
section: 40467

(a) Participate in one of the following: 40468

(i) If the individual has successfully completed a training 40469
and competency evaluation program approved by the director under 40470
division (A) of section 3721.31 of the Revised Code, and the 40471
program was conducted by or in a long-term care facility, or the 40472
director pursuant to division (E) of section 3721.31 of the 40473
Revised Code so requires, a competency evaluation program 40474
conducted by the director; 40475

(ii) If the individual is enrolled in a prelicensure program 40476
of nursing education described in division (B)(6) of this section 40477
and has completed or is working toward completion of the courses 40478
described in that division, or the individual has the experience 40479
described in division (B)(7) of this section, a competency 40480
evaluation program conducted by the director; 40481

(iii) A training and competency evaluation program approved 40482
by the director under division (A) of section 3721.31 of the 40483

Revised Code or conducted by the director under division (C) of 40484
that section. 40485

(b) If the individual participates in or has successfully 40486
completed a training and competency evaluation program under 40487
division (D)(2)(a)(iii) of this section that is conducted by or in 40488
a long-term care facility, or the director pursuant to division 40489
(E) of section 3721.31 of the Revised Code so requires, 40490
participate in a competency evaluation program conducted by the 40491
director. 40492

(3) During the four-month period provided for in division (C) 40493
of this section, during which a long-term care facility may, 40494
subject to division (E) of this section, use as a nurse aide an 40495
individual who does not have the qualifications specified in 40496
divisions (C)(1) and (2) of this section, a facility shall require 40497
the individual to comply with divisions (D)(3)(a) and (b) of this 40498
section: 40499

(a) Participate in one of the following: 40500

(i) If the individual has successfully completed a training 40501
and competency evaluation program approved by the director, and 40502
the program was conducted by or in a long-term care facility, or 40503
the director pursuant to division (E) of section 3721.31 of the 40504
Revised Code so requires, a competency evaluation program 40505
conducted by the director; 40506

(ii) If the individual is enrolled in a prelicensure program 40507
of nursing education described in division (B)(6) of this section 40508
and has completed or is working toward completion of the courses 40509
described in that division, or the individual has the experience 40510
described in division (B)(7) of this section, a competency 40511
evaluation program conducted by the director; 40512

(iii) A training and competency evaluation program approved 40513
or conducted by the director. 40514

(b) If the individual participates in or has successfully completed a training and competency evaluation program under division (D)(3)(a)(iii) of this section that is conducted by or in a long-term care facility, or the director pursuant to division (E) of section 3721.31 of the Revised Code so requires, participate in a competency evaluation program conducted by the director.

(E) A long-term care facility shall not permit an individual used by the facility as a nurse aide while participating in a training and competency evaluation program to provide nursing and nursing-related services unless both of the following are the case:

(1) The individual has completed the number of hours of training that must be completed prior to providing services to residents as prescribed by rules that shall be adopted by the director in accordance with Chapter 119. of the Revised Code;

(2) The individual is under the personal supervision of a registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code.

(F) An individual shall be considered to have satisfied the requirement, under division (B)(2) of this section, of having successfully completed a training and competency evaluation program conducted or approved by the director, if ~~the individual meets both~~ either of the following ~~conditions~~ apply:

(1) The individual, as of July 1, 1989, ~~completed~~ met both of the following conditions:

(a) Completed at least sixty hours divided between skills training and classroom instruction in the topic areas described in divisions (B)(1) to (8) of section 3721.30 of the Revised Code;

~~(2) The individual received, as of that date,~~ (b) Received at least the difference between seventy-five hours and the number of

hours actually spent in training and competency evaluation in 40546
supervised practical nurse aide training or regular in-service 40547
nurse aide education. 40548

(2) The individual meets both of the following conditions: 40549

(a) Has completed during the COVID-19 public health emergency 40550
declared by the United States secretary of health and human 40551
services a minimum of seventy-five hours of training that occurs 40552
in a long-term care facility setting, includes on-site observation 40553
and work as a nurse aide under a COVID-19 pandemic waiver issued 40554
by the federal centers for medicare and medicaid services, and 40555
addresses all of the required areas specified in 42 C.F.R. 40556
483.152(b), except that if gaps in on-site training are 40557
identified, the individual also must complete supplemental 40558
training; 40559

(b) Has successfully completed the competency evaluation 40560
conducted by the director of health under section 3721.31 of the 40561
Revised Code. 40562

(G) The director shall adopt rules in accordance with Chapter 40563
119. of the Revised Code specifying persons, in addition to the 40564
director, who may establish competence of nurse aides under 40565
division (B)(5) of this section, and establishing criteria for 40566
determining whether an individual meets the conditions specified 40567
in division (F)(1) of this section. 40568

(H) The rules adopted pursuant to divisions (E)(1) and (G) of 40569
this section shall be no less stringent than the requirements, 40570
guidelines, and procedures established by the United States 40571
secretary of health and human services under sections 1819 and 40572
1919 of the "Social Security Act." 40573

Sec. 3721.31. (A)(1) Except as provided in division (E) of 40574
this section, the director of health shall approve competency 40575

evaluation programs and training and competency evaluation 40576
programs in accordance with rules adopted under section 3721.30 of 40577
the Revised Code and shall periodically review and reapprove 40578
programs approved under this section. 40579

(2) Except as otherwise provided in division (A)(3) of this 40580
section, the director may approve and reapprove programs conducted 40581
by or in long-term care facilities, or by any government agency or 40582
person, including an employee organization. 40583

(3) The director shall not approve or reapprove a competency 40584
evaluation program or training and competency evaluation program 40585
conducted by or in a long-term care facility that was determined 40586
by the director or the United States secretary of health and human 40587
services to have been out of compliance with the requirements of 40588
subsection (b), (c), or (d) of section 1819 or 1919 of the "Social 40589
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 40590
within a two-year period prior to making application for approval 40591
or reapproval and shall revoke the approval or reapproval of a 40592
program conducted by or in a facility for which such a 40593
determination is made. 40594

(4) A long-term care facility, employee organization, person, 40595
or government entity seeking approval or reapproval of a 40596
competency evaluation program or training and competency 40597
evaluation program shall make an application to the director for 40598
approval or reapproval of the program and shall provide any 40599
documentation requested by the director. 40600

(5) The director may conduct inspections and examinations of 40601
approved competency evaluation programs and training and 40602
competency evaluation programs, competency evaluation programs and 40603
training and competency evaluation programs for which an 40604
application for approval has been submitted under division (A)(4) 40605
of this section, and the sites at which they are or will be 40606
conducted. The director may conduct inspections of long-term care 40607

facilities in which individuals who have participated in approved 40608
competency evaluation programs and training and competency 40609
evaluation programs are being used as nurse aides. 40610

(B) In accordance with Chapter 119. of the Revised Code, the 40611
director may do the following: 40612

(1) Deny, suspend, or revoke approval or reapproval of any of 40613
the following that is not in compliance with this section and 40614
section 3721.30 of the Revised Code and rules adopted thereunder: 40615

(a) A competency evaluation program; 40616

(b) A training and competency evaluation program; 40617

(c) A training program for instructors or coordinators for 40618
training and competency evaluation programs; 40619

(d) A training program for evaluators for competency 40620
evaluation programs. 40621

(2) Deny a request that the director determine any of the 40622
following for the purposes of division (B) of section 3721.28 of 40623
the Revised Code: 40624

(a) That a program completed prior to the dates specified in 40625
division (B)(3) of section 3721.28 of the Revised Code included a 40626
competency evaluation component no less stringent than the 40627
competency evaluation programs approved or conducted by the 40628
director under this section, and was otherwise comparable to the 40629
training and competency evaluation programs being approved under 40630
this section; 40631

(b) That an individual satisfies division (B)(5) of section 40632
3721.28 of the Revised Code; 40633

(c) That an individual meets the conditions specified in 40634
division (F)(1) or (2) of section 3721.28 of the Revised Code. 40635

(C) The director may develop and conduct a competency 40636
evaluation program for individuals used by long-term care 40637

facilities as nurse aides at any time during the period commencing 40638
July 1, 1989, and ending January 1, 1990, and individuals who 40639
participate in training and competency evaluation programs 40640
conducted in or by long-term care facilities. The director also 40641
may conduct other competency evaluation programs and training and 40642
competency evaluation programs. When conducting competency 40643
evaluation programs and training and competency evaluation 40644
programs, the director may use a nurse aide competency evaluation 40645
prepared by a testing service, and may contract with the service 40646
to administer the evaluation pursuant to section 3701.044 of the 40647
Revised Code. 40648

(D) The director may approve or conduct programs to train 40649
instructors and coordinators for training and competency 40650
evaluation programs and evaluators for competency evaluation 40651
programs. The director may conduct inspections and examinations of 40652
those programs that have been approved by the director or for 40653
which an application for approval has been submitted, and the 40654
sites at which the programs are or will be conducted. 40655

(E) Notwithstanding division (A) of this section and division 40656
(C) of section 3721.30 of the Revised Code, the director, in the 40657
director's discretion, may decline to approve any competency 40658
evaluation programs. The director may require all individuals used 40659
by long-term care facilities as nurse aides after June 1, 1990, 40660
who have completed a training and competency evaluation program 40661
approved by the director under division (A) of this section or who 40662
have met the conditions specified in division (F)(1) or (2) of 40663
section 3721.28 of the Revised Code to complete a competency 40664
evaluation program conducted by the director under division (C) of 40665
this section. The director also may require all individuals used 40666
as nurse aides by long-term care facilities after June 1, 1990, 40667
who were used by a facility at any time during the period 40668
commencing July 1, 1989, and ending January 1, 1990, to complete a 40669

competency evaluation program conducted by the director under 40670
division (C) of this section rather than a competency evaluation 40671
program approved by the director under division (A) of this 40672
section. 40673

(F) The test materials, examinations, or evaluation tools 40674
used in any competency evaluation program or training and 40675
competency evaluation program that the director conducts or 40676
approves under this section are subject to the confidentiality 40677
provisions of section 3701.044 of the Revised Code. 40678

(G) The director shall impose fees prescribed by rules 40679
adopted under section 3721.30 of the Revised Code for both of the 40680
following: 40681

(1) Making application for approval or reapproval of either 40682
of the following: 40683

(a) A competency evaluation program or a training and 40684
competency evaluation program; 40685

(b) A training program for instructors or coordinators for 40686
training and competency evaluation programs, or evaluators for 40687
competency evaluation programs; 40688

(2) Participation in any competency evaluation program, 40689
training and competency evaluation program, or other program 40690
conducted by the director under this section. 40691

Sec. 3721.32. (A) The director of health shall establish a 40692
state nurse aide registry listing all individuals who have done 40693
any of the following: 40694

(1) Were used by a long-term care facility as nurse aides on 40695
a full-time, temporary, per diem, or other basis at any time 40696
during the period commencing July 1, 1989, and ending January 1, 40697
1990, and successfully completed, not later than October 1, 1990, 40698
a competency evaluation program approved by the director under 40699

division (A) of section 3721.31 of the Revised Code or conducted 40700
by the director under division (C) of that section; 40701

(2) Successfully completed a training and competency 40702
evaluation program approved by the director under division (A) of 40703
section 3721.31 of the Revised Code or met the conditions 40704
specified in division (F)(1) or (2) of section 3721.28 of the 40705
Revised Code, and, if the training and competency evaluation 40706
program or the training, instruction, or education the individual 40707
completed in meeting the conditions specified in division (F)(1) 40708
of section 3721.28 of the Revised Code was conducted in or by a 40709
long-term care facility, or if the director so required pursuant 40710
to division (E) of section 3721.31 of the Revised Code, has 40711
successfully completed a competency evaluation program conducted 40712
by the director; 40713

(3) Successfully completed a training and competency 40714
evaluation program conducted by the director under division (C) of 40715
section 3721.31 of the Revised Code; 40716

(4) Successfully completed, prior to July 1, 1989, a program 40717
that the director has determined under division (B)(3) of section 40718
3721.28 of the Revised Code included a competency evaluation 40719
component no less stringent than the competency evaluation 40720
programs approved or conducted by the director under section 40721
3721.31 of the Revised Code, and was otherwise comparable to the 40722
training and competency evaluation program being approved by the 40723
director under section 3721.31 of the Revised Code; 40724

(5) Are listed in a nurse aide registry maintained by another 40725
state that certifies that its program for training and evaluation 40726
of competency of nurse aides complies with Titles XVIII and XIX of 40727
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 40728
as amended, or regulations adopted thereunder; 40729

(6) Were found competent, as provided in division (B)(5) of 40730

section 3721.28 of the Revised Code, prior to July 1, 1989, after 40731
the completion of a course of nurse aide training of at least one 40732
hundred hours' duration; 40733

(7) Are enrolled in a prelicensure program of nursing 40734
education approved by the board of nursing or by an agency of 40735
another state that regulates nursing education, have provided the 40736
long-term care facility with a certificate from the program 40737
indicating that the individual has successfully completed the 40738
courses that teach basic nursing skills including infection 40739
control, safety and emergency procedures, and personal care, and 40740
have successfully completed a competency evaluation program 40741
conducted by the director under division (A) of section 3721.31 of 40742
the Revised Code; 40743

(8) Have the equivalent of twelve months or more of full-time 40744
employment in the five years preceding listing in the registry as 40745
a hospital aide or orderly and have successfully completed a 40746
competency evaluation program conducted by the director under 40747
division (C) of section 3721.31 of the Revised Code. 40748

(B) In addition to the list of individuals required by 40749
division (A) of this section, the registry shall include both of 40750
the following: 40751

(1) The statement required by section 3721.23 of the Revised 40752
Code detailing findings by the director under that section 40753
regarding alleged abuse, neglect, or exploitation of a resident or 40754
misappropriation of resident property; 40755

(2) Any statement provided by an individual under section 40756
3721.23 of the Revised Code disputing the director's findings. 40757

Whenever an inquiry is received as to the information 40758
contained in the registry concerning an individual about whom a 40759
statement required by section 3721.23 of the Revised Code is 40760
included in the registry, the director shall disclose the 40761

statement or a summary of the statement together with any 40762
statement provided by the individual under section 3721.23 or a 40763
clear and accurate summary of that statement. 40764

(C) The director may by rule specify additional information 40765
that must be provided to the registry by long-term care facilities 40766
and persons or government agencies conducting approved competency 40767
evaluation programs and training and competency evaluation 40768
programs. 40769

(D) Information contained in the registry is a public record 40770
for the purposes of section 149.43 of the Revised Code, and is 40771
subject to inspection and copying under section 1347.08 of the 40772
Revised Code. 40773

Sec. 3727.80. (A) As used in this section, "health benefit 40774
plan," "health plan issuer," and "health care services" have the 40775
same meanings as in section 3922.01 of the Revised Code. 40776

(B) If a patient is admitted to a hospital for inpatient 40777
health care services and the hospital is informed at the time of 40778
admission that the person is covered by a health benefit plan, the 40779
hospital shall notify the health plan issuer of the admission 40780
within twenty-four hours of the patient being admitted. 40781

(C) If a patient is admitted to a hospital for inpatient 40782
health care services prior to the hospital being informed that the 40783
patient is covered by a health benefit plan, the hospital shall 40784
notify the health plan issuer within twenty-four hours of being 40785
informed the patient is covered by the health plan issuer. 40786

(D) A hospital shall be considered to have been informed that 40787
a patient is covered by a health benefit plan upon being provided 40788
with an identification card that provides the health plan issuer's 40789
contact information or other information sufficient for the 40790
hospital to contact the health plan issuer and confirm coverage. 40791

(E) The notice required under divisions (B) and (C) of this section shall be made in writing and may be provided through a secure electronic transmission by the hospital to the health plan issuer or, if written notice is not possible, then the notice shall be made by telephonic communication.

Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

(1) Ninety cents per ton through June 30, ~~2022~~2024, twenty cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste facility management fund created in section 3734.18 of the Revised Code and seventy cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code;

(2) An additional seventy-five cents per ton through June 30, ~~2022~~2024, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

(3) An additional two dollars and eighty-five cents per ton through June 30, ~~2022~~2024, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional twenty-five cents per ton through June 30, ~~2022~~2024, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this

division shall be collected by the owner or operator of the 40822
transfer facility as a trustee for the state. The amount of fees 40823
required to be collected under this division at such a transfer 40824
facility shall equal the total tonnage of solid wastes received at 40825
the facility multiplied by the fees levied under this division. In 40826
the case of solid wastes that are not taken to a solid waste 40827
transfer facility located in this state prior to being transported 40828
to a solid waste disposal facility, the fees shall be collected by 40829
the owner or operator of the solid waste disposal facility as a 40830
trustee for the state. The amount of fees required to be collected 40831
under this division at such a disposal facility shall equal the 40832
total tonnage of solid wastes received at the facility that was 40833
not previously taken to a solid waste transfer facility located in 40834
this state multiplied by the fees levied under this division. Fees 40835
levied under this division do not apply to materials separated 40836
from a mixed waste stream for recycling by a generator or 40837
materials removed from the solid waste stream through recycling, 40838
as "recycling" is defined in rules adopted under section 3734.02 40839
of the Revised Code. 40840

The owner or operator of a solid waste transfer facility or 40841
disposal facility, as applicable, shall prepare and file with the 40842
director of environmental protection each month a return 40843
indicating the total tonnage of solid wastes received at the 40844
facility during that month and the total amount of the fees 40845
required to be collected under this division during that month. In 40846
addition, the owner or operator of a solid waste disposal facility 40847
shall indicate on the return the total tonnage of solid wastes 40848
received from transfer facilities located in this state during 40849
that month for which the fees were required to be collected by the 40850
transfer facilities. The monthly returns shall be filed on a form 40851
prescribed by the director. Not later than thirty days after the 40852
last day of the month to which a return applies, the owner or 40853
operator shall mail to the director the return for that month 40854

together with the fees required to be collected under this 40855
division during that month as indicated on the return or may 40856
submit the return and fees electronically in a manner approved by 40857
the director. If the return is filed and the amount of the fees 40858
due is paid in a timely manner as required in this division, the 40859
owner or operator may retain a discount of three-fourths of one 40860
per cent of the total amount of the fees that are required to be 40861
paid as indicated on the return. 40862

The owner or operator may request an extension of not more 40863
than thirty days for filing the return and remitting the fees, 40864
provided that the owner or operator has submitted such a request 40865
in writing to the director together with a detailed description of 40866
why the extension is requested, the director has received the 40867
request not later than the day on which the return is required to 40868
be filed, and the director has approved the request. If the fees 40869
are not remitted within thirty days after the last day of the 40870
month to which the return applies or are not remitted by the last 40871
day of an extension approved by the director, the owner or 40872
operator shall not retain the three-fourths of one per cent 40873
discount and shall pay an additional ten per cent of the amount of 40874
the fees for each month that they are late. For purposes of 40875
calculating the late fee, the first month in which fees are late 40876
begins on the first day after the deadline has passed for timely 40877
submitting the return and fees, and one additional month shall be 40878
counted every thirty days thereafter. 40879

The owner or operator of a solid waste facility may request a 40880
refund or credit of fees levied under this division and remitted 40881
to the director that have not been paid to the owner or operator. 40882
Such a request shall be made only if the fees have not been 40883
collected by the owner or operator, have become a debt that has 40884
become worthless or uncollectable for a period of six months or 40885
more, and may be claimed as a deduction, including a deduction 40886

claimed if the owner or operator keeps accounts on an accrual 40887
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 40888
U.S.C. 166, as amended, and regulations adopted under it. Prior to 40889
making a request for a refund or credit, an owner or operator 40890
shall make reasonable efforts to collect the applicable fees. A 40891
request for a refund or credit shall not include any costs 40892
resulting from those efforts to collect unpaid fees. 40893

A request for a refund or credit of fees shall be made in 40894
writing, on a form prescribed by the director, and shall be 40895
supported by evidence that may be required in rules adopted by the 40896
director under this chapter. After reviewing the request, and if 40897
the request and evidence submitted with the request indicate that 40898
a refund or credit is warranted, the director shall grant a refund 40899
to the owner or operator or shall permit a credit to be taken by 40900
the owner or operator on a subsequent monthly return submitted by 40901
the owner or operator. The amount of a refund or credit shall not 40902
exceed an amount that is equal to ninety days' worth of fees owed 40903
to an owner or operator by a particular debtor of the owner or 40904
operator. A refund or credit shall not be granted by the director 40905
to an owner or operator more than once in any twelve-month period 40906
for fees owed to the owner or operator by a particular debtor. 40907

If, after receiving a refund or credit from the director, an 40908
owner or operator receives payment of all or part of the fees, the 40909
owner or operator shall remit the fees with the next monthly 40910
return submitted to the director together with a written 40911
explanation of the reason for the submittal. 40912

For purposes of computing the fees levied under this division 40913
or division (B) of this section, any solid waste transfer or 40914
disposal facility that does not use scales as a means of 40915
determining gate receipts shall use a conversion factor of three 40916
cubic yards per ton of solid waste or one cubic yard per ton for 40917
baled waste, as applicable. 40918

The fees levied under this division and divisions (B) and (C) 40919
of this section are in addition to all other applicable fees and 40920
taxes and shall be paid by the customer or a political subdivision 40921
to the owner or operator of a solid waste transfer or disposal 40922
facility. In the alternative, the fees shall be paid by a customer 40923
or political subdivision to a transporter of waste who 40924
subsequently transfers the fees to the owner or operator of such a 40925
facility. The fees shall be paid notwithstanding the existence of 40926
any provision in a contract that the customer or a political 40927
subdivision may have with the owner or operator or with a 40928
transporter of waste to the facility that would not require or 40929
allow such payment regardless of whether the contract was entered 40930
prior to or after October 16, 2009. For those purposes, "customer" 40931
means a person who contracts with, or utilizes the solid waste 40932
services of, the owner or operator of a solid waste transfer or 40933
disposal facility or a transporter of solid waste to such a 40934
facility. 40935

(B) For the purposes specified in division (G) of this 40936
section, the solid waste management policy committee of a county 40937
or joint solid waste management district may levy fees upon the 40938
following activities: 40939

(1) The disposal at a solid waste disposal facility located 40940
in the district of solid wastes generated within the district; 40941

(2) The disposal at a solid waste disposal facility within 40942
the district of solid wastes generated outside the boundaries of 40943
the district, but inside this state; 40944

(3) The disposal at a solid waste disposal facility within 40945
the district of solid wastes generated outside the boundaries of 40946
this state. 40947

The solid waste management plan of the county or joint 40948
district approved under section 3734.521 or 3734.55 of the Revised 40949

Code and any amendments to it, or the resolution adopted under 40950
this division, as appropriate, shall establish the rates of the 40951
fees levied under divisions (B)(1), (2), and (3) of this section, 40952
if any, and shall specify whether the fees are levied on the basis 40953
of tons or cubic yards as the unit of measurement. A solid waste 40954
management district that levies fees under this division on the 40955
basis of cubic yards shall do so in accordance with division (A) 40956
of this section. 40957

The fee levied under division (B)(1) of this section shall be 40958
not less than one dollar per ton nor more than two dollars per 40959
ton, the fee levied under division (B)(2) of this section shall be 40960
not less than two dollars per ton nor more than four dollars per 40961
ton, and the fee levied under division (B)(3) of this section 40962
shall be not more than the fee levied under division (B)(1) of 40963
this section. 40964

Prior to the approval of the solid waste management plan of a 40965
district under section 3734.55 of the Revised Code, the solid 40966
waste management policy committee of a district may levy fees 40967
under this division by adopting a resolution establishing the 40968
proposed amount of the fees. Upon adopting the resolution, the 40969
committee shall deliver a copy of the resolution to the board of 40970
county commissioners of each county forming the district and to 40971
the legislative authority of each municipal corporation and 40972
township under the jurisdiction of the district and shall prepare 40973
and publish the resolution and a notice of the time and location 40974
where a public hearing on the fees will be held. Upon adopting the 40975
resolution, the committee shall deliver written notice of the 40976
adoption of the resolution; of the amount of the proposed fees; 40977
and of the date, time, and location of the public hearing to the 40978
director and to the fifty industrial, commercial, or institutional 40979
generators of solid wastes within the district that generate the 40980
largest quantities of solid wastes, as determined by the 40981

committee, and to their local trade associations. The committee 40982
shall make good faith efforts to identify those generators within 40983
the district and their local trade associations, but the 40984
nonprovision of notice under this division to a particular 40985
generator or local trade association does not invalidate the 40986
proceedings under this division. The publication shall occur at 40987
least thirty days before the hearing. After the hearing, the 40988
committee may make such revisions to the proposed fees as it 40989
considers appropriate and thereafter, by resolution, shall adopt 40990
the revised fee schedule. Upon adopting the revised fee schedule, 40991
the committee shall deliver a copy of the resolution doing so to 40992
the board of county commissioners of each county forming the 40993
district and to the legislative authority of each municipal 40994
corporation and township under the jurisdiction of the district. 40995
Within sixty days after the delivery of a copy of the resolution 40996
adopting the proposed revised fees by the policy committee, each 40997
such board and legislative authority, by ordinance or resolution, 40998
shall approve or disapprove the revised fees and deliver a copy of 40999
the ordinance or resolution to the committee. If any such board or 41000
legislative authority fails to adopt and deliver to the policy 41001
committee an ordinance or resolution approving or disapproving the 41002
revised fees within sixty days after the policy committee 41003
delivered its resolution adopting the proposed revised fees, it 41004
shall be conclusively presumed that the board or legislative 41005
authority has approved the proposed revised fees. The committee 41006
shall determine if the resolution has been ratified in the same 41007
manner in which it determines if a draft solid waste management 41008
plan has been ratified under division (B) of section 3734.55 of 41009
the Revised Code. 41010

The committee may amend the schedule of fees levied pursuant 41011
to a resolution adopted and ratified under this division by 41012
adopting a resolution establishing the proposed amount of the 41013
amended fees. The committee may repeal the fees levied pursuant to 41014

such a resolution by adopting a resolution proposing to repeal 41015
them. Upon adopting such a resolution, the committee shall proceed 41016
to obtain ratification of the resolution in accordance with this 41017
division. 41018

Not later than fourteen days after declaring the new fees to 41019
be ratified or the fees to be repealed under this division, the 41020
committee shall notify by certified mail the owner or operator of 41021
each solid waste disposal facility that is required to collect the 41022
fees of the ratification and the amount of the fees or of the 41023
repeal of the fees. Collection of any fees shall commence or 41024
collection of repealed fees shall cease on the first day of the 41025
second month following the month in which notification is sent to 41026
the owner or operator. 41027

Fees levied under this division also may be established, 41028
amended, or repealed by a solid waste management policy committee 41029
through the adoption of a new district solid waste management 41030
plan, the adoption of an amended plan, or the amendment of the 41031
plan or amended plan in accordance with sections 3734.55 and 41032
3734.56 of the Revised Code or the adoption or amendment of a 41033
district plan in connection with a change in district composition 41034
under section 3734.521 of the Revised Code. 41035

Not later than fourteen days after the director issues an 41036
order approving a district's solid waste management plan, amended 41037
plan, or amendment to a plan or amended plan that establishes, 41038
amends, or repeals a schedule of fees levied by the district, the 41039
committee shall notify by certified mail the owner or operator of 41040
each solid waste disposal facility that is required to collect the 41041
fees of the approval of the plan or amended plan, or the amendment 41042
to the plan, as appropriate, and the amount of the fees, if any. 41043
In the case of an initial or amended plan approved under section 41044
3734.521 of the Revised Code in connection with a change in 41045
district composition, other than one involving the withdrawal of a 41046

county from a joint district, the committee, within fourteen days 41047
after the change takes effect pursuant to division (G) of that 41048
section, shall notify by certified mail the owner or operator of 41049
each solid waste disposal facility that is required to collect the 41050
fees that the change has taken effect and of the amount of the 41051
fees, if any. Collection of any fees shall commence or collection 41052
of repealed fees shall cease on the first day of the second month 41053
following the month in which notification is sent to the owner or 41054
operator. 41055

If, in the case of a change in district composition involving 41056
the withdrawal of a county from a joint district, the director 41057
completes the actions required under division (G)(1) or (3) of 41058
section 3734.521 of the Revised Code, as appropriate, forty-five 41059
days or more before the beginning of a calendar year, the policy 41060
committee of each of the districts resulting from the change that 41061
obtained the director's approval of an initial or amended plan in 41062
connection with the change, within fourteen days after the 41063
director's completion of the required actions, shall notify by 41064
certified mail the owner or operator of each solid waste disposal 41065
facility that is required to collect the district's fees that the 41066
change is to take effect on the first day of January immediately 41067
following the issuance of the notice and of the amount of the fees 41068
or amended fees levied under divisions (B)(1) to (3) of this 41069
section pursuant to the district's initial or amended plan as so 41070
approved or, if appropriate, the repeal of the district's fees by 41071
that initial or amended plan. Collection of any fees set forth in 41072
such a plan or amended plan shall commence on the first day of 41073
January immediately following the issuance of the notice. If such 41074
an initial or amended plan repeals a schedule of fees, collection 41075
of the fees shall cease on that first day of January. 41076

If, in the case of a change in district composition involving 41077
the withdrawal of a county from a joint district, the director 41078

completes the actions required under division (G)(1) or (3) of 41079
section 3734.521 of the Revised Code, as appropriate, less than 41080
forty-five days before the beginning of a calendar year, the 41081
director, on behalf of each of the districts resulting from the 41082
change that obtained the director's approval of an initial or 41083
amended plan in connection with the change proceedings, shall 41084
notify by certified mail the owner or operator of each solid waste 41085
disposal facility that is required to collect the district's fees 41086
that the change is to take effect on the first day of January 41087
immediately following the mailing of the notice and of the amount 41088
of the fees or amended fees levied under divisions (B)(1) to (3) 41089
of this section pursuant to the district's initial or amended plan 41090
as so approved or, if appropriate, the repeal of the district's 41091
fees by that initial or amended plan. Collection of any fees set 41092
forth in such a plan or amended plan shall commence on the first 41093
day of the second month following the month in which notification 41094
is sent to the owner or operator. If such an initial or amended 41095
plan repeals a schedule of fees, collection of the fees shall 41096
cease on the first day of the second month following the month in 41097
which notification is sent to the owner or operator. 41098

If the schedule of fees that a solid waste management 41099
district is levying under divisions (B)(1) to (3) of this section 41100
is amended or repealed, the fees in effect immediately prior to 41101
the amendment or repeal shall continue to be collected until 41102
collection of the amended fees commences or collection of the 41103
repealed fees ceases, as applicable, as specified in this 41104
division. In the case of a change in district composition, money 41105
so received from the collection of the fees of the former 41106
districts shall be divided among the resulting districts in 41107
accordance with division (B) of section 343.012 of the Revised 41108
Code and the agreements entered into under division (B) of section 41109
343.01 of the Revised Code to establish the former and resulting 41110
districts and any amendments to those agreements. 41111

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the

fee by the ordinance or resolution, and the director of 41144
environmental protection. Although the fees levied under this 41145
division are levied on the basis of tons as the unit of 41146
measurement, the legislative authority, in its ordinance or 41147
resolution levying the fees under this division, may direct that 41148
the fees be levied on the basis of cubic yards as the unit of 41149
measurement based upon a conversion factor of three cubic yards 41150
per ton generally or one cubic yard per ton for baled wastes. 41151

Not later than five days after enacting an ordinance or 41152
adopting a resolution under this division, the legislative 41153
authority shall so notify by certified mail the owner or operator 41154
of each solid waste disposal facility that is required to collect 41155
the fee. Collection of any fee levied on or after March 24, 1992, 41156
shall commence on the first day of the second month following the 41157
month in which notification is sent to the owner or operator. 41158

(D)(1) The fees levied under divisions (A), (B), and (C) of 41159
this section do not apply to the disposal of solid wastes that: 41160

(a) Are disposed of at a facility owned by the generator of 41161
the wastes when the solid waste facility exclusively disposes of 41162
solid wastes generated at one or more premises owned by the 41163
generator regardless of whether the facility is located on a 41164
premises where the wastes are generated; 41165

(b) Are generated from the combustion of coal, or from the 41166
combustion of primarily coal, regardless of whether the disposal 41167
facility is located on the premises where the wastes are 41168
generated; 41169

(c) Are asbestos or asbestos-containing materials or products 41170
disposed of at a construction and demolition debris facility that 41171
is licensed under Chapter 3714. of the Revised Code or at a solid 41172
waste facility that is licensed under this chapter. 41173

(2) Except as provided in section 3734.571 of the Revised 41174

Code, any fees levied under division (B)(1) of this section apply 41175
to solid wastes originating outside the boundaries of a county or 41176
joint district that are covered by an agreement for the joint use 41177
of solid waste facilities entered into under section 343.02 of the 41178
Revised Code by the board of county commissioners or board of 41179
directors of the county or joint district where the wastes are 41180
generated and disposed of. 41181

(3) When solid wastes, other than solid wastes that consist 41182
of scrap tires, are burned in a disposal facility that is an 41183
incinerator or energy recovery facility, the fees levied under 41184
divisions (A), (B), and (C) of this section shall be levied upon 41185
the disposal of the fly ash and bottom ash remaining after burning 41186
of the solid wastes and shall be collected by the owner or 41187
operator of the sanitary landfill where the ash is disposed of. 41188

(4) When solid wastes are delivered to a solid waste transfer 41189
facility, the fees levied under divisions (B) and (C) of this 41190
section shall be levied upon the disposal of solid wastes 41191
transported off the premises of the transfer facility for disposal 41192
and shall be collected by the owner or operator of the solid waste 41193
disposal facility where the wastes are disposed of. 41194

(5) The fees levied under divisions (A), (B), and (C) of this 41195
section do not apply to sewage sludge that is generated by a waste 41196
water treatment facility holding a national pollutant discharge 41197
elimination system permit and that is disposed of through 41198
incineration, land application, or composting or at another 41199
resource recovery or disposal facility that is not a landfill. 41200

(6) The fees levied under divisions (A), (B), and (C) of this 41201
section do not apply to solid wastes delivered to a solid waste 41202
composting facility for processing. When any unprocessed solid 41203
waste or compost product is transported off the premises of a 41204
composting facility and disposed of at a landfill, the fees levied 41205
under divisions (A), (B), and (C) of this section shall be 41206

collected by the owner or operator of the landfill where the 41207
unprocessed waste or compost product is disposed of. 41208

(7) When solid wastes that consist of scrap tires are 41209
processed at a scrap tire recovery facility, the fees levied under 41210
divisions (A), (B), and (C) of this section shall be levied upon 41211
the disposal of the fly ash and bottom ash or other solid wastes 41212
remaining after the processing of the scrap tires and shall be 41213
collected by the owner or operator of the solid waste disposal 41214
facility where the ash or other solid wastes are disposed of. 41215

(8) The director of environmental protection may issue an 41216
order exempting from the fees levied under this section solid 41217
wastes, including, but not limited to, scrap tires, that are 41218
generated, transferred, or disposed of as a result of a contract 41219
providing for the expenditure of public funds entered into by the 41220
administrator or regional administrator of the United States 41221
environmental protection agency, the director of environmental 41222
protection, or the director of administrative services on behalf 41223
of the director of environmental protection for the purpose of 41224
remediating conditions at a hazardous waste facility, solid waste 41225
facility, or other location at which the administrator or regional 41226
administrator or the director of environmental protection has 41227
reason to believe that there is a substantial threat to public 41228
health or safety or the environment or that the conditions are 41229
causing or contributing to air or water pollution or soil 41230
contamination. An order issued by the director of environmental 41231
protection under division (D)(8) of this section shall include a 41232
determination that the amount of the fees not received by a solid 41233
waste management district as a result of the order will not 41234
adversely impact the implementation and financing of the 41235
district's approved solid waste management plan and any approved 41236
amendments to the plan. Such an order is a final action of the 41237
director of environmental protection. 41238

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of

that regional authority under division (E) of this section shall 41271
be kept by the board in a separate and distinct fund to the credit 41272
of the district. Moneys in the special fund of the county or joint 41273
district arising from the fees levied under division (B) of this 41274
section and the fee levied under division (A) of section 3734.573 41275
of the Revised Code shall be expended by the board of county 41276
commissioners or directors of the district in accordance with the 41277
district's solid waste management plan or amended plan approved 41278
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 41279
exclusively for the following purposes: 41280

(1) Preparation of the solid waste management plan of the 41281
district under section 3734.54 of the Revised Code, monitoring 41282
implementation of the plan, and conducting the periodic review and 41283
amendment of the plan required by section 3734.56 of the Revised 41284
Code by the solid waste management policy committee; 41285

(2) Implementation of the approved solid waste management 41286
plan or amended plan of the district, including, without 41287
limitation, the development and implementation of solid waste 41288
recycling or reduction programs; 41289

(3) Providing financial assistance to boards of health within 41290
the district, if solid waste facilities are located within the 41291
district, for enforcement of this chapter and rules, orders, and 41292
terms and conditions of permits, licenses, and variances adopted 41293
or issued under it, other than the hazardous waste provisions of 41294
this chapter and rules adopted and orders and terms and conditions 41295
of permits issued under those provisions; 41296

(4) Providing financial assistance to each county within the 41297
district to defray the added costs of maintaining roads and other 41298
public facilities and of providing emergency and other public 41299
services resulting from the location and operation of a solid 41300
waste facility within the county under the district's approved 41301
solid waste management plan or amended plan; 41302

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services

to the district pursuant to a contract or agreement with the board 41335
of county commissioners or directors of the district; 41336

(10) Payment of any expenses that are agreed to, awarded, or 41337
ordered to be paid under section 3734.35 of the Revised Code and 41338
of any administrative costs incurred pursuant to that section. In 41339
the case of a joint solid waste management district, if the board 41340
of county commissioners of one of the counties in the district is 41341
negotiating on behalf of affected communities, as defined in that 41342
section, in that county, the board shall obtain the approval of 41343
the board of directors of the district in order to expend moneys 41344
for administrative costs incurred. 41345

Prior to the approval of the district's solid waste 41346
management plan under section 3734.55 of the Revised Code, moneys 41347
in the special fund of the district arising from the fees shall be 41348
expended for those purposes in the manner prescribed by the solid 41349
waste management policy committee by resolution. 41350

Notwithstanding division (G)(6) of this section as it existed 41351
prior to October 29, 1993, or any provision in a district's solid 41352
waste management plan prepared in accordance with division 41353
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 41354
prior to that date, any moneys arising from the fees levied under 41355
division (B)(3) of this section prior to January 1, 1994, may be 41356
expended for any of the purposes authorized in divisions (G)(1) to 41357
(10) of this section. 41358

(H) The director shall adopt rules in accordance with Chapter 41359
119. of the Revised Code prescribing procedures for collecting and 41360
forwarding the fees levied under divisions (B) and (C) of this 41361
section to the boards of county commissioners or directors of 41362
county or joint solid waste management districts and to the 41363
treasurers or other officers of municipal corporations and the 41364
fiscal officers of townships. The rules also shall prescribe the 41365
dates for forwarding the fees to the boards and officials and may 41366

prescribe any other requirements the director considers necessary 41367
or appropriate to implement and administer divisions (A), (B), and 41368
(C) of this section. 41369

Sec. 3734.85. (A) On and after the effective date of the 41370
rules adopted under sections 3734.70, 3734.71, 3734.72, and 41371
3734.73 of the Revised Code, the director of environmental 41372
protection may take action under this section to abate 41373
accumulations of scrap tires. If the director determines that an 41374
accumulation of scrap tires constitutes a danger to the public 41375
health or safety or to the environment, the director shall issue 41376
an order under section 3734.13 of the Revised Code to the person 41377
responsible for the accumulation of scrap tires directing that 41378
person, within one hundred twenty days after the issuance of the 41379
order, to remove the accumulation of scrap tires from the premises 41380
on which it is located and transport the tires to a scrap tire 41381
storage, monocell, monofill, or recovery facility licensed under 41382
section 3734.81 of the Revised Code, to such a facility in another 41383
state operating in compliance with the laws of the state in which 41384
it is located, or to any other solid waste disposal facility in 41385
another state that is operating in compliance with the laws of 41386
that state. If the person responsible for causing the accumulation 41387
of scrap tires is a person different from the owner of the land on 41388
which the accumulation is located, the director may issue such an 41389
order to the landowner. 41390

If the director is unable to ascertain immediately the 41391
identity of the person responsible for causing the accumulation of 41392
scrap tires, the director shall examine the records of the 41393
applicable board of health and law enforcement agencies to 41394
ascertain that person's identity. Before initiating any 41395
enforcement or removal actions under this division against the 41396
owner of the land on which the accumulation is located, the 41397
director shall initiate any such actions against the person that 41398

the director has identified as responsible for causing the 41399
accumulation of scrap tires. Failure of the director to make 41400
diligent efforts to ascertain the identity of the person 41401
responsible for causing the accumulation of scrap tires or to 41402
initiate an action against the person responsible for causing the 41403
accumulation shall not constitute an affirmative defense by a 41404
landowner to an enforcement action initiated by the director under 41405
this division requiring immediate removal of any accumulation of 41406
scrap tires. 41407

Upon the written request of the recipient of an order issued 41408
under this division, the director may extend the time for 41409
compliance with the order if the request demonstrates that the 41410
recipient has acted in good faith to comply with the order. If the 41411
recipient of an order issued under this division fails to comply 41412
with the order within one hundred twenty days after the issuance 41413
of the order or, if the time for compliance with the order was so 41414
extended, within that time, the director shall take such actions 41415
as the director considers reasonable and necessary to remove and 41416
properly manage the scrap tires located on the land named in the 41417
order. The director, through employees of the environmental 41418
protection agency or a contractor, may enter upon the land on 41419
which the accumulation of scrap tires is located and remove and 41420
transport them to a scrap tire recovery facility for processing, 41421
to a scrap tire storage facility for storage, or to a scrap tire 41422
monocell or monofill facility for storage or disposal. 41423

The director shall enter into contracts for the storage, 41424
disposal, or processing of scrap tires removed through removal 41425
operations conducted under this section. 41426

If a person to whom a removal order is issued under this 41427
division fails to comply with the order and if the director 41428
performs a removal action under this section, the person to whom 41429
the removal order is issued is liable to the director for the 41430

costs incurred by the director for conducting the removal 41431
operation, storage at a scrap tire storage facility, storage or 41432
disposal at a scrap tire monocell or monofill facility, or 41433
processing of the scrap tires so removed, the transportation of 41434
the scrap tires from the site of the accumulation to the scrap 41435
tire storage, monocell, monofill, or recovery facility where the 41436
scrap tires were stored, disposed of, or processed, and the 41437
administrative and legal expenses incurred by the director in 41438
connection with the removal operation. The director shall keep an 41439
itemized record of those costs. Upon completion of the actions for 41440
which the costs were incurred, the director shall record the costs 41441
at the office of the county recorder of the county in which the 41442
accumulation of scrap tires was located. The costs so recorded 41443
constitute a lien on the property on which the accumulation of 41444
scrap tires was located until discharged. Upon the written request 41445
of the director, the attorney general shall bring a civil action 41446
against the person responsible for the accumulation of the scrap 41447
tires that were the subject of the removal operation to recover 41448
the costs for which the person is liable under this division. Any 41449
money so received or recovered shall be credited to the scrap tire 41450
management fund created in section 3734.82 of the Revised Code. 41451

If, in a civil action brought under this division, an owner 41452
of real property is ordered to pay to the director the costs of a 41453
removal action that removed an accumulation of scrap tires from 41454
the person's land or if a lien is placed on the person's land for 41455
the costs of such a removal action, and, in either case, if the 41456
landowner was not the person responsible for causing the 41457
accumulation of scrap tires so removed, the landowner may bring a 41458
civil action against the person who was responsible for causing 41459
the accumulation to recover the amount of the removal costs that 41460
the court ordered the landowner to pay to the director or the 41461
amount of the removal costs certified to the county recorder as a 41462
lien on the landowner's property, whichever is applicable. If the 41463

landowner prevails in the civil action against the person who was 41464
responsible for causing the accumulation of scrap tires, the 41465
court, as it considers appropriate, may award to the landowner the 41466
reasonable attorney's fees incurred by the landowner for bringing 41467
the action, court costs, and other reasonable expenses incurred by 41468
the landowner in connection with the civil action. A landowner 41469
shall bring such a civil action within two years after making the 41470
final payment of the removal costs to the director pursuant to the 41471
judgment rendered against the landowner in the civil action 41472
brought under this division upon the director's request or within 41473
two years after the director certified the costs of the removal 41474
action to the county recorder, as appropriate. A person who, at 41475
the time that a removal action was conducted under this division, 41476
owned the land on which the removal action was performed may bring 41477
an action under this division to recover the costs of the removal 41478
action from the person responsible for causing the accumulation of 41479
scrap tires so removed regardless of whether the person owns the 41480
land at the time of bringing the action. 41481

Subject to the limitations set forth in division (G) of 41482
section 3734.82 of the Revised Code, the director may use moneys 41483
in the scrap tire management fund for conducting removal actions 41484
under this division. Any moneys recovered under this division 41485
shall be credited to the scrap tire management fund. 41486

(B) The director shall initiate enforcement and removal 41487
actions under division (A) of this section in accordance with the 41488
following descending listing of priorities: 41489

(1) Accumulations of scrap tires that the director finds 41490
constitute a fire hazard or threat to public health; 41491

(2) Accumulations of scrap tires determined by the director 41492
to contain more than one million scrap tires; 41493

(3) Accumulations of scrap tires in densely populated areas; 41494

(4) Other accumulations of scrap tires that the director or board of health of the health district in which the accumulation is located determines constitute a public nuisance; 41495
41496
41497

(5) Any other accumulations of scrap tires present on premises operating without a valid license issued under section 3734.05 or 3734.81 of the Revised Code. 41498
41499
41500

(C) The director shall not take enforcement and removal actions under division (A) of this section against the owner or operator of, or the owner of the land on which is located, any of the following: 41501
41502
41503
41504

(1) A premises where not more than one hundred scrap tires are present at any time; 41505
41506

(2) The premises of a business engaging in the sale of tires at retail that meets either of the following criteria: 41507
41508

(a) Not more than one thousand scrap tires are present on the premises at any time in an unsecured, uncovered outdoor location. 41509
41510

(b) Any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation. 41511
41512

(3) The premises of a tire retreading business, a tire manufacturing finishing center, or a tire adjustment center on which is located a single, covered scrap tire storage area where not more than four thousand scrap tires are stored; 41513
41514
41515
41516

(4) The premises of a business that removes tires from motor vehicles in the ordinary course of business and on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet; 41517
41518
41519
41520

(5) A solid waste facility licensed under section 3734.05 of the Revised Code that stores scrap tires on the surface of the ground if the total land area on which scrap tires are actually stored does not exceed ten thousand square feet; 41521
41522
41523
41524

(6) A premises where not more than two hundred fifty scrap tires are stored or kept for agricultural use;	41525 41526
(7) A construction site where scrap tires are stored for use or used in road resurfacing or the construction of embankments;	41527 41528
(8) A scrap tire collection, storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code;	41529 41530 41531
(9) A solid waste incineration or energy recovery facility that is subject to regulation under this chapter and that burns scrap tires;	41532 41533 41534
(10) A premises where scrap tires are beneficially used and for which the notice required by rules adopted under section 3734.84 of the Revised Code has been given;	41535 41536 41537
(11) A transporter registered under section 3734.83 of the Revised Code that collects and holds scrap tires in a covered trailer or vehicle for not longer than thirty days prior to transporting them to their final destination.	41538 41539 41540 41541
(D) Nothing in this section restricts any right any person may have under statute or common law to enforce or seek enforcement of any law applicable to the management of scrap tires, abate a nuisance, or seek any other appropriate relief.	41542 41543 41544 41545
(E) An owner of real property upon which there is located an accumulation of not more than five thousand scrap tires is not liable under division (A) of this section for the cost of the removal of <u>the up to ten thousand scrap tires on the owner's property, or more at the director's discretion</u> , and no lien shall attach to the property under this section, if all of the following conditions are met:	41546 41547 41548 41549 41550 41551 41552
(1) The tires were placed on the property after the owner acquired title to the property, or the tires were placed on the	41553 41554

property before the owner acquired title to the property and the 41555
owner acquired title to the property by bequest or devise. 41556

(2) The owner of the property did not have knowledge that the 41557
tires were being placed on the property, or the owner posted on 41558
the property signs prohibiting dumping or took other action to 41559
prevent the placing of tires on the property. 41560

(3) The owner of the property did not participate in or 41561
consent to the placing of the tires on the property. 41562

(4) The owner of the property received no financial benefit 41563
from the placing of the tires on the property or otherwise having 41564
the tires on the property. 41565

(5) Title to the property was not transferred to the owner 41566
for the purpose of evading liability under division (A) of this 41567
section. 41568

(6) The person responsible for placing the tires on the 41569
property, in doing so, was not acting as an agent for the owner of 41570
the property. 41571

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 41572
defray the cost of administering and enforcing the scrap tire 41573
provisions of this chapter, rules adopted under those provisions, 41574
and terms and conditions of orders, variances, and licenses issued 41575
under those provisions; to abate accumulations of scrap tires; to 41576
make grants supporting market development activities for scrap 41577
tires and synthetic rubber from tire manufacturing processes and 41578
tire recycling processes and to support scrap tire amnesty and 41579
cleanup events; to make loans to promote the recycling or recovery 41580
of energy from scrap tires; and to defray the costs of 41581
administering and enforcing sections 3734.90 to 3734.9014 of the 41582
Revised Code, a fee of fifty cents per tire is hereby levied on 41583
the sale of tires. The proceeds of the fee shall be deposited in 41584

the state treasury to the credit of the scrap tire management fund 41585
created in section 3734.82 of the Revised Code. The fee is levied 41586
from the first day of the calendar month that begins next after 41587
thirty days from October 29, 1993, through June 30, ~~2022~~2024. 41588

(2) Beginning on July 1, 2011, and ending on June 30, 41589
~~2022~~2024, there is hereby levied an additional fee of fifty cents 41590
per tire on the sale of tires the proceeds of which shall be 41591
deposited in the state treasury to the credit of the soil and 41592
water conservation district assistance fund created in section 41593
940.15 of the Revised Code. 41594

(B) Only one sale of the same article shall be used in 41595
computing the amount of the fee due. 41596

Sec. 3736.01. As used in this chapter: 41597

(A) "Litter" means garbage, trash, waste, rubbish, ashes, 41598
cans, bottles, wire, paper, cartons, boxes, automobile parts, 41599
furniture, glass, or anything else of an unsightly or unsanitary 41600
nature thrown, dropped, discarded, placed, or deposited by a 41601
person on public property, on private property not owned by the 41602
person, or in or on waters of the state unless one of the 41603
following applies: 41604

(1) The person has been directed to do so by a public 41605
official as part of a litter collection drive. 41606

(2) The person has thrown, dropped, discarded, placed, or 41607
deposited the material in a receptacle in a manner that prevented 41608
its being carried away by the elements. 41609

(3) The person has been issued a permit or license covering 41610
the material pursuant to Chapter 3734. or 6111. of the Revised 41611
Code. 41612

(B) "Recycling" means the process of collecting, sorting, 41613
cleansing, treating, and reconstituting waste or other discarded 41614

materials for the purpose of recovering and reusing the materials. 41615

(C) "Agency of the state" includes, but is not limited to, an 41616
agency subject to Chapter 119. of the Revised Code and a state 41617
university or college as defined in section 3345.12 of the Revised 41618
Code. 41619

(D) "Source reduction" means activities that decrease the 41620
initial production of waste materials at their point of origin. 41621

(E) "Enterprise" means a business with its principal place of 41622
business in this state and that proposes to engage in research and 41623
development or recycling in this state. 41624

(F) "Research and development" means inquiry, 41625
experimentation, or demonstration to advance basic scientific or 41626
technical knowledge or the application, adaptation, or use of 41627
existing or newly discovered scientific or technical knowledge 41628
regarding recycling, source reduction, or litter prevention. 41629

(G) "Recyclables" means waste materials that are collected, 41630
separated, or processed and used as raw materials or products. 41631

(H) "Recycling market development" means activities that 41632
stimulate the demand for recycled products, provide for a 41633
consistent supply of recyclables to meet the needs of recycling 41634
industries, or both. 41635

(I) "Solid waste management districts" means solid waste 41636
management districts established under Chapter 343. of the Revised 41637
Code. 41638

(J) "Synthetic rubber" means produced or extended rubber and 41639
products made from a synthetic rubber base material originating 41640
from petrochemical feedstocks, including scrap tires, tire molds, 41641
automobile engine belts, brake pads and hoses, weather stripping, 41642
fittings, electrical insulation, and other molded objects and 41643
parts. 41644

(K) "Auxiliary container" has the same meaning as in section 3767.32 of the Revised Code. 41645
41646

Sec. 3736.021. A person may use an auxiliary container for purposes of commerce or otherwise. 41647
41648

Nothing in this section shall be construed to prohibit or limit the authority of any county, municipal corporation, or solid waste management district to implement a voluntary recycling program. 41649
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41651
41652

Sec. 3737.17. (A) As used in this section, a "qualifying small government" means any of the following: 41653
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(1) A township that has a population of not more than five thousand or, regardless of its population, is located in a county that has a population of less than one hundred thousand; 41655
41656
41657

(2) A municipal corporation that has a population of not more than seven thousand five hundred; 41658
41659

(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section. 41660
41661
41662
41663

(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes: 41664
41665
41666
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(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services; 41668
41669

(2) To expedite projects for the construction or renovation of fire department buildings. 41670
41671

A loan for either purpose under the small government fire department services revolving loan program is not to carry 41672
41673

interest, and is to be repaid within a term of not longer than 41674
twenty years. A qualifying small government is not eligible to 41675
receive a loan for a project or purchase under the program unless 41676
the qualifying small government contributes to the project or 41677
purchase an amount equal to at least five per cent of the loan 41678
amount. 41679

(C) A qualifying small government may apply to the state fire 41680
marshal for a loan under the small government fire department 41681
services revolving loan program. In its application, the 41682
qualifying small government shall explain how it qualifies for the 41683
loan, describe the project or purchase for which it is requesting 41684
a loan, state the amount of the loan it requests, and state the 41685
amount it is prepared to contribute to the project or purchase. 41686
The qualifying small government shall provide additional 41687
information to support its application for a loan under the 41688
program as requested by the state fire marshal. 41689

(D) The state fire marshal, in accordance with Chapter 119. 41690
of the Revised Code, shall adopt rules for the administration of 41691
the small government fire department services revolving loan 41692
program. 41693

(E) There is hereby created in the state treasury the small 41694
government fire department services revolving loan fund, into 41695
which shall be deposited repayments by qualifying small 41696
governments of loans authorized under this section. The fund also 41697
shall consist of appropriated money. Investment earnings on money 41698
in the fund shall be credited to the fund. The state fire marshal 41699
shall use the money credited to the fund to make loans to 41700
qualifying small governments as described in this section. The 41701
state fire marshal may loan money from repaid loans credited to 41702
the fund at any time to qualifying small governments in accordance 41703
with this section. 41704

(F) If the director of commerce determines that the cash 41705

balance in the small government fire department services revolving 41706
loan fund is insufficient to implement the program established 41707
under this section, the director may certify the amount needed, 41708
which cannot exceed the amount appropriated to the program for the 41709
biennium period for which the certification is made, to the 41710
director of budget and management. Upon certification, the 41711
director of budget and management may transfer from the state fire 41712
marshal's fund established in section 3737.71 of the Revised Code 41713
to the small government fire department services revolving loan 41714
fund any amount up to, but not exceeding, the amount certified by 41715
the director of commerce. 41716

Sec. 3737.71. Each insurance company doing business in this 41717
state shall pay to the state in installments, at the time of 41718
making the payments required by section 5729.05 of the Revised 41719
Code, in addition to the taxes required to be paid by it, 41720
three-fourths of one per cent on the gross premium receipts 41721
derived from fire insurance and that portion of the premium 41722
reasonably allocable to insurance against the hazard of fire 41723
included in other coverages except life and sickness and accident 41724
insurance, after deducting return premiums paid and considerations 41725
received for reinsurances as shown by the annual statement of such 41726
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 41727
the Revised Code. The money received shall be paid into the state 41728
treasury to the credit of the state fire marshal's fund, which is 41729
hereby created. The fund shall be used for the maintenance and 41730
administration of the office of the fire marshal and the Ohio fire 41731
academy established by section 3737.33 of the Revised Code. If the 41732
director of commerce certifies to the director of budget and 41733
management that the cash balance in the state fire marshal's fund 41734
is in excess of the amount needed to pay ongoing operating 41735
expenses, the director of commerce, with the approval of the 41736
director of budget and management, may use the excess amount to 41737

acquire by purchase, lease, or otherwise, real property or 41738
interests in real property to be used for the benefit of the 41739
office of the state fire marshal, or to construct, acquire, 41740
enlarge, equip, furnish, or improve the fire marshal's office 41741
facilities or the facilities of the Ohio fire academy. The state 41742
fire marshal's fund shall be assessed a proportionate share of the 41743
administrative costs of the department of commerce in accordance 41744
with procedures prescribed by the director of commerce ~~and~~ 41745
~~approved by the director of budget and management.~~ Such assessment 41746
shall be paid from the state fire marshal's fund to the division 41747
of administration fund. 41748

Notwithstanding any other provision in this section, if the 41749
director of budget and management determines at any time that the 41750
money in the state fire marshal's fund exceeds the amount 41751
necessary to defray ongoing operating expenses in a fiscal year, 41752
the director may transfer the excess to the general revenue fund. 41753

Sec. 3741.14. (A) Each filling station offering self-service 41754
shall be operated in accordance with the most recent version of 41755
the national fire protection association standard number 30A-1990 41756
30A, as that standard is incorporated into the fire code adopted 41757
by the state fire marshal in accordance with section 3737.82 of 41758
the Revised Code, and the provisions of the "Occupational Safety 41759
and Health Act of 1970," 84 Stat. 1590, 5 U.S.C.A. 5108, and any 41760
amendments thereto and standards adopted thereunder. 41761

(B) The fire marshal shall adopt, as part of the state fire 41762
code, rules governing the equipment, operation, and maintenance of 41763
filling stations. The rules shall be such as are necessary for the 41764
protection of the persons and property of the public, but shall 41765
require as a minimum that: 41766

(2) A sign, in block letters at least four inches in height, 41767
be conspicuously displayed on each gasoline pump island where 41768

self-service is offered stating that it is a self-service island; 41769

(3) Signs giving instructions for the operation of gasoline 41770
dispensing equipment, in block letters, be conspicuously posted at 41771
each filling station offering self-service; 41772

(4) A sign bearing the following words in block letters be 41773
conspicuously posted on each gasoline pump island where 41774
self-service is offered: 41775

(a) "STOP ENGINE"; 41776

(b) "NO SMOKING"; 41777

(c) "WARNING--IT IS UNLAWFUL AND DANGEROUS TO DISPENSE 41778
GASOLINE INTO UNAPPROVED CONTAINERS"; 41779

(d) "PERSONS USING DISPENSERS WITH HOLD-OPEN LATCHES MUST 41780
REMAIN AT THE REFUELING POINT DURING REFUELING". 41781

(5) All signs required by this section be constructed of 41782
rigid, weather-resistant material; 41783

(6) Gasoline dispensing nozzles used by any person other than 41784
a supervisor, employee, or attendant be of an approved automatic 41785
closing type. Any person other than a supervisor, employee, or 41786
attendant using a dispenser with a hold-open latch shall remain at 41787
the refueling point during refueling. 41788

(C) The fire marshal shall not prohibit the operation of a 41789
filling station offering self-service solely because it is an 41790
unattended filling station that utilizes key- or card-operated 41791
self-service flammable or combustible liquid dispensing equipment. 41792

(D) Nothing in this section shall be interpreted to prohibit 41793
the fire marshal from adopting reasonable rules governing the 41794
safety of self-service flammable or combustible liquid dispensing 41795
equipment. 41796

Sec. 3745.014. There is hereby created in the state treasury 41797

the central support indirect fund, which shall be administered by 41798
the director of environmental protection. Money credited to the 41799
fund shall be used for administrative costs of the environmental 41800
protection agency. The director may assess any operating funds 41801
from which the agency receives appropriations, except the central 41802
support indirect fund, for a share of the administrative costs of 41803
the agency. The amounts assessed shall be transferred to the 41804
central support indirect fund by means of intrastate transfer 41805
vouchers. The director, ~~with the approval of the director of~~ 41806
~~budget and management,~~ shall determine the rate of assessments. 41807

Sec. 3745.11. (A) Applicants for and holders of permits, 41808
licenses, variances, plan approvals, and certifications issued by 41809
the director of environmental protection pursuant to Chapters 41810
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 41811
to the environmental protection agency for each such issuance and 41812
each application for an issuance as provided by this section. No 41813
fee shall be charged for any issuance for which no application has 41814
been submitted to the director. 41815

(B) Except as otherwise provided in division (C)(2) of this 41816
section, beginning July 1, 1994, each person who owns or operates 41817
an air contaminant source and who is required to apply for and 41818
obtain a Title V permit under section 3704.036 of the Revised Code 41819
shall pay the fees set forth in this division. For the purposes of 41820
this division, total emissions of air contaminants may be 41821
calculated using engineering calculations, emissions factors, 41822
material balance calculations, or performance testing procedures, 41823
as authorized by the director. 41824

The following fees shall be assessed on the total actual 41825
emissions from a source in tons per year of the regulated 41826
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 41827
organic compounds, and lead: 41828

(1) Fifteen dollars per ton on the total actual emissions of 41829
each such regulated pollutant during the period July through 41830
December 1993, to be collected no sooner than July 1, 1994; 41831

(2) Twenty dollars per ton on the total actual emissions of 41832
each such regulated pollutant during calendar year 1994, to be 41833
collected no sooner than April 15, 1995; 41834

(3) Twenty-five dollars per ton on the total actual emissions 41835
of each such regulated pollutant in calendar year 1995, and each 41836
subsequent calendar year, to be collected no sooner than the 41837
fifteenth day of April of the year next succeeding the calendar 41838
year in which the emissions occurred. 41839

The fees levied under this division do not apply to that 41840
portion of the emissions of a regulated pollutant at a facility 41841
that exceed four thousand tons during a calendar year. 41842

(C)(1) The fees assessed under division (B) of this section 41843
are for the purpose of providing funding for the Title V permit 41844
program. 41845

(2) The fees assessed under division (B) of this section do 41846
not apply to emissions from any electric generating unit 41847
designated as a Phase I unit under Title IV of the federal Clean 41848
Air Act prior to calendar year 2000. Those fees shall be assessed 41849
on the emissions from such a generating unit commencing in 41850
calendar year 2001 based upon the total actual emissions from the 41851
generating unit during calendar year 2000 and shall continue to be 41852
assessed each subsequent calendar year based on the total actual 41853
emissions from the generating unit during the preceding calendar 41854
year. 41855

(3) The director shall issue invoices to owners or operators 41856
of air contaminant sources who are required to pay a fee assessed 41857
under division (B) or (D) of this section. Any such invoice shall 41858
be issued no sooner than the applicable date when the fee first 41859

may be collected in a year under the applicable division, shall 41860
identify the nature and amount of the fee assessed, and shall 41861
indicate that the fee is required to be paid within thirty days 41862
after the issuance of the invoice. 41863

~~(D)(1) Except as provided in division (D)(3) of this section, 41864
from January 1, 1994, through December 31, 2003, each person who 41865
owns or operates an air contaminant source; who is required to 41866
apply for a permit to operate pursuant to rules adopted under 41867
division (G), or a variance pursuant to division (H), of section 41868
3704.03 of the Revised Code; and who is not required to apply for 41869
and obtain a Title V permit under section 3704.036 of the Revised 41870
Code shall pay a single fee based upon the sum of the actual 41871
annual emissions from the facility of the regulated pollutants 41872
particulate matter, sulfur dioxide, nitrogen oxides, organic 41873
compounds, and lead in accordance with the following schedule:~~ 41874

Total tons per year 41875		
of regulated pollutants 41876	Annual fee	
emitted 41877	per facility	
More than 0, but less than 50 41878	\$ 75	
50 or more, but less than 100 41879	300	
100 or more 41880	700	

~~(2) Except as provided in division ~~(D)(3)~~(D)(2) of this 41881
section, beginning January 1, 2004, each person who owns or 41882
operates an air contaminant source; who is required to apply for a 41883
permit to operate pursuant to rules adopted under division (G), or 41884
a variance pursuant to division (H), of section 3704.03 of the 41885
Revised Code; and who is not required to apply for and obtain a 41886
Title V permit under section 3704.03 of the Revised Code shall pay 41887
a single fee based upon the sum of the actual annual emissions 41888
from the facility of the regulated pollutants particulate matter, 41889
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 41890
accordance with the following schedule:~~ 41891

Total tons per year		41892
of regulated pollutants	Annual fee	41893
emitted	per facility	41894
More than 0, but less than 10	\$ 100	41895
10 or more, but less than 50	200	41896
50 or more, but less than 100	300	41897
100 or more	700	41898

~~(3)(a)~~(2)(a) As used in division (D) of this section, 41899
"synthetic minor facility" means a facility for which one or more 41900
permits to install or permits to operate have been issued for the 41901
air contaminant sources at the facility that include terms and 41902
conditions that lower the facility's potential to emit air 41903
contaminants below the major source thresholds established in 41904
rules adopted under section 3704.036 of the Revised Code. 41905

(b) Beginning January 1, 2000, through June 30, ~~2022~~2024, 41906
each person who owns or operates a synthetic minor facility shall 41907
pay an annual fee based on the sum of the actual annual emissions 41908
from the facility of particulate matter, sulfur dioxide, nitrogen 41909
dioxide, organic compounds, and lead in accordance with the 41910
following schedule: 41911

Combined total tons		41912
per year of all regulated	Annual fee	41913
pollutants emitted	per facility	41914
Less than 10	\$ 170	41915
10 or more, but less than 20	340	41916
20 or more, but less than 30	670	41917
30 or more, but less than 40	1,010	41918
40 or more, but less than 50	1,340	41919
50 or more, but less than 60	1,680	41920
60 or more, but less than 70	2,010	41921
70 or more, but less than 80	2,350	41922
80 or more, but less than 90	2,680	41923

90 or more, but less than 100	3,020	41924
100 or more	3,350	41925

~~(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995.~~ (3) The fees assessed under division ~~(D)(2)~~(D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division ~~(D)(3)~~(D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section: 41954

(a) The consumer price index for any year is the average of 41955

the consumer price index for all urban consumers published by the 41956
United States department of labor as of the close of the 41957
twelve-month period ending on the thirty-first day of August of 41958
that year. 41959

(b) If the 1989 consumer price index is revised, the director 41960
shall use the revision of the consumer price index that is most 41961
consistent with that for calendar year 1989. 41962

(F) Each person who is issued a permit to install pursuant to 41963
rules adopted under division (F) of section 3704.03 of the Revised 41964
Code on or after July 1, 2003, shall pay the fees specified in the 41965
following schedules: 41966

(1) Fuel-burning equipment (boilers, furnaces, or process 41967
heaters used in the process of burning fuel for the primary 41968
purpose of producing heat or power by indirect heat transfer) 41969
Input capacity (maximum) 41970
(million British thermal units per hour) Permit to install 41971

Greater than 0, but less than 10	\$ 200	41972
10 or more, but less than 100	400	41973
100 or more, but less than 300	1000	41974
300 or more, but less than 500	2250	41975
500 or more, but less than 1000	3750	41976
1000 or more, but less than 5000	6000	41977
5000 or more	9000	41978

Units burning exclusively natural gas, number two fuel oil, 41979
or both shall be assessed a fee that is one-half the applicable 41980
amount shown in division (F)(1) of this section. 41981

(2) Combustion turbines and stationary internal combustion 41982
engines designed to generate electricity 41983
Generating capacity (mega watts) Permit to install 41984

0 or more, but less than 10	\$ 25	41985
10 or more, but less than 25	150	41986

25 or more, but less than 50	300	41987
50 or more, but less than 100	500	41988
100 or more, but less than 250	1000	41989
250 or more	2000	41990

(3) Incinerators 41991

Input capacity (pounds per hour)	Permit to install	41992
0 to 100	\$ 100	41993
101 to 500	500	41994
501 to 2000	1000	41995
2001 to 20,000	1500	41996
more than 20,000	3750	41997

(4)(a) Process 41998

Process weight rate (pounds per hour)	Permit to install	41999
0 to 1000	\$ 200	42000
1001 to 5000	500	42001
5001 to 10,000	750	42002
10,001 to 50,000	1000	42003
more than 50,000	1250	42004

In any process where process weight rate cannot be 42005
ascertained, the minimum fee shall be assessed. A boiler, furnace, 42006
combustion turbine, stationary internal combustion engine, or 42007
process heater designed to provide direct heat or power to a 42008
process not designed to generate electricity shall be assessed a 42009
fee established in division (F)(4)(a) of this section. A 42010
combustion turbine or stationary internal combustion engine 42011
designed to generate electricity shall be assessed a fee 42012
established in division (F)(2) of this section. 42013

(b) Notwithstanding division (F)(4)(a) of this section, any 42014
person issued a permit to install pursuant to rules adopted under 42015
division (F) of section 3704.03 of the Revised Code shall pay the 42016
fees set forth in division (F)(4)(c) of this section for a process 42017
used in any of the following industries, as identified by the 42018

applicable two-digit, three-digit, or four-digit standard	42019	
industrial classification code according to the Standard	42020	
Industrial Classification Manual published by the United States	42021	
office of management and budget in the executive office of the	42022	
president, 1987, as revised:	42023	
Major group 10, metal mining;	42024	
Major group 12, coal mining;	42025	
Major group 14, mining and quarrying of nonmetallic minerals;	42026	
Industry group 204, grain mill products;	42027	
2873 Nitrogen fertilizers;	42028	
2874 Phosphatic fertilizers;	42029	
3281 Cut stone and stone products;	42030	
3295 Minerals and earth, ground or otherwise treated;	42031	
4221 Grain elevators (storage only);	42032	
5159 Farm related raw materials;	42033	
5261 Retail nurseries and lawn and garden supply stores.	42034	
(c) The fees set forth in the following schedule apply to the	42035	
issuance of a permit to install pursuant to rules adopted under	42036	
division (F) of section 3704.03 of the Revised Code for a process	42037	
identified in division (F)(4)(b) of this section:	42038	
Process weight rate (pounds per	Permit to install	42039
hour)		
0 to 10,000	\$ 200	42040
10,001 to 50,000	400	42041
50,001 to 100,000	500	42042
100,001 to 200,000	600	42043
200,001 to 400,000	750	42044
400,001 or more	900	42045
(5) Storage tanks		42046

Gallons (maximum useful capacity)	Permit to install	42047
0 to 20,000	\$ 100	42048
20,001 to 40,000	150	42049
40,001 to 100,000	250	42050
100,001 to 500,000	400	42051
500,001 or greater	750	42052
(6) Gasoline/fuel dispensing facilities		42053
For each gasoline/fuel		42054
dispensing facility (includes all	Permit to install	42055
units at the facility)	\$ 100	42056
(7) Dry cleaning facilities		42057
For each dry cleaning		42058
facility (includes all units	Permit to install	42059
at the facility)	\$ 100	42060
(8) Registration status		42061
For each source covered	Permit to install	42062
by registration status	\$ 75	42063
(G) An owner or operator who is responsible for an asbestos		42064
demolition or renovation project pursuant to rules adopted under		42065
section 3704.03 of the Revised Code shall pay, upon submitting a		42066
notification pursuant to rules adopted under that section, the		42067
fees set forth in the following schedule:		42068
Action	Fee	42069
Each notification	\$75	42070
Asbestos removal	\$3/unit	42071
Asbestos cleanup	\$4/cubic yard	42072
For purposes of this division, "unit" means any combination of		42073
linear feet or square feet equal to fifty.		42074
(H) A person who is issued an extension of time for a permit		42075
to install an air contaminant source pursuant to rules adopted		42076
under division (F) of section 3704.03 of the Revised Code shall		42077

pay a fee equal to one-half the fee originally assessed for the 42078
permit to install under this section, except that the fee for such 42079
an extension shall not exceed two hundred dollars. 42080

(I) A person who is issued a modification to a permit to 42081
install an air contaminant source pursuant to rules adopted under 42082
section 3704.03 of the Revised Code shall pay a fee equal to 42083
one-half of the fee that would be assessed under this section to 42084
obtain a permit to install the source. The fee assessed by this 42085
division only applies to modifications that are initiated by the 42086
owner or operator of the source and shall not exceed two thousand 42087
dollars. 42088

(J) Notwithstanding division (F) of this section, a person 42089
who applies for or obtains a permit to install pursuant to rules 42090
adopted under division (F) of section 3704.03 of the Revised Code 42091
after the date actual construction of the source began shall pay a 42092
fee for the permit to install that is equal to twice the fee that 42093
otherwise would be assessed under the applicable division unless 42094
the applicant received authorization to begin construction under 42095
division (W) of section 3704.03 of the Revised Code. This division 42096
only applies to sources for which actual construction of the 42097
source begins on or after July 1, 1993. The imposition or payment 42098
of the fee established in this division does not preclude the 42099
director from taking any administrative or judicial enforcement 42100
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 42101
of the Revised Code, or a rule adopted under any of them, in 42102
connection with a violation of rules adopted under division (F) of 42103
section 3704.03 of the Revised Code. 42104

As used in this division, "actual construction of the source" 42105
means the initiation of physical on-site construction activities 42106
in connection with improvements to the source that are permanent 42107
in nature, including, without limitation, the installation of 42108
building supports and foundations and the laying of underground 42109

pipework. 42110

(K)(1) Money received under division (B) of this section 42111
shall be deposited in the state treasury to the credit of the 42112
Title V clean air fund created in section 3704.035 of the Revised 42113
Code. Annually, not more than fifty cents per ton of each fee 42114
assessed under division (B) of this section on actual emissions 42115
from a source and received by the environmental protection agency 42116
pursuant to that division may be transferred by the director using 42117
an interstate transfer voucher to the state treasury to the credit 42118
of the small business assistance fund created in section 3706.19 42119
of the Revised Code. In addition, annually, the amount of money 42120
necessary for the operation of the office of ombudsperson as 42121
determined under division (B) of that section shall be transferred 42122
to the state treasury to the credit of the small business 42123
ombudsperson fund created by that section. 42124

(2) Money received by the agency pursuant to divisions (D), 42125
(F), (G), (H), (I), and (J) of this section shall be deposited in 42126
the state treasury to the credit of the non-Title V clean air fund 42127
created in section 3704.035 of the Revised Code. 42128

(L)(1) A person applying for a plan approval for a wastewater 42129
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 42130
of the Revised Code shall pay a nonrefundable fee of one hundred 42131
dollars plus sixty-five one-hundredths of one per cent of the 42132
estimated project cost through June 30, ~~2022~~2024, and a 42133
nonrefundable application fee of one hundred dollars plus 42134
two-tenths of one per cent of the estimated project cost on and 42135
after July 1, ~~2022~~2024, except that the total fee shall not exceed 42136
fifteen thousand dollars through June 30, ~~2022~~2024, and five 42137
thousand dollars on and after July 1, ~~2022~~2024. The fee shall be 42138
paid at the time the application is submitted. 42139

(2) A person who has entered into an agreement with the 42140
director under section 6111.14 of the Revised Code shall pay an 42141

administrative service fee for each plan submitted under that 42142
section for approval that shall not exceed the minimum amount 42143
necessary to pay administrative costs directly attributable to 42144
processing plan approvals. The director annually shall calculate 42145
the fee and shall notify all persons who have entered into 42146
agreements under that section, or who have applied for agreements, 42147
of the amount of the fee. 42148

(3)(a)(i) Not later than January 30, ~~2020~~2022, and January 42149
30, ~~2021~~2023, a person holding an NPDES discharge permit issued 42150
pursuant to Chapter 6111. of the Revised Code with an average 42151
daily discharge flow of five thousand gallons or more shall pay a 42152
nonrefundable annual discharge fee. Any person who fails to pay 42153
the fee at that time shall pay an additional amount that equals 42154
ten per cent of the required annual discharge fee. 42155

(ii) The billing year for the annual discharge fee 42156
established in division (L)(3)(a)(i) of this section shall consist 42157
of a twelve-month period beginning on the first day of January of 42158
the year preceding the date when the annual discharge fee is due. 42159
In the case of an existing source that permanently ceases to 42160
discharge during a billing year, the director shall reduce the 42161
annual discharge fee, including the surcharge applicable to 42162
certain industrial facilities pursuant to division (L)(3)(c) of 42163
this section, by one-twelfth for each full month during the 42164
billing year that the source was not discharging, but only if the 42165
person holding the NPDES discharge permit for the source notifies 42166
the director in writing, not later than the first day of October 42167
of the billing year, of the circumstances causing the cessation of 42168
discharge. 42169

(iii) The annual discharge fee established in division 42170
(L)(3)(a)(i) of this section, except for the surcharge applicable 42171
to certain industrial facilities pursuant to division (L)(3)(c) of 42172
this section, shall be based upon the average daily discharge flow 42173

in gallons per day calculated using first day of May through 42174
thirty-first day of October flow data for the period two years 42175
prior to the date on which the fee is due. In the case of NPDES 42176
discharge permits for new sources, the fee shall be calculated 42177
using the average daily design flow of the facility until actual 42178
average daily discharge flow values are available for the time 42179
period specified in division (L)(3)(a)(iii) of this section. The 42180
annual discharge fee may be prorated for a new source as described 42181
in division (L)(3)(a)(ii) of this section. 42182

(b)(i) An NPDES permit holder that is a public discharger 42183
shall pay the fee specified in the following schedule: 42184

Average daily	Fee due by	
discharge flow	January 30,	
	2020 <u>2022</u> , and	
	January 30,	
	2021 <u>2023</u>	
5,000 to 49,999	\$ 200	42185
50,000 to 100,000	500	42186
100,001 to 250,000	1,050	42187
250,001 to 1,000,000	2,600	42188
1,000,001 to 5,000,000	5,200	42189
5,000,001 to 10,000,000	10,350	42190
10,000,001 to 20,000,000	15,550	42191
20,000,001 to 50,000,000	25,900	42192
50,000,001 to 100,000,000	41,400	42193
100,000,001 or more	62,100	42194

(ii) Public dischargers owning or operating two or more 42199
publicly owned treatment works serving the same political 42200
subdivision, as "treatment works" is defined in section 6111.01 of 42201
the Revised Code, and that serve exclusively political 42202
subdivisions having a population of fewer than one hundred 42203
thousand persons shall pay an annual discharge fee under division 42204

(L)(3)(b)(i) of this section that is based on the combined average 42205
daily discharge flow of the treatment works. 42206

(c)(i) An NPDES permit holder that is an industrial 42207
discharger, other than a coal mining operator identified by P in 42208
the third character of the permittee's NPDES permit number, shall 42209
pay the fee specified in the following schedule: 42210

Average daily	Fee due by	
discharge flow	January 30,	
	2020 <u>2022</u> , and	
	January 30,	
	2021 <u>2023</u>	
5,000 to 49,999	\$ 250	42215
50,000 to 250,000	1,200	42216
250,001 to 1,000,000	2,950	42217
1,000,001 to 5,000,000	5,850	42218
5,000,001 to 10,000,000	8,800	42219
10,000,001 to 20,000,000	11,700	42220
20,000,001 to 100,000,000	14,050	42221
100,000,001 to 250,000,000	16,400	42222
250,000,001 or more	18,700	42223

(ii) In addition to the fee specified in the above schedule, 42224
an NPDES permit holder that is an industrial discharger classified 42225
as a major discharger during all or part of the annual discharge 42226
fee billing year specified in division (L)(3)(a)(ii) of this 42227
section shall pay a nonrefundable annual surcharge of seven 42228
thousand five hundred dollars not later than January 30, ~~2020~~2022, 42229
and not later than January 30, ~~2021~~2023. Any person who fails to 42230
pay the surcharge at that time shall pay an additional amount that 42231
equals ten per cent of the amount of the surcharge. 42232

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 42233
section, a public discharger, that is not a separate municipal 42234
storm sewer system, identified by I in the third character of the 42235

permittee's NPDES permit number and an industrial discharger 42236
identified by I, J, L, V, W, X, Y, or Z in the third character of 42237
the permittee's NPDES permit number shall pay a nonrefundable 42238
annual discharge fee of one hundred eighty dollars not later than 42239
January 30, ~~2020~~2022, and not later than January 30, ~~2021~~2023. Any 42240
person who fails to pay the fee at that time shall pay an 42241
additional amount that equals ten per cent of the required fee. 42242

(4) Each person obtaining an NPDES permit for municipal storm 42243
water discharge shall pay a nonrefundable storm water annual 42244
discharge fee of ten dollars per one-tenth of a square mile of 42245
area permitted. The fee shall not exceed ten thousand dollars and 42246
shall be payable on or before January 30, 2004, and the thirtieth 42247
day of January of each year thereafter. Any person who fails to 42248
pay the fee on the date specified in division (L)(4) of this 42249
section shall pay an additional amount per year equal to ten per 42250
cent of the annual fee that is unpaid. 42251

(5) The director shall transmit all moneys collected under 42252
division (L) of this section to the treasurer of state for deposit 42253
into the state treasury to the credit of the surface water 42254
protection fund created in section 6111.038 of the Revised Code. 42255

(6) As used in this section: 42256

(a) "NPDES" means the federally approved national pollutant 42257
discharge elimination system individual and general program for 42258
issuing, modifying, revoking, reissuing, terminating, monitoring, 42259
and enforcing permits and imposing and enforcing pretreatment 42260
requirements under Chapter 6111. of the Revised Code and rules 42261
adopted under it. 42262

(b) "Public discharger" means any holder of an NPDES permit 42263
identified by P in the second character of the NPDES permit number 42264
assigned by the director. 42265

(c) "Industrial discharger" means any holder of an NPDES 42266

permit identified by I in the second character of the NPDES permit 42267
number assigned by the director. 42268

(d) "Major discharger" means any holder of an NPDES permit 42269
classified as major by the regional administrator of the United 42270
States environmental protection agency in conjunction with the 42271
director. 42272

(M) Through June 30, ~~2022~~2024, a person applying for a 42273
license or license renewal to operate a public water system under 42274
section 6109.21 of the Revised Code shall pay the appropriate fee 42275
established under this division at the time of application to the 42276
director. Any person who fails to pay the fee at that time shall 42277
pay an additional amount that equals ten per cent of the required 42278
fee. The director shall transmit all moneys collected under this 42279
division to the treasurer of state for deposit into the drinking 42280
water protection fund created in section 6109.30 of the Revised 42281
Code. 42282

Except as provided in divisions (M)(4) and (5) of this 42283
section, fees required under this division shall be calculated and 42284
paid in accordance with the following schedule: 42285

(1) For the initial license required under section 6109.21 of 42286
the Revised Code for any public water system that is a community 42287
water system as defined in section 6109.01 of the Revised Code, 42288
and for each license renewal required for such a system prior to 42289
January 31, ~~2022~~2024, the fee is: 42290

Number of service connections	Fee amount	
Not more than 49	\$ 112	42292
50 to 99	176	42293
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	42295
2,500 to 4,999	1.48	42296
5,000 to 7,499	1.42	42297

7,500 to 9,999	1.34	42298
10,000 to 14,999	1.16	42299
15,000 to 24,999	1.10	42300
25,000 to 49,999	1.04	42301
50,000 to 99,999	.92	42302
100,000 to 149,999	.86	42303
150,000 to 199,999	.80	42304
200,000 or more	.76	42305

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	42319
150 to 299	176	42320
300 to 749	384	42321
750 to 1,499	628	42322
1,500 to 2,999	1,268	42323
3,000 to 7,499	2,816	42324
7,500 to 14,999	5,510	42325
15,000 to 22,499	9,048	42326
22,500 to 29,999	12,430	42327
30,000 or more	16,820	42328

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	42342
2	112	42343
3	176	42344
4	278	42345
5	568	42346
System designated as using a surface water source	792	42347 42348

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2022~~2024, and fifteen thousand dollars on and after July 1, ~~2022~~2024. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2022~~2024, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		42384
MMO-MUG	\$2,000	42385
MF	2,100	42386
MMO-MUG and MF	2,550	42387
organic chemical	5,400	42388
trace metals	5,400	42389
standard chemistry	2,800	42390
limited chemistry	1,550	42391

On and after July 1, ~~2022~~2024, the following fee, on a per

survey basis, shall be charged any such person:		42393
microbiological	\$ 1,650	42394
organic chemicals	3,500	42395
trace metals	3,500	42396
standard chemistry	1,800	42397
limited chemistry	1,000	42398

The fee for those services shall be paid at the time the request 42399
for the survey is made. Through June 30, ~~2022~~2024, an individual 42400
laboratory shall not be assessed a fee under this division more 42401
than once in any three-year period unless the person requests the 42402
addition of analytical methods or analysts, in which case the 42403
person shall pay ~~eighteen~~ five hundred dollars for each additional 42404
survey requested. 42405

As used in division (N)(3) of this section: 42406

(a) "MF" means ~~microfiltration~~ membrane filtration. 42407

(b) "MMO" means minimal medium ONPG. 42408

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 42409

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 42410

The director shall transmit all moneys collected under this 42411
division to the treasurer of state for deposit into the drinking 42412
water protection fund created in section 6109.30 of the Revised 42413
Code. 42414

(O) Any person applying to the director to take an 42415
examination for certification as an operator of a water supply 42416
system or wastewater system under Chapter 6109. or 6111. of the 42417
Revised Code that is administered by the director, at the time the 42418
application is submitted, shall pay a fee in accordance with the 42419
following schedule through November 30, ~~2022~~2024: 42420

Class A operator	\$ 80	42421
Class I operator	105	42422

Class II operator	120	42423
Class III operator	130	42424
Class IV operator	145	42425

On and after December 1, ~~2022~~2024, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	42428
Class I operator	70	42429
Class II operator	80	42430
Class III operator	90	42431
Class IV operator	100	42432

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	42441
Class I operator	35	42442
Class II operator	45	42443
Class III operator	55	42444
Class IV operator	65	42445

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	42451
Class I operator	55	42452
Class II operator	65	42453
Class III operator	75	42454

Class IV operator

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A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

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Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

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The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

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(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

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(Q) Except as otherwise provided in division (R) of this

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section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent

of the amount of the fee for each week that the permit fee is 42520
late. 42521

Permit and late payment fees paid to the director under this 42522
division shall be credited to the general revenue fund. 42523

(R)(1) A person issued a registration certificate for a scrap 42524
tire collection facility under section 3734.75 of the Revised Code 42525
shall pay a fee of two hundred dollars, except that if the 42526
facility is owned or operated by a motor vehicle salvage dealer 42527
licensed under Chapter 4738. of the Revised Code, the person shall 42528
pay a fee of twenty-five dollars. 42529

(2) A person issued a registration certificate for a new 42530
scrap tire storage facility under section 3734.76 of the Revised 42531
Code shall pay a fee of three hundred dollars, except that if the 42532
facility is owned or operated by a motor vehicle salvage dealer 42533
licensed under Chapter 4738. of the Revised Code, the person shall 42534
pay a fee of twenty-five dollars. 42535

(3) A person issued a permit for a scrap tire storage 42536
facility under section 3734.76 of the Revised Code shall pay a fee 42537
of one thousand dollars, except that if the facility is owned or 42538
operated by a motor vehicle salvage dealer licensed under Chapter 42539
4738. of the Revised Code, the person shall pay a fee of fifty 42540
dollars. 42541

(4) A person issued a permit for a scrap tire monocell or 42542
monofill facility under section 3734.77 of the Revised Code shall 42543
pay a fee of ten dollars per thousand cubic yards of disposal 42544
capacity or one thousand dollars, whichever is greater, except 42545
that the total fee for any such permit shall not exceed eighty 42546
thousand dollars. 42547

(5) A person issued a registration certificate for a scrap 42548
tire recovery facility under section 3734.78 of the Revised Code 42549
shall pay a fee of one hundred dollars. 42550

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

~~(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.~~

~~(b)~~ Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2022~~2024, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2022~~2024.

~~(e)(i)(b)(i)~~ Except as otherwise provided in divisions

~~(S)(1)(e)(iii)~~(S)(1)(b)(iii) and (iv) of this section, through 42582
June 30, ~~2022~~2024, any person applying for an NPDES permit under 42583
Chapter 6111. of the Revised Code shall pay a nonrefundable 42584
application fee of two hundred dollars at the time of application 42585
for the permit. On and after July 1, ~~2022~~2024, such a person shall 42586
pay a nonrefundable application fee of fifteen dollars at the time 42587
of application. 42588

(ii) In addition to the nonrefundable application fee, any 42589
person applying for an NPDES permit under Chapter 6111. of the 42590
Revised Code shall pay a design flow discharge fee based on each 42591
point source to which the issuance is applicable in accordance 42592
with the following schedule: 42593

Design flow discharge (gallons per day)	Fee	
0 to 1,000	\$ 0	42594
1,001 to 5,000	100	42595
5,001 to 50,000	200	42596
50,001 to 100,000	300	42597
100,001 to 300,000	525	42598
over 300,000	750	42599

(iii) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and 42601
(ii) of this section, the application and design flow discharge 42602
fee for an NPDES permit for a public discharger identified by the 42603
letter I in the third character of the NPDES permit number shall 42604
not exceed nine hundred fifty dollars. 42605

(iv) Notwithstanding divisions ~~(S)(1)(e)(i)~~(S)(1)(b)(i) and 42606
(ii) of this section, the application and design flow discharge 42607
fee for an NPDES permit for a coal mining operation regulated 42608
under Chapter 1513. of the Revised Code shall not exceed four 42609
hundred fifty dollars per mine. 42610

(v) A person issued a modification of an NPDES permit shall 42611
pay a nonrefundable modification fee equal to the application fee 42612
and one-half the design flow discharge fee based on each point 42613

source, if applicable, that would be charged for an NPDES permit, 42614
except that the modification fee shall not exceed six hundred 42615
dollars. 42616

~~(d)~~(c) In addition to the application fee established under 42617
division ~~(S)(1)(e)(i)~~(S)(1)(b)(i) of this section, any person 42618
applying for an NPDES general storm water construction permit 42619
shall pay a nonrefundable fee of twenty dollars per acre for each 42620
acre that is permitted above five acres at the time the 42621
application is submitted. However, the per acreage fee shall not 42622
exceed three hundred dollars. In addition to the application fee 42623
established under division ~~(S)(1)(e)(i)~~(S)(1)(b)(i) of this 42624
section, any person applying for an NPDES general storm water 42625
industrial permit shall pay a nonrefundable fee of one hundred 42626
fifty dollars at the time the application is submitted. 42627

~~(e)~~(d) The director shall transmit all moneys collected under 42628
division (S)(1) of this section pursuant to Chapter 6109. of the 42629
Revised Code to the treasurer of state for deposit into the 42630
drinking water protection fund created in section 6109.30 of the 42631
Revised Code. 42632

~~(f)~~(e) The director shall transmit all moneys collected under 42633
division (S)(1) of this section pursuant to Chapter 6111. of the 42634
Revised Code and under division ~~(S)(3)~~(S)(2) of this section to 42635
the treasurer of state for deposit into the surface water 42636
protection fund created in section 6111.038 of the Revised Code. 42637

~~(g) If a registration certificate is issued under section 42638
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 42639
the application fee paid shall be deducted from the amount of the 42640
registration certificate fee due under division (R)(1), (2), or 42641
(5) of this section, as applicable. 42642~~

~~(h)~~(f) If a person submits an electronic application for a 42643
registration certificate, permit, variance, or plan approval for 42644

which an application fee is established under division (S)(1) of 42645
this section, the person shall pay all applicable fees as 42646
expeditiously as possible after the submission of the electronic 42647
application. An application for a registration certificate, 42648
permit, variance, or plan approval for which an application fee is 42649
established under division (S)(1) of this section shall not be 42650
reviewed or processed until the applicable application fee, and 42651
any other fees established under this division, are paid. 42652

~~(2) Division (S)(1) of this section does not apply to an 42653
application for a registration certificate for a scrap tire 42654
collection or storage facility submitted under section 3734.75 or 42655
3734.76 of the Revised Code, as applicable, if the owner or 42656
operator of the facility or proposed facility is a motor vehicle 42657
salvage dealer licensed under Chapter 4738. of the Revised Code. 42658~~

~~(3) A person applying for coverage under an NPDES general 42659
discharge permit for household sewage treatment systems shall pay 42660
the following fees: 42661~~

~~(a) A a nonrefundable fee of two hundred dollars at the time 42662
of application for initial permit coverage: 42663~~

~~(b) A nonrefundable fee of one hundred dollars at the time of 42664
application for a renewal of permit coverage. No fee is required 42665
for an application for permit coverage renewal. 42666~~

(T) The director may adopt, amend, and rescind rules in 42667
accordance with Chapter 119. of the Revised Code that do all of 42668
the following: 42669

(1) Prescribe fees to be paid by applicants for and holders 42670
of any license, permit, variance, plan approval, or certification 42671
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 42672
the Revised Code that are not specifically established in this 42673
section. The fees shall be designed to defray the cost of 42674
processing, issuing, revoking, modifying, denying, and enforcing 42675

the licenses, permits, variances, plan approvals, and 42676
certifications. 42677

The director shall transmit all moneys collected under rules 42678
adopted under division (T)(1) of this section pursuant to Chapter 42679
6109. of the Revised Code to the treasurer of state for deposit 42680
into the drinking water protection fund created in section 6109.30 42681
of the Revised Code. 42682

The director shall transmit all moneys collected under rules 42683
adopted under division (T)(1) of this section pursuant to Chapter 42684
6111. of the Revised Code to the treasurer of state for deposit 42685
into the surface water protection fund created in section 6111.038 42686
of the Revised Code. 42687

(2) Exempt the state and political subdivisions thereof, 42688
including education facilities or medical facilities owned by the 42689
state or a political subdivision, or any person exempted from 42690
taxation by section 5709.07 or 5709.12 of the Revised Code, from 42691
any fee required by this section; 42692

(3) Provide for the waiver of any fee, or any part thereof, 42693
otherwise required by this section whenever the director 42694
determines that the imposition of the fee would constitute an 42695
unreasonable cost of doing business for any applicant, class of 42696
applicants, or other person subject to the fee; 42697

(4) Prescribe measures that the director considers necessary 42698
to carry out this section. 42699

(U) When the director reasonably demonstrates that the direct 42700
cost to the state associated with the issuance of a permit, 42701
license, variance, plan approval, or certification exceeds the fee 42702
for the issuance or review specified by this section, the director 42703
may condition the issuance or review on the payment by the person 42704
receiving the issuance or review of, in addition to the fee 42705
specified by this section, the amount, or any portion thereof, in 42706

excess of the fee specified under this section. The director shall 42707
not so condition issuances for which a fee is prescribed in 42708
division ~~(S)(1)(e)(iii)~~(S)(1)(b)(iii) of this section. 42709

(V) Except as provided in divisions (L), (M), (P), and (S) of 42710
this section or unless otherwise prescribed by a rule of the 42711
director adopted pursuant to Chapter 119. of the Revised Code, all 42712
fees required by this section are payable within thirty days after 42713
the issuance of an invoice for the fee by the director or the 42714
effective date of the issuance of the license, permit, variance, 42715
plan approval, or certification. If payment is late, the person 42716
responsible for payment of the fee shall pay an additional ten per 42717
cent of the amount due for each month that it is late. 42718

(W) As used in this section, "fuel-burning equipment," 42719
"fuel-burning equipment input capacity," "incinerator," 42720
"incinerator input capacity," "process," "process weight rate," 42721
"storage tank," "gasoline dispensing facility," "dry cleaning 42722
facility," "design flow discharge," and "new source treatment 42723
works" have the meanings ascribed to those terms by applicable 42724
rules or standards adopted by the director under Chapter 3704. or 42725
6111. of the Revised Code. 42726

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 42727
(J) of this section, and in any other provision of this section 42728
pertaining to fees paid pursuant to Chapter 3704. of the Revised 42729
Code: 42730

(1) "Facility," "federal Clean Air Act," "person," and "Title 42731
V permit" have the same meanings as in section 3704.01 of the 42732
Revised Code. 42733

(2) "Title V permit program" means the following activities 42734
as necessary to meet the requirements of Title V of the federal 42735
Clean Air Act and 40 C.F.R. part 70, including at least: 42736

(a) Preparing and adopting, if applicable, generally 42737

applicable rules or guidance regarding the permit program or its implementation or enforcement;	42738 42739
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	42740 42741 42742 42743
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	42744 42745 42746
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	42747 42748 42749
(e) Emission and ambient monitoring;	42750
(f) Modeling, analyses, or demonstrations;	42751
(g) Preparing inventories and tracking emissions;	42752
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	42753 42754 42755 42756 42757 42758 42759
(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.	42760 42761 42762
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the	42763 42764 42765 42766 42767

sewage sludge facility treats or disposes of in this state. The 42768
annual volume of sewage sludge treated or disposed of by a sewage 42769
sludge facility shall be calculated using the first day of January 42770
through the thirty-first day of December of the calendar year 42771
preceding the date on which payment of the fee is due. 42772

(2)(a) Except as provided in division (Y)(2)(d) of this 42773
section, each sewage sludge facility shall pay a minimum annual 42774
sewage sludge fee of one hundred dollars. 42775

(b) The annual sludge fee required to be paid by a sewage 42776
sludge facility that treats or disposes of exceptional quality 42777
sludge in this state shall be thirty-five per cent less per dry 42778
ton of exceptional quality sludge than the fee assessed under 42779
division (Y)(1) of this section, subject to the following 42780
exceptions: 42781

(i) Except as provided in division (Y)(2)(d) of this section, 42782
a sewage sludge facility that treats or disposes of exceptional 42783
quality sludge shall pay a minimum annual sewage sludge fee of one 42784
hundred dollars. 42785

(ii) A sewage sludge facility that treats or disposes of 42786
exceptional quality sludge shall not be required to pay the annual 42787
sludge fee for treatment or disposal in this state of exceptional 42788
quality sludge generated outside of this state and contained in 42789
bags or other containers not greater than one hundred pounds in 42790
capacity. 42791

A thirty-five per cent reduction for exceptional quality 42792
sludge applies to the maximum annual fees established under 42793
division (Y)(3) of this section. 42794

(c) A sewage sludge facility that transfers sewage sludge to 42795
another sewage sludge facility in this state for further treatment 42796
prior to disposal in this state shall not be required to pay the 42797
annual sludge fee for the tons of sewage sludge that have been 42798

transferred. In such a case, the sewage sludge facility that 42799
disposes of the sewage sludge shall pay the annual sludge fee. 42800
However, the facility transferring the sewage sludge shall pay the 42801
one-hundred-dollar minimum fee required under division (Y)(2)(a) 42802
of this section. 42803

In the case of a sewage sludge facility that treats sewage 42804
sludge in this state and transfers it out of this state to another 42805
entity for disposal, the sewage sludge facility in this state 42806
shall be required to pay the annual sludge fee for the tons of 42807
sewage sludge that have been transferred. 42808

(d) A sewage sludge facility that generates sewage sludge 42809
resulting from an average daily discharge flow of less than five 42810
thousand gallons per day is not subject to the fees assessed under 42811
division (Y) of this section. 42812

(3) No sewage sludge facility required to pay the annual 42813
sludge fee shall be required to pay more than the maximum annual 42814
fee for each disposal method that the sewage sludge facility uses. 42815
The maximum annual fee does not include the additional amount that 42816
may be charged under division (Y)(5) of this section for late 42817
payment of the annual sludge fee. The maximum annual fee for the 42818
following methods of disposal of sewage sludge is as follows: 42819

(a) Incineration: five thousand dollars; 42820

(b) Preexisting land reclamation project or disposal in a 42821
landfill: five thousand dollars; 42822

(c) Land application, land reclamation, surface disposal, or 42823
any other disposal method not specified in division (Y)(3)(a) or 42824
(b) of this section: twenty thousand dollars. 42825

(4)(a) In the case of an entity that generates sewage sludge 42826
or a sewage sludge facility that treats sewage sludge and 42827
transfers the sewage sludge to an incineration facility for 42828
disposal, the incineration facility, and not the entity generating 42829

the sewage sludge or the sewage sludge facility treating the 42830
sewage sludge, shall pay the annual sludge fee for the tons of 42831
sewage sludge that are transferred. However, the entity or 42832
facility generating or treating the sewage sludge shall pay the 42833
one-hundred-dollar minimum fee required under division (Y)(2)(a) 42834
of this section. 42835

(b) In the case of an entity that generates sewage sludge and 42836
transfers the sewage sludge to a landfill for disposal or to a 42837
sewage sludge facility for land reclamation or surface disposal, 42838
the entity generating the sewage sludge, and not the landfill or 42839
sewage sludge facility, shall pay the annual sludge fee for the 42840
tons of sewage sludge that are transferred. 42841

(5) Not later than the first day of April of the calendar 42842
year following March 17, 2000, and each first day of April 42843
thereafter, the director shall issue invoices to persons who are 42844
required to pay the annual sludge fee. The invoice shall identify 42845
the nature and amount of the annual sludge fee assessed and state 42846
the first day of May as the deadline for receipt by the director 42847
of objections regarding the amount of the fee and the first day of 42848
July as the deadline for payment of the fee. 42849

Not later than the first day of May following receipt of an 42850
invoice, a person required to pay the annual sludge fee may submit 42851
objections to the director concerning the accuracy of information 42852
regarding the number of dry tons of sewage sludge used to 42853
calculate the amount of the annual sludge fee or regarding whether 42854
the sewage sludge qualifies for the exceptional quality sludge 42855
discount established in division (Y)(2)(b) of this section. The 42856
director may consider the objections and adjust the amount of the 42857
fee to ensure that it is accurate. 42858

If the director does not adjust the amount of the annual 42859
sludge fee in response to a person's objections, the person may 42860
appeal the director's determination in accordance with Chapter 42861

119. of the Revised Code. 42862

Not later than the first day of June, the director shall 42863
notify the objecting person regarding whether the director has 42864
found the objections to be valid and the reasons for the finding. 42865
If the director finds the objections to be valid and adjusts the 42866
amount of the annual sludge fee accordingly, the director shall 42867
issue with the notification a new invoice to the person 42868
identifying the amount of the annual sludge fee assessed and 42869
stating the first day of July as the deadline for payment. 42870

Not later than the first day of July, any person who is 42871
required to do so shall pay the annual sludge fee. Any person who 42872
is required to pay the fee, but who fails to do so on or before 42873
that date shall pay an additional amount that equals ten per cent 42874
of the required annual sludge fee. 42875

(6) The director shall transmit all moneys collected under 42876
division (Y) of this section to the treasurer of state for deposit 42877
into the surface water protection fund created in section 6111.038 42878
of the Revised Code. The moneys shall be used to defray the costs 42879
of administering and enforcing provisions in Chapter 6111. of the 42880
Revised Code and rules adopted under it that govern the use, 42881
storage, treatment, or disposal of sewage sludge. 42882

(7) Beginning in fiscal year 2001, and every two years 42883
thereafter, the director shall review the total amount of moneys 42884
generated by the annual sludge fees to determine if that amount 42885
exceeded six hundred thousand dollars in either of the two 42886
preceding fiscal years. If the total amount of moneys in the fund 42887
exceeded six hundred thousand dollars in either fiscal year, the 42888
director, after review of the fee structure and consultation with 42889
affected persons, shall issue an order reducing the amount of the 42890
fees levied under division (Y) of this section so that the 42891
estimated amount of moneys resulting from the fees will not exceed 42892
six hundred thousand dollars in any fiscal year. 42893

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that

meets all of the following qualifications:	42925
(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	42926 42927
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	42928 42929
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	42930 42931
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	42932 42933
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	42934 42935 42936
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	42937 42938 42939
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	42940 42941 42942 42943 42944
(g) "Land reclamation" means the returning of disturbed land to productive use.	42945 42946
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	42947 42948 42949 42950
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	42951 42952 42953 42954

(j) "Incineration facility" includes all incinerators owned 42955
or operated by the same entity and located on a contiguous tract 42956
of land. Areas of land are considered to be contiguous even if 42957
they are separated by a public road or highway. 42958

(k) "Annual sludge fee" means the fee assessed under division 42959
(Y)(1) of this section. 42960

(l) "Landfill" means a sanitary landfill facility, as defined 42961
in rules adopted under section 3734.02 of the Revised Code, that 42962
is licensed under section 3734.05 of the Revised Code. 42963

(m) "Preexisting land reclamation project" means a 42964
property-specific land reclamation project that has been in 42965
continuous operation for not less than five years pursuant to 42966
approval of the activity by the director and includes the 42967
implementation of a community outreach program concerning the 42968
activity. 42969

Sec. 3746.01. As used in this chapter: 42970

(A) "Accredited laboratory" means a laboratory that is 42971
accredited as follows: 42972

(1) For analysis of asbestos, valid accreditation by one of 42973
the following: 42974

(a) The American industrial hygiene association, asbestos 42975
analysts registry; 42976

(b) The national institute of standards technology, national 42977
voluntary laboratory accreditation program for asbestos fiber 42978
analysis; 42979

(c) An accreditation body recognized by the national 42980
environmental laboratory accreditation conference. 42981

(2) For analysis of any constituent other than asbestos, 42982
valid accreditation by one of the following: 42983

<u>(a) The national environmental laboratory accreditation program;</u>	42984 42985
<u>(b) A national environmental laboratory accreditation program accreditation from an accreditation body recognized by the national environmental laboratory accreditation conference.</u>	42986 42987 42988
<u>(B)</u> "Activity and use limitations" has the same meaning as in section 5301.80 of the Revised Code.	42989 42990
(B) <u>(C)</u> "Affiliated" means under common ownership or control.	42991
(C) <u>(D)</u> "Applicable standards," unless the context indicates otherwise, means standards <u>that applied before the effective date of this amendment, standards</u> established in or pursuant to sections 3746.05, <u>and</u> 3746.06, and 3746.07 of the Revised Code, in or pursuant to rules adopted under division (B)(1) or (2) of section 3746.04 of the Revised Code, pursuant to rules adopted under division (B)(12) <u>(B)(11)(b)</u> of section 3746.04 of the Revised Code, or alternative standards and terms and conditions set forth in a variance issued under section 3746.09 of the Revised Code, as applicable.	42992 42993 42994 42995 42996 42997 42998 42999 43000 43001
(D) <u>(E)</u> "Background level" means the conditions at a property and areas surrounding a property that are unaffected by any current or past activities involving treatment, storage, or disposal of hazardous substances or petroleum. "Background level" includes naturally occurring substances.	43002 43003 43004 43005 43006
(E) <u>(F)</u> "Certified laboratory" means a laboratory <u>that was</u> certified by the director of environmental protection pursuant to rules adopted under division (B)(6) of section 3746.04 of the Revised Code, or deemed to be certified under division (E) of section 3746.07 of the Revised Code, to perform analyses in connection with voluntary actions <u>before the effective date of this amendment.</u>	43007 43008 43009 43010 43011 43012 43013
(F) <u>(G)</u> "Certified professional" means a person certified by	43014

the director pursuant to rules adopted under division (B)(5) of 43015
section 3746.04 of the Revised Code, or deemed to be certified 43016
~~under division (D) of section 3746.07 of the Revised Code~~ before 43017
the effective date of this amendment, to issue no further action 43018
letters under section 3746.11 of the Revised Code. 43019

~~(G)~~(H) "Covenant not to sue" means a release from liability 43020
that is issued by the director under section 3746.12 of the 43021
Revised Code. 43022

~~(H)~~(I) "Environmental covenant" has the same meaning as in 43023
section 5301.80 of the Revised Code. 43024

~~(I)~~(J) "Hazardous substance" includes all of the following: 43025

(1) Any substance identified or listed in rules adopted under 43026
division (B)(1)(c) of section 3750.02 of the Revised Code; 43027

(2) Any product registered as a pesticide under section 43028
921.02 of the Revised Code when the product is used in a manner 43029
inconsistent with its required labeling; 43030

(3) Any product formerly registered as a pesticide under that 43031
section for which the registration was suspended or canceled under 43032
section 921.05 of the Revised Code; 43033

(4) Any mixture of a substance described in divisions 43034
~~(I)~~~~(1)~~(J)(1) to (3) of this section with a radioactive material. 43035

~~(J)~~(K) "Owner or operator" includes both of the following: 43036

(1) Any person owning or holding a legal, equitable, or 43037
possessory interest in or having responsibility for the daily 43038
activities on a property; 43039

(2) In the case of property title or control of which was 43040
conveyed due to bankruptcy, foreclosure, tax delinquency, 43041
abandonment, or similar means to this state or a political 43042
subdivision of this state, any person who owned, operated, or 43043
otherwise controlled activities occurring on the property before 43044

the conveyance. 43045

~~(K)~~(L) "Person" means any person as defined in section 1.59 43046
of the Revised Code and also includes this state, any political 43047
subdivision of this state, any other body of this state or of a 43048
political subdivision of this state, the board of directors of a 43049
nonprofit corporation governing a special improvement district 43050
created under Chapter 1710. of the Revised Code, and the United 43051
States and any agency or instrumentality thereof. 43052

~~(L)~~(M) "Petroleum" means oil or petroleum of any kind and in 43053
any form, including, without limitation, crude oil or any fraction 43054
thereof, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil 43055
refuse, used oil, substances or additives utilized in the refining 43056
or blending of crude petroleum or petroleum stock, natural gas, 43057
natural gas liquids, liquefied natural gas, synthetic gas usable 43058
for fuel, and mixtures of natural gas and synthetic gas. 43059

~~(M)~~(N) "Property," except for the purposes of sections 43060
3746.02, 3746.26, and 3746.27 of the Revised Code, means any 43061
parcel of real property, or portion thereof, and any improvements 43062
thereto, the limits of which have been described in writing by the 43063
owner of record or a legally appointed representative of the owner 43064
and that is or has been the subject of a voluntary action under 43065
this chapter and rules adopted under it. 43066

~~(N)~~(O) "Radioactive material" means a substance that 43067
spontaneously emits ionizing radiation. 43068

~~(O)~~(P) "Related" means the persons are related by 43069
consanguinity or marriage. 43070

~~(P)~~(Q) "Release" means any spilling, leaking, pumping, 43071
pouring, emitting, emptying, discharging, injecting, escaping, 43072
leaching, migrating, dumping, or disposing of any hazardous 43073
substance or petroleum into the environment, including, without 43074
limitation, the abandonment or discarding of barrels, containers, 43075

or any other closed receptacle containing any hazardous substance, 43076
petroleum, or pollutant or contaminant. "Release" does not include 43077
any of the following: 43078

(1) Any release that results solely in the exposure of 43079
individuals to hazardous substances or petroleum in the workplace 43080
with respect to which those individuals may assert a claim against 43081
their employer and that is regulated under the "Occupational 43082
Health and Safety Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, as 43083
amended, and regulations adopted under that act, or under Chapter 43084
4167. of the Revised Code and rules adopted under it; 43085

(2) Emissions from the engine exhaust of a motor vehicle, 43086
rolling stock, aircraft, vessel, or pipeline pumping station 43087
engine; 43088

(3) Any release of a source, byproduct, or special nuclear 43089
material from a nuclear incident, as "source material," "byproduct 43090
material," "special nuclear material," and "nuclear incident" are 43091
defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 42 43092
U.S.C.A. 2011, as amended, if the release is subject to financial 43093
protection requirements under section 170 of that act unless any 43094
such material is mixed with a hazardous substance or petroleum; 43095

(4) Any federally permitted release as defined in section 43096
101(10) of the "Comprehensive Environmental Response, 43097
Compensation, and Liability Act of 1980," 94 Stat. 3300, 42 43098
U.S.C.A. 9601, as amended; 43099

(5) The normal application of a fertilizer material that is 43100
intended to improve the quality or quantity of plant growth. 43101

~~(Q)~~(R) "Remedy" or "remedial activities" means actions that 43102
are taken at a property to treat, remove, transport for treatment 43103
or disposal, dispose of, contain, or control hazardous substances 43104
or petroleum, are protective of public health and safety and the 43105
environment, and are consistent with a permanent remedy, 43106

including, without limitation, excavation, treatment, off-site disposal, the use of engineering or institutional controls or activity and use limitations, the issuance and implementation of a consolidated standards permit under section 3746.15 of the Revised Code, and the entering into and implementation of an operation and maintenance agreement pursuant to section 3746.12 of the Revised Code.

~~(R)~~(S) "Voluntary action" means a series of measures that may be undertaken to identify and address potential sources of contamination of property by hazardous substances or petroleum and to establish that the property complies with applicable standards. "Voluntary action" may include, without limitation, a phase I property assessment conducted in accordance with rules adopted under division (B)(3) of section 3746.04 of the Revised Code or ~~division (B) of section 3746.07 of the Revised Code~~ as it existed before the effective date of this amendment, as appropriate, a phase II property assessment conducted in accordance with rules adopted under division (B)(4) of section 3746.04 of the Revised Code or ~~division (C) of section 3746.07 of the Revised Code~~ as it existed before the effective date of this amendment, as appropriate, and a sampling plan, a remedial plan, or remedial activities followed by the issuance of a no further action letter under section 3746.11 of the Revised Code indicating that the property meets applicable standards upon demonstration by the person undertaking the measures either that there is no information indicating that there has been a release of hazardous substances or petroleum at or upon the property or that there has been a release of hazardous substances or petroleum at or upon the property and that applicable standards were not exceeded or have been or will be achieved in accordance with this chapter and rules adopted under it.

Sec. 3746.04. ~~Within one year after September 28, 1994, the~~

The director of environmental protection, in accordance with 43139
Chapter 119. of the Revised Code, shall adopt, and subsequently 43140
may amend, suspend, or rescind, rules that do both of the 43141
following: 43142

(A) Revise the rules adopted under Chapters 3704., 3714., 43143
3734., 6109., and 6111. of the Revised Code to incorporate the 43144
provisions necessary to conform those rules to the requirements of 43145
this chapter. The amended rules adopted under this division also 43146
shall establish response times for all submittals to the 43147
environmental protection agency required under this chapter or 43148
rules adopted under it. 43149

(B) Establish requirements and procedures that are reasonably 43150
necessary for the implementation and administration of this 43151
chapter, including, without limitation, all of the following: 43152

(1) Appropriate generic numerical clean-up standards for the 43153
treatment or removal of soils, sediments, and water media for 43154
hazardous substances and petroleum. The rules shall establish 43155
separate generic numerical clean-up standards based upon the 43156
intended use of properties after the completion of voluntary 43157
actions, including industrial, commercial, and residential uses 43158
and such other categories of land use as the director considers to 43159
be appropriate. The generic numerical clean-up standards 43160
established for each category of land use shall be the 43161
concentration of each contaminant that may be present on a 43162
property that shall ensure protection of public health and safety 43163
and the environment for the reasonable exposure for that category 43164
of land use. When developing the standards, the director shall 43165
consider such factors as all of the following: 43166

(a) Scientific information, including, without limitation, 43167
toxicological information and realistic assumptions regarding 43168
human and environmental exposure to hazardous substances or 43169
petroleum; 43170

(b) Climatic factors;	43171
(c) Human activity patterns;	43172
(d) Current statistical techniques;	43173
(e) For petroleum at industrial property, alternatives to the use of total petroleum hydrocarbons.	43174 43175
The generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section shall be consistent with and equivalent in scope, content, and coverage to any applicable standard established by federal environmental laws and regulations adopted under them, including, without limitation, the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended.	43176 43177 43178 43179 43180 43181 43182 43183 43184 43185 43186 43187 43188 43189
In order for the rules adopted under division (B)(1) of this section to require that any such federal environmental standard apply to a property, the property shall meet the requirements of the particular federal statute or regulation involved in the manner specified by the statute or regulation.	43190 43191 43192 43193 43194
The generic numerical clean-up standards for petroleum at commercial or residential property shall be the standards established in rules adopted under division (B) of section 3737.882 of the Revised Code.	43195 43196 43197 43198
(2)(a) Procedures for performing property-specific risk assessments that would be performed at a property to demonstrate that the remedy evaluated in a risk assessment results in	43199 43200 43201

protection of public health and safety and the environment instead 43202
of complying with the generic numerical clean-up standards 43203
established in the rules adopted under division (B)(1) of this 43204
section. The risk assessment procedures shall describe a 43205
methodology to establish, on a property-specific basis, allowable 43206
levels of contamination to remain at a property to ensure 43207
protection of public health and safety and the environment on the 43208
property and off the property when the contamination is emanating 43209
off the property, taking into account all of the following: 43210

(i) The implementation of treatment, storage, or disposal, or 43211
a combination thereof, of hazardous substances or petroleum; 43212

(ii) The existence of institutional controls or activity and 43213
use limitations that eliminate or mitigate exposure to hazardous 43214
substances or petroleum through the restriction of access to 43215
hazardous substances or petroleum; 43216

(iii) The existence of engineering controls that eliminate or 43217
mitigate exposure to hazardous substances or petroleum through 43218
containment of, control of, or restrictions of access to hazardous 43219
substances or petroleum, including, without limitation, fences, 43220
cap systems, cover systems, and landscaping. 43221

(b) The risk assessment procedures and levels of acceptable 43222
risk set forth in the rules adopted under division (B)(2) of this 43223
section shall be based upon all of the following: 43224

(i) Scientific information, including, without limitation, 43225
toxicological information and actual or proposed human and 43226
environmental exposure; 43227

(ii) Locational and climatic factors; 43228

(iii) Surrounding land use and human activities; 43229

(iv) Differing levels of remediation that may be required 43230
when an existing land use is continued compared to when a 43231

different land use follows the remediation. 43232

(c) Any standards established pursuant to rules adopted under 43233
division (B)(2) of this section shall be no more stringent than 43234
standards established under the environmental statutes of this 43235
state and rules adopted under them for the same contaminant in the 43236
same environmental medium that are in effect at the time the risk 43237
assessment is conducted. 43238

(3) Minimum standards for phase I property assessments. The 43239
standards shall specify the information needed to demonstrate that 43240
there is no reason to believe that contamination exists on a 43241
property. The rules adopted under division (B)(3) of this section, 43242
at a minimum, shall require that a phase I property assessment 43243
include all of the following: 43244

(a) A review and analysis of deeds, mortgages, easements of 43245
record, and similar documents relating to the chain of title to 43246
the property that are publicly available or that are known to and 43247
reasonably available to the owner or operator; 43248

(b) A review and analysis of any previous environmental 43249
assessments, property assessments, environmental studies, or 43250
geologic studies of the property and any land within two thousand 43251
feet of the boundaries of the property that are publicly available 43252
or that are known to and reasonably available to the owner or 43253
operator; 43254

(c) A review of current and past environmental compliance 43255
histories of persons who owned or operated the property; 43256

(d) A review of aerial photographs of the property that 43257
indicate prior uses of the property; 43258

(e) Interviews with managers of activities conducted at the 43259
property who have knowledge of environmental conditions at the 43260
property; 43261

(f) Conducting an inspection of the property consisting of a walkover; 43262
43263

(g) Identifying the current and past uses of the property, 43264
adjoining tracts of land, and the area surrounding the property, 43265
including, without limitation, interviews with persons who reside 43266
or have resided, or who are or were employed, within the area 43267
surrounding the property regarding the current and past uses of 43268
the property and adjacent tracts of land. 43269

The rules adopted under division (B)(3) of this section shall 43270
establish criteria to determine when a phase II property 43271
assessment shall be conducted when a phase I property assessment 43272
reveals facts that establish a reason to believe that hazardous 43273
substances or petroleum have been treated, stored, managed, or 43274
disposed of on the property if the person undertaking the phase I 43275
property assessment wishes to obtain a covenant not to sue under 43276
section 3746.12 of the Revised Code. 43277

(4) Minimum standards for phase II property assessments. The 43278
standards shall specify the information needed to demonstrate that 43279
any contamination present at the property does not exceed 43280
applicable standards or that the remedial activities conducted at 43281
the property have achieved compliance with applicable standards. 43282
The rules adopted under division (B)(4) of this section, at a 43283
minimum, shall require that a phase II property assessment include 43284
all of the following: 43285

(a) A review and analysis of all documentation prepared in 43286
connection with a phase I property assessment conducted within the 43287
one hundred eighty days before the phase II property assessment 43288
begins. The rules adopted under division (B)(4)(a) of this section 43289
shall require that if a period of more than one hundred eighty 43290
days has passed between the time that the phase I assessment of 43291
the property was completed and the phase II assessment begins, the 43292
phase II assessment shall include a reasonable inquiry into the 43293

change in the environmental condition of the property during the intervening period.	43294 43295
(b) Quality assurance objectives for measurements taken in connection with a phase II assessment;	43296 43297
(c) Sampling procedures to ensure the representative sampling of potentially contaminated environmental media;	43298 43299
(d) Quality assurance and quality control requirements for samples collected in connection with phase II assessments;	43300 43301
(e) Analytical and data assessment procedures;	43302
(f) Data objectives to ensure that samples collected in connection with phase II assessments are biased toward areas where information indicates that contamination by hazardous substances or petroleum is likely to exist.	43303 43304 43305 43306
(5) Standards governing the conduct of certified professionals, criteria and procedures for the certification of professionals to issue no further action letters under section 3746.11 of the Revised Code, and criteria for the suspension and revocation of those certifications. The director shall take an action regarding a certification as a final action. The issuance, denial, renewal, suspension, and revocation of those certifications are subject to Chapter 3745. of the Revised Code, except that, in lieu of publishing an action regarding a certification in a newspaper of general circulation as required in section 3745.07 of the Revised Code, such an action shall be published on the environmental protection agency's web site and in the agency's weekly review not later than fifteen days after the date of the issuance, denial, renewal, suspension, or revocation of the certification and not later than thirty days before a hearing or public meeting concerning the action.	43307 43308 43309 43310 43311 43312 43313 43314 43315 43316 43317 43318 43319 43320 43321 43322
The rules adopted under division (B)(5) of this section shall do all of the following:	43323 43324

(a) Provide for the certification of environmental professionals to issue no further action letters pertaining to investigations and remedies in accordance with the criteria and procedures set forth in the rules. The rules adopted under division (B)(5)(a) of this section shall do at least all of the following:

(i) Authorize the director to consider such factors as an environmental professional's previous performance record regarding such investigations and remedies and the environmental professional's environmental compliance history when determining whether to certify the environmental professional;

(ii) Ensure that an application for certification is reviewed in a timely manner;

(iii) Require the director to certify any environmental professional who the director determines complies with those criteria;

(iv) Require the director to deny certification for any environmental professional who does not comply with those criteria.

(b) Establish an annual fee to be paid by environmental professionals certified pursuant to the rules adopted under division (B)(5)(a) of this section. The fee shall be established at an amount calculated to defray the costs to the agency for the required reviews of the qualifications of environmental professionals for certification and for the issuance of the certifications.

(c) Develop a schedule for and establish requirements governing the review by the director of the credentials of environmental professionals who were deemed to be certified professionals ~~under division (D) of section 3746.07 of the Revised Code~~ before the effective date of this amendment in order to

determine if they comply with the criteria established in rules 43356
adopted under division (B)(5) of this section. The rules adopted 43357
under division (B)(5)(c) of this section shall do at least all of 43358
the following: 43359

(i) Ensure that the review is conducted in a timely fashion; 43360

(ii) Require the director to certify any such environmental 43361
professional who the director determines complies with those 43362
criteria; 43363

(iii) Require any such environmental professional initially 43364
to pay the fee established in the rules adopted under division 43365
(B)(5)(b) of this section at the time that the environmental 43366
professional is so certified by the director; 43367

(iv) Establish a time period within which any such 43368
environmental professional who does not comply with those criteria 43369
may obtain the credentials that are necessary for certification; 43370

(v) Require the director to deny certification for any such 43371
environmental professional who does not comply with those criteria 43372
and who fails to obtain the necessary credentials within the 43373
established time period. 43374

(d) Require that any information submitted to the director 43375
for the purposes of the rules adopted under division (B)(5)(a) or 43376
(c) of this section comply with division (A) of section 3746.20 of 43377
the Revised Code; 43378

(e) Authorize the director to suspend or revoke the 43379
certification of an environmental professional if the director 43380
finds that the environmental professional's performance has 43381
resulted in the issuance of no further action letters under 43382
section 3746.11 of the Revised Code that are not consistent with 43383
applicable standards or finds that the certified environmental 43384
professional has not substantially complied with section 3746.31 43385
of the Revised Code; 43386

(f) Authorize the director to suspend for a period of not 43387
more than five years or to permanently revoke a certified 43388
environmental professional's certification for any violation of or 43389
failure to comply with an ethical standard established in rules 43390
adopted under division (B)(5) of this section; 43391

(g) Require the director to revoke the certification of an 43392
environmental professional if the director finds that the 43393
environmental professional falsified any information on the 43394
environmental professional's application for certification 43395
regarding the environmental professional's credentials or 43396
qualifications or any other information generated for the purposes 43397
of or use under this chapter or rules adopted under it; 43398

(h) Require the director permanently to revoke the 43399
certification of an environmental professional who has violated or 43400
is violating division (A) of section 3746.18 of the Revised Code; 43401

(i) Preclude the director from revoking the certification of 43402
an environmental professional who only conducts investigations and 43403
remedies at property contaminated solely with petroleum unless the 43404
director first consults with the director of commerce. 43405

~~(6) Criteria and procedures for the certification of 43406
laboratories to perform analyses under this chapter and rules 43407
adopted under it. The issuance, denial, suspension, and revocation 43408
of those certifications are subject to Chapter 3745. of the 43409
Revised Code, and the director of environmental protection shall 43410
take any such action regarding a certification as a final action. 43411~~

~~The rules adopted under division (B)(6) of this section shall 43412
do all of the following: 43413~~

~~(a) Provide for the certification to perform analyses of 43414
laboratories in accordance with the criteria and procedures 43415
established in the rules adopted under division (B)(6)(a) of this 43416
section and establish an annual fee to be paid by those 43417~~

~~laboratories. The fee shall be established at an amount calculated 43418
to defray the costs to the agency for the review of the 43419
qualifications of those laboratories for certification and for the 43420
issuance of the certifications. The rules adopted under division 43421
(B)(6)(a) of this section may provide for the certification of 43422
those laboratories to perform only particular types or categories 43423
of analyses, specific test parameters or group of test parameters, 43424
or a specific matrix or matrices under this chapter. 43425~~

~~(b) Develop a schedule for and establish requirements 43426
governing the review by the director of the operations of 43427
laboratories that were deemed to be certified laboratories under 43428
division (E) of section 3746.07 of the Revised Code in order to 43429
determine if they comply with the criteria established in rules 43430
adopted under division (B)(6) of this section. The rules adopted 43431
under division (B)(6)(b) of this section shall do at least all of 43432
the following: 43433~~

~~(i) Ensure that the review is conducted in a timely fashion; 43434~~

~~(ii) Require the director to certify any such laboratory that 43435
the director determines complies with those criteria; 43436~~

~~(iii) Require any such laboratory initially to pay the fee 43437
established in the rules adopted under division (B)(6)(a) of this 43438
section at the time that the laboratory is so certified by the 43439
director; 43440~~

~~(iv) Establish a time period within which any such laboratory 43441
that does not comply with those criteria may make changes in its 43442
operations necessary for the performance of analyses under this 43443
chapter and rules adopted under it in order to be certified by the 43444
director; 43445~~

~~(v) Require the director to deny certification for any such 43446
laboratory that does not comply with those criteria and that fails 43447
to make the necessary changes in its operations within the 43448~~

~~established time period.~~ 43449

~~(c) Require that any information submitted to the director
for the purposes of the rules adopted under division (B)(6)(a) or
(b) of this section comply with division (A) of section 3746.20 of
the Revised Code;~~ 43450
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~~(d) Authorize the director to suspend or revoke the
certification of a laboratory if the director finds that the
laboratory's performance has resulted in the issuance of no
further action letters under section 3746.11 of the Revised Code
that are not consistent with applicable standards;~~ 43454
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~~(e) Authorize the director to suspend or revoke the
certification of a laboratory if the director finds that the
laboratory falsified any information on its application for
certification regarding its credentials or qualifications;~~ 43459
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~~(f) Require the director permanently to revoke the
certification of a laboratory that has violated or is violating
division (A) of section 3746.18 of the Revised Code.~~ 43463
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~~(7) Information to be included in a no further action letter
prepared under section 3746.11 of the Revised Code, including,
without limitation, all of the following:~~ 43466
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~~(a) A summary of the information required to be submitted to
the certified environmental professional preparing the no further
action letter under division (C) of section 3746.10 of the Revised
Code;~~ 43469
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~~(b) Notification that a risk assessment was performed in
accordance with rules adopted under division (B)(2) of this
section if such an assessment was used in lieu of generic
numerical clean-up standards established in rules adopted under
division (B)(1) of this section;~~ 43473
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~~(c) The contaminants addressed at the property, if any, their~~ 43478

source, if known, and their levels prior to remediation; 43479

(d) The identity of any other person who performed work to 43480
support the request for the no further action letter as provided 43481
in division (B)(2) of section 3746.10 of the Revised Code and the 43482
nature and scope of the work performed by that person; 43483

(e) A list of the data, information, records, and documents 43484
relied upon by the certified environmental professional in 43485
preparing the no further action letter. 43486

~~(8)~~(7) Methods for determining fees to be paid for the 43487
following services provided by the agency under this chapter and 43488
rules adopted under it: 43489

(a) Site- or property-specific technical assistance in 43490
developing or implementing plans in connection with a voluntary 43491
action; 43492

(b) Reviewing applications for and issuing consolidated 43493
standards permits under section 3746.15 of the Revised Code and 43494
monitoring compliance with those permits; 43495

(c) Negotiating, preparing, and entering into agreements 43496
necessary for the implementation and administration of this 43497
chapter and rules adopted under it; 43498

(d) Reviewing no further action letters, issuing covenants 43499
not to sue, and monitoring compliance with any terms and 43500
conditions of those covenants and with operation and maintenance 43501
agreements entered into pursuant to those covenants, including, 43502
without limitation, conducting audits of properties where 43503
voluntary actions are being or were conducted under this chapter 43504
and rules adopted under it. 43505

The fees established pursuant to the rules adopted under 43506
division ~~(B)(8)~~(B)(7) of this section shall be at a level 43507
sufficient to defray the direct and indirect costs incurred by the 43508

agency for the administration and enforcement of this chapter and 43509
rules adopted under it other than the provisions regarding the 43510
certification of professionals and laboratories. 43511

~~(9)~~(8) Criteria for selecting the no further action letters 43512
issued under section 3746.11 of the Revised Code that will be 43513
audited under section 3746.17 of the Revised Code, and the scope 43514
and procedures for conducting those audits. The rules adopted 43515
under division ~~(B)(9)~~(B)(8) of this section, at a minimum, shall 43516
require the director to establish priorities for auditing no 43517
further action letters to which any of the following applies: 43518

(a) The letter was prepared by an environmental professional 43519
who was deemed to be a certified professional ~~under division (D)~~ 43520
~~of section 3746.07 of the Revised Code before the effective date~~ 43521
of this amendment, but who does not comply with the criteria 43522
established in rules adopted under division (B)(5) of this section 43523
as determined pursuant to rules adopted under division (B)(5)(d) 43524
of this section; 43525

(b) The letter was submitted fraudulently; 43526

(c) The letter was prepared by a certified environmental 43527
professional whose certification subsequently was revoked in 43528
accordance with rules adopted under division (B)(5) of this 43529
section, or analyses were performed for the purposes of the no 43530
further action letter by a certified laboratory whose 43531
certification ~~subsequently~~ was revoked ~~in accordance with rules~~ 43532
~~adopted under division (B)(6) of this section before the effective~~ 43533
date of this amendment or a laboratory that is not an accredited 43534
laboratory; 43535

(d) A covenant not to sue that was issued pursuant to the 43536
letter was revoked under this chapter; 43537

(e) The letter was for a voluntary action that was conducted 43538
pursuant to a risk assessment in accordance with rules adopted 43539

under division (B)(2) of this section; 43540

(f) The letter was for a voluntary action that included as 43541
remedial activities engineering controls or institutional controls 43542
or activity and use limitations authorized under section 3746.05 43543
of the Revised Code. 43544

The rules adopted under division ~~(B)(9)~~(B)(8) of this section 43545
shall provide for random audits of no further action letters to 43546
which the rules adopted under divisions ~~(B)(9)(a)~~(B)(8)(a) to (f) 43547
of this section do not apply. 43548

~~(10)(9)~~ A classification system to characterize ground water 43549
according to its capability to be used for human use and its 43550
impact on the environment and a methodology that shall be used to 43551
determine when ground water that has become contaminated from 43552
sources on a property for which a covenant not to sue is requested 43553
under section 3746.11 of the Revised Code shall be remediated to 43554
the standards established in the rules adopted under division 43555
(B)(1) or (2) of this section. 43556

(a) In adopting rules under division ~~(B)(10)~~(B)(9) of this 43557
section to characterize ground water according to its capability 43558
for human use, the director shall consider all of the following: 43559

(i) The presence of legally enforceable, reliable 43560
restrictions on the use of ground water, including, without 43561
limitation, local rules or ordinances; 43562

(ii) The presence of regional commingled contamination from 43563
multiple sources that diminishes the quality of ground water; 43564

(iii) The natural quality of ground water; 43565

(iv) Regional availability of ground water and reasonable 43566
alternative sources of drinking water; 43567

(v) The productivity of the aquifer; 43568

(vi) The presence of restrictions on the use of ground water 43569

implemented under this chapter and rules adopted under it; 43570

(vii) The existing use of ground water. 43571

(b) In adopting rules under division ~~(B)(10)~~(B)(9) of this 43572
section to characterize ground water according to its impacts on 43573
the environment, the director shall consider both of the 43574
following: 43575

(i) The risks posed to humans, fauna, surface water, 43576
sediments, soil, air, and other resources by the continuing 43577
presence of contaminated ground water; 43578

(ii) The availability and feasibility of technology to remedy 43579
ground water contamination. 43580

~~(11)~~(10) Governing the application for and issuance of 43581
variances under section 3746.09 of the Revised Code; 43582

~~(12)(a)~~(11)(a) In the case of voluntary actions involving 43583
contaminated ground water, specifying the circumstances under 43584
which the generic numerical clean-up standards established in 43585
rules adopted under division (B)(1) of this section and standards 43586
established through a risk assessment conducted pursuant to rules 43587
adopted under division (B)(2) of this section shall be 43588
inapplicable to the remediation of contaminated ground water and 43589
under which the standards for remediating contaminated ground 43590
water shall be established on a case-by-case basis prior to the 43591
commencement of the voluntary action pursuant to rules adopted 43592
under division ~~(B)(12)(b)~~(B)(11)(b) of this section; 43593

(b) Criteria and procedures for the case-by-case 43594
establishment of standards for the remediation of contaminated 43595
ground water under circumstances in which the use of the generic 43596
numerical clean-up standards and standards established through a 43597
risk assessment are precluded by the rules adopted under division 43598
~~(B)(12)(a)~~(B)(11)(a) of this section. The rules governing the 43599
procedures for the case-by-case development of standards for the 43600

remediation of contaminated ground water shall establish 43601
application, public participation, adjudication, and appeals 43602
requirements and procedures that are equivalent to the 43603
requirements and procedures established in section 3746.09 of the 43604
Revised Code and rules adopted under division ~~(B)(11)~~(B)(10) of 43605
this section, except that the procedural rules shall not require 43606
an applicant to make the demonstrations set forth in divisions 43607
(A)(1) to (3) of section 3746.09 of the Revised Code. 43608

~~(13)~~(12) A definition of the evidence that constitutes 43609
sufficient evidence for the purpose of division (A)(5) of section 43610
3746.02 of the Revised Code. 43611

At least thirty days before filing the proposed rules 43612
required to be adopted under this section with the secretary of 43613
state, director of the legislative service commission, and joint 43614
committee on agency rule review in accordance with divisions (B) 43615
and (C) of section 119.03 of the Revised Code, the director of 43616
environmental protection shall hold at least one public meeting on 43617
the proposed rules in each of the five districts into which the 43618
agency has divided the state for administrative purposes. 43619

Sec. ~~3746.071~~ 3746.07. (A) ~~As used in this section,~~ 43620
~~"certified professional" means a certified professional deemed to~~ 43621
~~be certified under division (D) of section 3746.07 of the Revised~~ 43622
~~Code.~~ 43623

~~(B)~~ A certified professional shall do all of the following: 43624

(1) Protect the safety, health, and welfare of the public in 43625
the performance of professional duties. If a circumstance arises 43626
where the certified professional faces a situation where the 43627
safety, health, or welfare of the public would not be protected, 43628
the certified professional shall do all of the following: 43629

(a) Sever the relationship with the certified professional's 43630

employer or client; 43631

(b) Refuse to accept responsibility for the design, report, 43632
or statement involved; 43633

(c) Notify the director of environmental protection if, in 43634
the opinion of the certified professional, the situation is 43635
sufficiently important. 43636

(2) Undertake to perform assignments only when the certified 43637
professional or the certified professional's consulting support is 43638
qualified by training and experience in the specific technical 43639
fields involved; 43640

(3) Be completely objective in any professional report, 43641
statement, or testimony. The certified professional shall include 43642
all relevant and pertinent information in the report, statement, 43643
or testimony when the result of an omission would or reasonably 43644
could lead to a fallacious conclusion. 43645

(4) Express an opinion as a technical or expert witness 43646
before any court, commission, or other tribunal only when it is 43647
founded upon adequate knowledge of the facts in issue, upon a 43648
background of technical competence in the subject matter, and upon 43649
honest conviction of the accuracy and propriety of the testimony. 43650

~~(C)~~(B) A certified professional shall not issue statements, 43651
criticisms, or arguments on matters connected with public policy 43652
that are inspired or paid for by an interested party, unless the 43653
certified professional has prefaced the remarks by explicitly 43654
identifying the certified professional, by disclosing the identity 43655
of the parties on whose behalf the certified professional is 43656
speaking, and by revealing the existence of any pecuniary interest 43657
the certified professional may have in the instant matters. 43658

~~(D)~~(1)~~(C)~~(1) A certified professional shall conscientiously 43659
avoid any conflict of interest with the certified professional's 43660
employer or client. 43661

(2) A certified professional promptly shall inform the 43662
certified professional's employer or client of any business 43663
association, interests, or circumstances that could influence the 43664
certified professional's judgment or the quality of the certified 43665
professional's service to the employer or client. 43666

(3) A certified professional shall not accept compensation, 43667
financial or otherwise, from more than one party for services on 43668
or pertaining to the same project, unless the circumstances are 43669
fully disclosed to, and agreed to, by all interested parties or 43670
their duly authorized agents. 43671

(4) A certified professional shall not solicit or accept 43672
financial or other valuable considerations from material or 43673
equipment suppliers for specifying their products. 43674

(5) A certified professional shall not solicit or accept 43675
gratuities, directly or indirectly, from contractors, their 43676
agents, or other parties dealing directly with the certified 43677
professional's employer or client in connection with the work for 43678
which the certified professional is responsible. 43679

~~(E)(1)(D)(1)~~ A certified professional shall not pay, solicit, 43680
or offer, directly or indirectly, any bribe or commission for 43681
professional employment with the exception of payment of the usual 43682
commission for securing salaried positions through licensed 43683
employment agencies. 43684

(2) A certified professional shall seek professional 43685
employment on the basis of qualification and competence for proper 43686
accomplishment of the work. A certified professional may submit 43687
proposed fee information prior to selection to serve as a 43688
certified professional under this chapter and rules adopted under 43689
it. 43690

(3) A certified professional shall not falsify or permit 43691
misrepresentation of the certified professional's or the certified 43692

professional's associates' academic or professional 43693
qualifications. The certified professional shall not misrepresent 43694
or exaggerate the certified professional's degree of 43695
responsibility in or for the subject matter of prior assignments. 43696

(4) Brochures or other presentations incident to the 43697
solicitation of employment by a certified professional shall not 43698
misrepresent pertinent facts concerning the certified 43699
professional's employers, employees, associates, or joint 43700
ventures, or the past accomplishments of any of them, with the 43701
intent and purpose of enhancing the certified professional's 43702
qualifications for the certified professional's work. 43703

~~(F)~~(1)(E)(1) A certified professional shall not sign or seal 43704
professional work for which the certified professional does not 43705
have personal professional knowledge and direct supervisory 43706
control and responsibility. 43707

(2) A certified professional shall not knowingly associate 43708
with, or permit the use of the certified professional's own name 43709
or the name of the certified professional's firm in, a business 43710
venture by any person or firm that the certified professional 43711
knows, or has reason to believe, is engaging in business or 43712
professional practices of a fraudulent or dishonest nature. 43713

(3) If a certified professional has knowledge or reason to 43714
believe that another person or firm has violated any of the 43715
provisions of this chapter or any requirement of this section, the 43716
certified professional shall present the information to the 43717
director in writing. 43718

~~(G)~~(F) The director, in accordance with rules adopted under 43719
section 3746.04 of the Revised Code, may suspend for a period of 43720
not more than five years or permanently revoke a certified 43721
professional's certification for a violation of or failure to 43722
comply with any requirement or obligation set forth in this 43723

section. 43724

(G) Notwithstanding any other provision of this chapter to 43725
the contrary, a certified professional may use data analyzed by a 43726
certified laboratory prior to the effective date of this amendment 43727
in completion of a no further action letter. 43728

Sec. 3746.09. (A) A person who proposes to enter into or who 43729
is participating in the voluntary action program under this 43730
chapter and rules adopted under it, in accordance with this 43731
section and rules adopted under division ~~(B)(11)~~(B)(10) of section 43732
3746.04 of the Revised Code, may apply to the director of 43733
environmental protection for a variance from applicable standards 43734
otherwise established in this chapter and rules adopted under it. 43735
The application for a variance shall be prepared by a certified 43736
professional. The director shall issue a variance from those 43737
applicable standards only if the application makes all of the 43738
following demonstrations to the director's satisfaction: 43739

(1) Either or both of the following: 43740

(a) It is technically infeasible to comply with the 43741
applicable standards otherwise established at the property named 43742
in the application; 43743

(b) The costs of complying with the applicable standards 43744
otherwise established at the property substantially exceed the 43745
economic benefits. 43746

(2) The proposed alternative standard or set of standards and 43747
terms and conditions set forth in the application will result in 43748
an improvement of environmental conditions at the property and 43749
ensure that public health and safety will be protected. 43750

(3) The establishment of and compliance with the alternative 43751
standard or set of standards and terms and conditions are 43752
necessary to promote, protect, preserve, or enhance employment 43753

opportunities or the reuse of the property named in the 43754
application. 43755

A variance issued under this section shall state the specific 43756
standard or standards whose terms are being varied and shall set 43757
forth the specific alternative standard or set of standards and 43758
the terms and conditions imposed on the applicant in their place. 43759
A variance issued under this section shall include only standards 43760
and terms and conditions proposed by the applicant in the 43761
application, except that the director may impose any additional or 43762
alternative terms and conditions that the director determines to 43763
be necessary to ensure that public health and safety will be 43764
protected. If the director finds that compliance with any standard 43765
or term or condition proposed by the applicant will not protect 43766
public health and safety and that the imposition of additional or 43767
alternative terms and conditions will not ensure that public 43768
health or safety will be protected, the director shall disapprove 43769
the application and shall include in the order of denial the 43770
specific findings on which the denial was based. 43771

(B) Variances shall be issued or denied in accordance with 43772
this section, rules adopted under division ~~(B)(11)~~(B)(10) of 43773
section 3746.04 of the Revised Code, and Chapter 3745. of the 43774
Revised Code. Upon determining that an application for a variance 43775
is complete, the director shall schedule a public meeting on the 43776
application to be held within ninety days after the director 43777
determines that the application is complete in the county in which 43778
is located the property to which the application pertains. 43779

(C) Not less than thirty days before the date scheduled for 43780
the public meeting on an application for a variance, the director 43781
shall publish notice of the public meeting and that the director 43782
will receive written comments on the application for a period of 43783
forty-five days commencing on the date of the publication of the 43784
notice. The notice shall contain all of the following information, 43785

at a minimum: 43786

(1) The address of the property to which the application 43787
pertains; 43788

(2) A brief summary of the alternative standards and terms 43789
and conditions proposed by the applicant; 43790

(3) The date, time, and location of the public meeting. 43791

The notice shall be published in a newspaper of general 43792
circulation in the county in which the property is located and, if 43793
the property is located in close proximity to the boundary of the 43794
county with an adjacent county, as determined by the director, 43795
shall be published in a newspaper of general circulation in the 43796
adjacent county. Concurrently with the publication of the notice 43797
of the public meeting, the director shall mail notice of the 43798
application, comment period, and public meeting to the owner of 43799
each parcel of land that is adjacent to the affected property and 43800
to the legislative authority of the municipal corporation or 43801
township, and county, in which the affected property is located. 43802
The notices mailed to the adjacent land owners and legislative 43803
authorities shall contain the same information as the published 43804
notice. 43805

(D) At the public meeting on an application for a variance, 43806
the applicant, or a representative of the applicant who is 43807
knowledgeable about the affected property and the application, 43808
shall present information regarding the application and the basis 43809
of the request for the variance and shall respond to questions 43810
from the public regarding the affected property and the 43811
application. A representative of the environmental protection 43812
agency who is familiar with the affected property and the 43813
application shall attend the public meeting to hear the public's 43814
comments and to respond to questions from the public regarding the 43815
affected property and the application. A stenographic record of 43816

the proceedings at the public meeting shall be kept and shall be 43817
made a part of the administrative record regarding the 43818
application. 43819

(E) Within ninety days after conducting the public meeting on 43820
an application for a variance under division (D) of this section, 43821
the director shall issue a proposed action to the applicant in 43822
accordance with section 3745.07 of the Revised Code that indicates 43823
the director's intent with regard to the issuance or denial of the 43824
application. When considering whether to issue or deny the 43825
application or whether to impose terms and conditions of the 43826
variance that are in addition or alternative to those proposed by 43827
the applicant, the director shall consider comments on the 43828
application made by the public at the public meeting and written 43829
comments on the application received from the public. 43830

Sec. 3746.10. (A) Except as otherwise provided in section 43831
3746.02 of the Revised Code, any person may undertake a voluntary 43832
action under this chapter and rules adopted under it to identify 43833
and address potential sources of contamination by hazardous 43834
substances or petroleum of soil, sediments, surface water, or 43835
ground water on or underlying property and to establish that the 43836
property meets applicable standards. The voluntary action may 43837
include any one or more of the following elements: 43838

(1) A phase I property assessment conducted in accordance 43839
with rules adopted under division (B)(3) of section 3746.04 of the 43840
Revised Code ~~or division (B) of section 3746.07 of the Revised~~ 43841
~~Code, as appropriate;~~ 43842

(2) A phase II property assessment conducted in accordance 43843
with rules adopted under division (B)(4) of section 3746.04 of the 43844
Revised Code ~~or division (C) of section 3746.07 of the Revised~~ 43845
~~Code, as appropriate;~~ 43846

(3) A sampling plan; 43847

(4) A remediation plan; 43848

(5) Remedial activities; 43849

(6) Such other activities as the person undertaking the 43850
voluntary action considers to be necessary or appropriate to 43851
address the contamination. 43852

When the person undertaking a voluntary action determines 43853
that the property meets applicable standards, the person may seek 43854
a no further action letter from a certified professional. A no 43855
further action letter may be issued for the property at any stage 43856
of the identification of potential hazardous substance or 43857
petroleum contamination or remedial activities after a phase I or 43858
II property assessment has demonstrated that there is no reason to 43859
believe that there has been a release of hazardous substances or 43860
petroleum at or upon the property, that information indicates that 43861
there has been a release of hazardous substances or petroleum at 43862
or upon the property, but that the release is not in excess of 43863
applicable standards, or that if there has been such a release in 43864
excess of applicable standards, those standards have been achieved 43865
through remedial activities or will be achieved in accordance with 43866
the timeframes established in an operation and maintenance 43867
agreement entered into under division (A)(3) of section 3746.12 of 43868
the Revised Code or in such an agreement and a consolidated 43869
standards permit issued under section 3746.15 of the Revised Code. 43870

(B)(1) A person who is participating in the voluntary action 43871
program under this chapter and rules adopted under it shall do 43872
both of the following: 43873

(a) Utilize the services of ~~a certified~~ an accredited 43874
laboratory to perform any analyses that form the basis for the 43875
issuance of a no further action letter for a property and ensure 43876
that a laboratory performs in connection with a voluntary action 43877
only those analyses for which it is ~~certified under rules adopted~~ 43878

~~under division (B)(6) of section 3746.04 of the Revised Code or~~ 43879
~~for which it is qualified prior to the adoption of those rules~~ 43880
~~accredited;~~ 43881

(b) Utilize the services of a certified professional to 43882
verify that the property and any remedial activities undertaken at 43883
the property in connection with a voluntary action comply with 43884
applicable standards and, if those standards are met, to issue to 43885
the person a no further action letter for the property. For the 43886
purposes of such a verification, the certified professional shall 43887
perform and review all work that was conducted to support the 43888
request for the no further action letter or shall ensure that the 43889
work has been performed and reviewed by other persons with 43890
expertise and competence in areas other than those of the 43891
certified professional's expertise and competence as necessary for 43892
the issuance of the no further action letter. 43893

(2) No person who is participating in the voluntary action 43894
program shall do any of the following: 43895

(a) If the person also is a certified professional, prepare a 43896
no further action letter in connection with a voluntary action 43897
conducted at a property that the certified professional owns or 43898
operates; 43899

(b) Utilize the services of a certified professional who is 43900
employed by, affiliated with, or related to the participant or who 43901
was employed by or affiliated with the participant during the year 43902
preceding the date that the participant entered into the contract 43903
to utilize the services of the certified professional in 43904
connection with the voluntary action; 43905

(c) Utilize the services of ~~a certified~~ an accredited 43906
laboratory that is owned by or affiliated with the participant, 43907
that is owned by a person related to the participant, or that was 43908
owned by or affiliated with the participant during the year 43909

preceding the date that the participant entered into the contract 43910
to utilize the services of the ~~certified~~ accredited laboratory in 43911
connection with the voluntary action, to perform any analyses that 43912
form the basis for the issuance of a no further action letter in 43913
connection with a voluntary action. 43914

A covenant not to sue issued under section 3746.12 of the 43915
Revised Code to a person who violated division (B)(2)(a), (b), or 43916
(c) of this section with respect to the no further action letter 43917
upon which issuance of the covenant was based is void. 43918

Except as otherwise provided in division (B)(2) of this 43919
section, a person who is participating in the voluntary action 43920
program may utilize an independent contractor to serve as a 43921
certified professional or ~~certified~~ accredited laboratory. 43922

(C) In order to obtain a no further action letter, a person 43923
undertaking a voluntary action shall submit to a certified 43924
professional all of the following, as applicable: 43925

(1) Information demonstrating that there is no contamination 43926
by hazardous substances or petroleum of soil, sediments, surface 43927
water, or ground water on or underlying the property in 43928
concentrations exceeding applicable standards. The demonstrations 43929
shall be based upon the findings of a phase I or phase II property 43930
assessment. 43931

(2) If remedial activities were conducted in connection with 43932
the voluntary action, data demonstrating that the remedy meets 43933
applicable standards or will achieve applicable standards in 43934
accordance with the timeframes established in an operation and 43935
maintenance agreement entered into under division (A)(3) of 43936
section 3746.12 of the Revised Code or in such an agreement and a 43937
consolidated standards permit issued under section 3746.15 of the 43938
Revised Code; 43939

(3)(a) If the remedy relies on institutional controls or 43940

restrictions on the use of the property to achieve applicable 43941
standards, a demonstration that the institutional controls or the 43942
use restrictions have been recorded in the office of the county 43943
recorder of the county in which the property is located, or have 43944
been entered in the appropriate register for registered land as 43945
defined in section 5309.01 of the Revised Code, in compliance with 43946
section 3746.14 of the Revised Code; 43947

(b) If the person undertaking a voluntary action seeks to 43948
obtain a covenant not to sue and if the remedy relies on activity 43949
and use limitations to achieve applicable standards, a 43950
demonstration that the activity and use limitations have been 43951
developed in accordance with this chapter and rules adopted under 43952
it and are contained in a proposed environmental covenant that 43953
meets the requirements established in section 5301.82 of the 43954
Revised Code. 43955

(4) If the remedy relies on engineering controls that contain 43956
or control the release of hazardous substances or petroleum at or 43957
from the property, a plan for the proper operation and maintenance 43958
of the engineering controls. 43959

(D) Except as otherwise specifically provided in this chapter 43960
and rules adopted under it, voluntary actions under this chapter 43961
and rules adopted under it shall be undertaken in compliance with 43962
all applicable laws of this state and rules adopted under them and 43963
with applicable ordinances, resolutions, and rules of political 43964
subdivisions of this state. 43965

Sec. 3746.11. (A) After receiving the demonstrations and 43966
operation and maintenance plan, if any, required to be submitted 43967
to a certified professional under division (C) of section 3746.10 43968
of the Revised Code, the certified professional shall review them 43969
to verify whether the property where the voluntary action was 43970
undertaken complies with applicable standards or shall ensure that 43971

they have been reviewed by another person or persons who performed 43972
work to support the request for the no further action letter as 43973
provided in division (B)(2) of section 3746.10 of the Revised 43974
Code. If, on the basis of the best knowledge, information, and 43975
belief of the certified professional, the certified professional 43976
concludes that the property meets applicable standards, the 43977
certified professional shall prepare a no further action letter 43978
for the property. The no further action letter shall contain all 43979
the information specified in rules adopted under division 43980
~~(B)(7)(B)(6)~~ of section 3746.04 of the Revised Code ~~or in division~~ 43981
~~(E) of section 3746.07 of the Revised Code, as applicable.~~ 43982

Upon completion of a no further action letter, the certified 43983
professional shall send a copy of the letter to the person who 43984
undertook the voluntary action. The letter shall be accompanied by 43985
a written request that the person notify the certified 43986
professional as to whether the person wishes to submit the no 43987
further action letter to the director of environmental protection 43988
and by a written notice informing the person that the original 43989
letter may be submitted to the director only by a certified 43990
professional and that the person may receive a covenant not to sue 43991
from the director in connection with the voluntary action only if 43992
the no further action letter for the voluntary action is submitted 43993
to the director on the person's behalf by the certified 43994
professional. 43995

Promptly after receipt of the letter and request, the person 43996
who undertook the voluntary action shall send written notice to 43997
the certified professional informing the certified professional as 43998
to whether the person wishes to submit the letter to the director 43999
and shall send a copy of the notice to the director. If the 44000
person's notice indicates that the person wishes to have the no 44001
further action letter submitted to the director, promptly after 44002
receipt of the notice, the certified professional shall submit the 44003

original no further action letter, together with a proposed 44004
environmental covenant, if applicable, and a proposed operation 44005
and maintenance agreement, if applicable, to the director by 44006
certified mail on behalf of the person who undertook the voluntary 44007
action. If the person who undertook the voluntary action notifies 44008
the certified professional that the person does not wish to submit 44009
the no further action letter to the director, the certified 44010
professional shall send the original letter to the person promptly 44011
after receiving the notice. 44012

(B) If after reviewing the demonstrations required to be 44013
submitted to the certified professional under division (C) of 44014
section 3746.10 of the Revised Code, the certified professional 44015
finds that the property where the voluntary action was undertaken 44016
does not comply with applicable standards, the certified 44017
professional shall send to the person who undertook the voluntary 44018
action written notice of that fact and of the certified 44019
professional's inability to issue a no further action letter for 44020
the property. 44021

(C) A certified professional shall prepare a summary report 44022
detailing the certified professional's findings and conclusions 44023
about the environmental conditions at the property concerning 44024
which the professional was requested to prepare a no further 44025
action letter and the remedial activities undertaken to mitigate 44026
or abate any threat to public health and safety and the 44027
environment, including, without limitation, all of the following: 44028

(1) A description of the nature and extent of contamination 44029
emanating from sources on the property; 44030

(2) A risk assessment performed in accordance with rules 44031
adopted under division (B)(2) of section 3746.04 of the Revised 44032
Code if such an assessment was used in lieu of generic numerical 44033
clean-up standards established in rules adopted under division 44034
(B)(1) of that section; 44035

(3) A description of any remedy conducted at the property and 44036
how the remedy complies with applicable standards; 44037

(4) A description of any plan for the proper operation and 44038
maintenance of engineering controls identified under division 44039
(C)(4) of section 3746.10 of the Revised Code; 44040

(5) Any documents prepared by any other person who performed 44041
work to support the request for the no further action letter as 44042
provided in division (B)(2) of section 3746.10 of the Revised 44043
Code. 44044

(D) A certified professional shall maintain all documents and 44045
data prepared or acquired by the certified professional in 44046
connection with a no further action letter for not less than ten 44047
years after the date of issuance of the letter or after the notice 44048
required under division (B) of this section has been sent, as 44049
applicable, or for a longer period as determined in rules adopted 44050
under section 3746.04 of the Revised Code. The director shall have 44051
access to those documents and data in accordance with section 44052
3746.18 or 3746.31 of the Revised Code. 44053

Sec. 3746.12. (A) Except as provided in division (C) of this 44054
section, the director of environmental protection shall issue to a 44055
person on behalf of whom a certified professional has submitted to 44056
the director an original no further action letter and accompanying 44057
verification under division (A) of section 3746.11 of the Revised 44058
Code a covenant not to sue for the property that is named in the 44059
letter. The director shall not issue a covenant not to sue if an 44060
original no further action letter is submitted to ~~him~~ the director 44061
by any person other than the certified professional who prepared 44062
the letter or if a copy of the letter is submitted to ~~him~~ the 44063
director. 44064

A covenant not to sue shall contain both of the following, as 44065
applicable: 44066

(1) A provision releasing the person who undertook the 44067
voluntary action from all civil liability to this state to perform 44068
additional investigational and remedial activities to address a 44069
release of hazardous substances or petroleum when the property has 44070
undergone a phase I or a phase II property assessment in 44071
compliance with this chapter and rules adopted under it or has 44072
been the subject of remedial activities conducted under this 44073
chapter and rules adopted under it to address a release of 44074
hazardous substances or petroleum and such an assessment or those 44075
activities demonstrate or result in compliance with applicable 44076
standards, except: 44077

(a) As otherwise specifically provided in this chapter or as 44078
may be conditioned by the director under this chapter; 44079

(b) For claims for natural resource damages the state may 44080
have pursuant to section 107 or 113 of the "Comprehensive 44081
Environmental Response, Compensation, and Liability Act of 1980," 44082
94 Stat. 2781 and 2792, 42 U.S.C.A. 9607 and 9613, as amended; 44083

(c) For claims the state may have pursuant to section 107 of 44084
the "Comprehensive Environmental Response, Compensation, and 44085
Liability Act of 1980," 94 Stat. 2781, 42 U.S.C.A. 9607, as 44086
amended, for costs other than those for damages to natural 44087
resources, provided that the state incurs those other costs as a 44088
result of an action by the president of the United States under 44089
section 104, 106, 107, or 122 of that act or pursuant to section 44090
3746.29 of the Revised Code. 44091

(2) If the voluntary action involves the use of engineering 44092
controls that contain and control the release of hazardous 44093
substances or petroleum at or from the property in order to comply 44094
with applicable standards, all of the following: 44095

(a) A provision requiring that the person enter into an 44096
operation and maintenance agreement with the director that ensures 44097

that all engineering controls are maintained so that the remedy is protective of public health and safety and the environment; that includes provisions requiring the person to conduct monitoring for compliance with the engineering controls and the applicable standards upon which issuance of the covenant was based, and periodically to report the findings of the monitoring to the director, as specified in the agreement; and that includes financial assurances that the remedy will remain operational and functional;

(b) A provision requiring the transferor of a covenant that contains an operation and maintenance agreement for engineering controls to notify the director whenever a transfer or assignment of the covenant or property to which it applies occurs;

(c) A provision revoking the covenant if the engineering controls are violated or are no longer in place and the person has not reinstated the controls within a reasonable period of time as determined in accordance with the covenant.

(B)(1) The release provided under division (A)(1) of this section remains effective only for as long as the property or portion thereof to which the covenant pertains continues to comply with the applicable standards upon which the issuance of the covenant was based.

(2) Upon finding that a property or portion thereof to which a covenant not to sue pertains no longer complies with the applicable standards upon which issuance of the covenant was based, the director, by certified mail, receipt requested, shall mail notice of that fact and the requirements of division (B)(3) of this section to the person responsible for maintaining compliance with those standards.

(3) Unless the recipient of a notice provided under division (B)(2) of this section, within thirty days after the mailing of

the notice, notifies the director of ~~his~~ the recipient's intention 44129
to return the property or portion thereof to compliance with the 44130
applicable standards upon which issuance of the covenant was based 44131
and enters into a compliance schedule agreement with the director, 44132
the director, by issuance of an order as a final action under 44133
Chapter 3745. of the Revised Code, shall revoke the covenant. The 44134
compliance schedule agreement shall establish a reasonable period 44135
of time for returning to compliance with those applicable 44136
standards. 44137

(4) Upon finding that a person with whom ~~he~~ the director has 44138
entered into a compliance schedule agreement under division (B)(3) 44139
of this section has failed to return the property or portion 44140
thereof to which the agreement pertains to compliance with the 44141
applicable standards within the time established in the agreement, 44142
the director, by issuance of an order as a final action under 44143
Chapter 3745. of the Revised Code, shall revoke the covenant 44144
applicable to the property or portion thereof. 44145

(C) The director shall deny a covenant not to sue as a final 44146
action for any of the following reasons: 44147

(1) The no further action letter submitted on behalf of the 44148
person seeking the covenant not to sue does not comply with 44149
section 3746.11 of the Revised Code and any rules adopted under 44150
this chapter regarding no further action letters; 44151

(2) The director determines from information available to ~~him~~ 44152
to the director that a remedy identified in the no further action 44153
letter does not protect public health and safety and the 44154
environment; 44155

(3) The no further action letter was submitted fraudulently. 44156

(D) The director shall not revoke a covenant not to sue 44157
issued for property for which a voluntary action was conducted in 44158
accordance with standards and procedures ~~established in section~~ 44159

~~3746.07~~ that applied prior to the adoption of rules under section 44160
~~3746.04~~ of the Revised Code solely on the basis that the voluntary 44161
action was conducted in accordance with those standards and 44162
procedures. 44163

(E) Unless a covenant not to sue issued under this section is 44164
revoked through the operation of a provision of the covenant 44165
described in division (A)(2)(c) of this section, or under division 44166
(B) of this section, division (B)(2) of section 3746.18 of the 44167
Revised Code, or division (B) of section 3746.19 of the Revised 44168
Code, the covenant shall remain effective as long as the property 44169
complies with the applicable standards that were in effect when 44170
the person who undertook the voluntary action submitted the 44171
information and demonstrations required under division (C) of 44172
section 3746.10 of the Revised Code to the certified professional 44173
who prepared the no further action letter regardless of whether 44174
amendments to the rules adopted under division (B)(1) or (2) of 44175
section 3746.04 of the Revised Code that became effective after 44176
that time altered the generic numerical clean-up standards for a 44177
contaminant addressed by the voluntary action or the procedures or 44178
levels of acceptable risk that govern the property-specific risk 44179
assessments conducted in lieu of compliance with generic numerical 44180
standards. 44181

Sec. 3746.13. (A) For property that does not involve the 44182
issuance of a consolidated standards permit under section 3746.15 44183
of the Revised Code and where no remedial activities for which 44184
there is a required operation and maintenance agreement or an 44185
environmental covenant under this chapter or sections 5301.80 to 44186
5301.92 of the Revised Code, as applicable, are used to comply 44187
with applicable standards, the director of environmental 44188
protection shall issue a covenant not to sue pursuant to section 44189
3746.12 of the Revised Code by issuance of an order and as a final 44190
action under Chapter 3745. of the Revised Code within thirty days 44191

after the director receives the no further action letter for the 44192
property from the certified professional who prepared the letter 44193
under section 3746.11 of the Revised Code. 44194

(B) For property that involves the issuance of a consolidated 44195
standards permit under section 3746.15 of the Revised Code or 44196
where remedial activities for which there is a required operation 44197
and maintenance agreement or an environmental covenant under this 44198
chapter or sections 5301.80 to 5301.92 of the Revised Code, as 44199
applicable, are used to comply with applicable standards, the 44200
director shall issue a covenant not to sue pursuant to section 44201
3746.12 of the Revised Code by issuance of an order and as a final 44202
action under Chapter 3745. of the Revised Code within ninety days 44203
after the director receives the no further action letter for the 44204
property from the certified professional who prepared the letter 44205
and enters into an environmental covenant regarding the property, 44206
if applicable. 44207

(C) Except as provided in division (D) of this section, each 44208
person who is issued a covenant not to sue under this section 44209
shall pay the fee established pursuant to rules adopted under 44210
division ~~(B)(8)~~(B)(7) of section 3746.04 of the Revised Code. 44211
Until those rules become effective, each person who is issued a 44212
covenant not to sue shall pay a fee of two thousand dollars. The 44213
fee shall be paid to the director at the time that the no further 44214
action letter and accompanying verification are submitted to the 44215
director. 44216

(D) An applicant, as defined in section 122.65 of the Revised 44217
Code, who has entered into an agreement under section 122.653 of 44218
the Revised Code and who is issued a covenant not to sue under 44219
this section shall not be required to pay the fee for the issuance 44220
of a covenant not to sue established in rules adopted under 44221
division ~~(B)(8)~~(B)(7) of section 3746.04 of the Revised Code. 44222

Sec. 3746.17. (A) The director of environmental protection 44223
shall conduct audits in connection with no further action letters 44224
issued under section 3746.11 of the Revised Code for all of the 44225
following purposes: 44226

(1) Determining whether after completion of the voluntary 44227
actions under this chapter and rules adopted under it, the 44228
properties where the voluntary actions were conducted meet 44229
applicable standards; 44230

(2) Reviewing the qualifications of and work performed by 44231
certified professionals under the voluntary action program to 44232
ascertain whether they possess the qualifications for 44233
certification pursuant to rules adopted under division (B)(5) of 44234
section 3746.04 of the Revised Code and whether their performance 44235
under the program has resulted in the issuance of no further 44236
action letters that are not consistent with applicable standards; 44237

(3) Reviewing ~~the qualifications of and~~ work performed by 44238
certified laboratories or accredited laboratories in connection 44239
with the voluntary action program, and inspecting the facilities 44240
of ~~certified~~ those laboratories to ascertain whether ~~they possess~~ 44241
~~the qualifications for certification pursuant to rules adopted~~ 44242
~~under division (B)(6) of section 3746.04 of the Revised Code and~~ 44243
~~whether~~ their performance in connection with the program has 44244
resulted in the issuance of no further action letters that are not 44245
consistent with applicable standards. 44246

An audit may be conducted for any of the purposes identified 44247
in divisions (A)(1) to (3) of this section or for any combination 44248
of those purposes. 44249

(B) ~~Commencing one year after the effective date of this~~ 44250
~~section, the~~ The director annually shall conduct in connection 44251
with the no further action letters submitted to ~~him~~ the director 44252
during the preceding calendar year under section 3746.11 of the 44253

Revised Code audits of not less than twenty-five per cent of the 44254
letters pertaining ~~the~~ to voluntary actions that involved remedial 44255
activities and not less than twenty-five per cent of the letters 44256
pertaining to voluntary actions that did not involve remedial 44257
activities. Audits conducted pursuant to contracts entered into 44258
under division ~~(E)~~(D) of this section or division (B) of section 44259
3745.01 of the Revised Code shall be included in determining the 44260
number of audits conducted by the director during the year in 44261
which the audits were conducted. 44262

~~(C) Except as provided in division (D) of this section, the~~ 44263
The director shall select the no further action letters to be 44264
audited under this section in accordance with the selection 44265
criteria established in rules adopted under division ~~(B)(9)~~(B)(8) 44266
of section 3746.04 of the Revised Code. Any such audit shall be 44267
conducted in accordance with the rules adopted under that 44268
division. 44269

~~(D) Prior to the adoption of rules under section 3746.04 of~~ 44270
~~the Revised Code, the director may conduct audits in connection~~ 44271
~~with no further action letters issued under section 3746.11 of the~~ 44272
~~Revised Code in order to determine if the relevant properties,~~ 44273
~~certified professionals, certified laboratories, or any~~ 44274
~~combination of them comply with the standards established in~~ 44275
~~section 3746.07 of the Revised Code.~~ 44276

~~(E)~~ The director may enter into contracts to have audits 44277
conducted under this section in accordance with rules adopted 44278
under division ~~(B)(9)~~(B)(8) of section 3746.04 of the Revised 44279
Code. The director shall not select as a contractor to conduct 44280
audits under this section a person who meets any of the following: 44281

~~(a)~~(1) Undertook the voluntary action in connection with 44282
which the audit is to be performed; 44283

~~(b)~~(2) Is employed by, affiliated with, or related to the 44284

person who undertook the voluntary action in connection with which 44285
the audit is to be performed or was employed by or affiliated with 44286
that person during the year preceding the date that the audit is 44287
to be conducted; 44288

~~(e)~~(3) Served as the certified professional who issued the no 44289
further action letter for the voluntary action in connection with 44290
which the audit is to be performed or is employed by, affiliated 44291
with, or related to the person who served as the certified 44292
professional or was employed by or affiliated with that person 44293
during the year preceding the date that the audit is to be 44294
conducted; 44295

~~(d)~~(4) Performed or reviewed, or ~~his~~ the person's employer 44296
performed or reviewed, any work that was conducted to support the 44297
request for the no further action letter in connection with which 44298
the audit is to be performed; 44299

~~(e)~~(5) Served as a certified laboratory or accredited 44300
laboratory that performed any analyses that formed the basis for 44301
the issuance of the no further action letter in connection with 44302
which the audit is to be performed, is employed by, affiliated 44303
with, or related to the person who served as such a certified 44304
laboratory or accredited laboratory, or was employed by or 44305
affiliated with that person during the year preceding the date 44306
that the audit is to be conducted. 44307

Sec. 3746.18. (A) The director of environmental protection 44308
may request a certified professional or certified laboratory or 44309
accredited laboratory to provide ~~to him~~ the director documents and 44310
data for the purposes of verifying the qualifications of the 44311
professional or laboratory or auditing the performance of the 44312
professional or laboratory in connection with voluntary actions 44313
conducted under this chapter and rules adopted under it or may 44314
request any other person who performed work that was conducted to 44315

support a request for a no further action letter as provided in 44316
division (B)(2) of section 3746.10 of the Revised Code to submit 44317
documents and data relating to the no further action letter. 44318

No person shall fail to comply with a request made under this 44319
division. 44320

(B) In addition to any other remedy provided by law, the 44321
director may do either or both of the following in connection with 44322
a violation of division (A) of this section: 44323

(1) Permanently revoke the certification of the certified 44324
professional ~~or certified laboratory~~ in accordance with rules 44325
adopted under division (B)(5)(g) ~~or (B)(6)(f)~~ of section 3746.04 44326
of the Revised Code, as applicable; 44327

(2) Revoke any covenant not to sue issued under section 44328
3746.12 of the Revised Code pertaining to the director's request 44329
for information under division (A) of this section. 44330

Nothing in division (B)(2) of this section precludes a person 44331
whose covenant not to sue was revoked under that division from 44332
having a new no further action letter prepared regarding the 44333
relevant property and issued under section 3746.11 of the Revised 44334
Code by another certified professional, or using another ~~certified~~ 44335
accredited laboratory, for the purpose of obtaining a new covenant 44336
not to sue for the property. 44337

Sec. 3746.19. (A) If the director of environmental protection 44338
finds that the performance of a certified professional or 44339
certified laboratory has resulted in the issuance of no further 44340
action letters under section 3746.11 of the Revised Code that are 44341
not consistent with applicable standards, ~~he~~ the director shall 44342
notify persons for whom the certified professional or certified 44343
laboratory has performed work in connection with a voluntary 44344
action of ~~his~~ those findings. 44345

(B) The director, in accordance with the criteria and 44346
procedures established in rules adopted under division 44347
~~(B)(9)~~(B)(8) of section 3746.04 of the Revised Code, may conduct 44348
an audit of any property for which a covenant not to sue was 44349
issued under section 3746.12 of the Revised Code based upon a no 44350
further action letter issued under section 3746.11 of the Revised 44351
Code that was prepared by a certified professional whose 44352
certification was subsequently suspended or revoked under this 44353
chapter and rules adopted under it or based upon a no further 44354
action letter for a voluntary action for which analyses were 44355
performed by a certified laboratory for which the certification 44356
was ~~subsequently~~ suspended or revoked ~~under this chapter and rules~~ 44357
~~adopted under it~~ before the effective date of this amendment. 44358

If, after such an audit, the director finds that the property 44359
does not comply with applicable standards, ~~he~~ the director shall 44360
proceed in accordance with divisions (B)(2) through (4) of section 44361
3746.12 of the Revised Code. 44362

Sec. 3746.20. (A) All of the following shall be submitted by 44363
affidavit: 44364

(1) Any information, data, documents, or reports submitted by 44365
any of the following to another person for the purposes of a 44366
voluntary action conducted under this chapter and rules adopted 44367
under it: 44368

(a) The person undertaking the voluntary action; 44369

(b) A certified professional; 44370

(c) Any other person who performed work that was conducted to 44371
support a request for a no further action letter as provided in 44372
division (B)(2) of section 3746.10 of the Revised Code; 44373

(d) A certified laboratory; 44374

(e) An accredited laboratory. 44375

(2) Any information submitted by an environmental professional to the director of environmental protection for the purposes of complying with rules adopted under division (B)(5)(a) or (c) of section 3746.04 of the Revised Code ~~or with division (D) of section 3746.07 of the Revised Code;~~

~~(3) Any information submitted by a laboratory for the purposes of complying with rules adopted under division (B)(6)(a) or (b) of section 3746.04 of the Revised Code;~~

~~(4) The verification of eligible costs associated with a voluntary action submitted by a certified professional to the director of development pursuant to section 3746.121 of the Revised Code.~~

(B) No person shall materially falsify, tamper with, or render inaccurate any information, data, documents, or reports generated for the purposes of or used in documenting or preparing a no further action letter under this chapter or rules adopted under it or verification of eligible costs under section 3746.121 of the Revised Code.

Violation of this division is not falsification under section 2921.13 of the Revised Code.

(C) In accordance with rules adopted under division (B)(5)(f) of section 3746.04 of the Revised Code, the director permanently shall revoke the certification of a certified professional who violates division (B) of this section.

(D) No person, with purpose to deceive a certified professional, ~~certified~~ accredited laboratory, or a contractor thereof, or the environmental protection agency or a contractor thereof, shall withhold, conceal, or destroy any data, information, records, or documents relating to a voluntary action.

Sec. 3746.21. (A) In addition to the authority established in

sections 3746.18, 3746.19, and 3746.20 of the Revised Code, the 44406
director of environmental protection or ~~his~~ the director's 44407
authorized representative, upon proper identification and upon 44408
stating the necessity and purpose of an inspection, may enter at 44409
reasonable times upon any of the following: 44410

(1) Any public or private property at which a voluntary 44411
action has been or is being conducted under this chapter and rules 44412
adopted under it; ~~upon any~~ 44413

(2) Any public or private property, real or personal, that is 44414
owned or operated by a person who is participating or has 44415
participated in the voluntary action program under this chapter 44416
and rules adopted under it where data, information, records, or 44417
documents relating to the person's participation in the voluntary 44418
action program are kept; ~~or upon any~~ 44419

(3) Any public or private property, real or personal, upon 44420
which is located a certified laboratory, accredited laboratory, or 44421
the offices of a certified professional, ~~to inspect.~~ 44422

(B) The director or the director's authorized representative 44423
may enter upon any property described in division (A) of this 44424
section to do any of the following: 44425

(1) Inspect the credentials of the certified professional or 44426
the credentials and facilities of the certified laboratory or 44427
accredited laboratory; ~~to examine~~ 44428

To examine or copy data, information, records, or documents 44429
relating to the evaluation, investigation, or remediation of 44430
properties under this chapter and rules adopted under it or to 44431
compliance with a consolidated standards permit issued under 44432
section 3746.15 of the Revised Code; ~~or to obtain~~ 44433

(3) Obtain samples of soil, water, or other environmental 44434
media at properties where voluntary actions have been or are being 44435
conducted under this chapter and rules adopted under it. 44436

(C) The director or ~~his~~ the director's authorized representative may apply for and any judge of a court of record may issue an administrative inspection warrant under division (F) of section 2933.21 of the Revised Code, or other appropriate search warrant, necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

Sec. 3746.31. Upon the written request of any person for information, documents, reports, or data described on a list submitted to the director of environmental protection pursuant to ~~division (F) of section 3746.07 of the Revised Code or rules~~ adopted under division ~~(B)(7)(e)~~ (B)(6)(e) of section 3746.04 of the Revised Code, as applicable, the director, within a reasonable period of time after receipt of the request, shall provide copies of the requested materials to the person. If the requested materials are not on file in the offices of the environmental protection agency, the director, promptly after receipt of the request, shall send a written request to the certified professional who submitted the list pursuant to that division or those rules to submit the requested materials to the director within a specified reasonable period of time. The certified professional shall submit the requested materials to the director within the time specified in the director's request. Within a reasonable period of time after the director receives the requested materials from the certified professional, the director shall provide copies of them, at cost, to the person who requested them and shall retain the originals in the agency's files.

Sec. 3746.35. (A) Not later than ~~September 1, 1996, and not later than~~ the first day of September of each ~~subsequent~~ year, the director of environmental protection shall prepare and submit to the chairpersons of the respective standing committees of the senate and house of representatives primarily responsible for

considering environmental and taxation matters a report regarding 44468
the voluntary action program established under this chapter and 44469
rules adopted under it and the tax abatements granted pursuant to 44470
sections 5709.87 and 5709.88 of the Revised Code for properties 44471
where voluntary actions were conducted. Each annual report shall 44472
include, without limitation, all of the following: 44473

(1) Both of the following for each property for which a 44474
covenant not to sue was issued under section 3746.12 of the 44475
Revised Code during the preceding calendar year: 44476

(a) The address of the property and name of the person who 44477
undertook the voluntary action at the property; 44478

(b) Whether the applicable standards governing the voluntary 44479
action were the ~~interim standards established in section 3746.07~~ 44480
~~of the Revised Code or the~~ generic numerical clean-up standards 44481
established in rules adopted under division (B)(1) of section 44482
3746.04 of the Revised Code or the interim standards that applied 44483
prior to the adoption of rules under that section, were 44484
established through the performance of a risk assessment pursuant 44485
to rules adopted under division (B)(2) of section 3746.04 of the 44486
Revised Code, or were set forth in a variance issued under section 44487
3746.09 of the Revised Code. 44488

(2) All of the following for each property for which a 44489
variance was issued under section 3746.09 of the Revised Code 44490
during the preceding calendar year: 44491

(a) The address of the property and the name of the person to 44492
whom the variance was issued; 44493

(b) A summary of the alternative standards and terms and 44494
conditions of the variance and brief description of the 44495
improvement in environmental conditions at the property that is 44496
anticipated to result from compliance with the alternative 44497
standards and terms and conditions set forth in the variance; 44498

(c) A brief description of the economic benefits to the person to whom the variance was issued and the community in which the property is located that are anticipated to result from the undertaking of the voluntary action in compliance with the alternative standards and terms and conditions set forth in the variance.

(3) The number of audits performed under section 3746.17 of the Revised Code during the preceding calendar year and, in connection with each of them, at least the following information:

(a) The address of the property in connection with which the audit was performed and the name of the person who undertook the voluntary action at the property;

(b) An indication as to whether the audit was a random audit or was conducted in accordance with the priorities established in rules adopted under divisions (A)(9)(a) to (f) of section 3746.04 of the Revised Code and, if the audit was conducted in accordance with those priorities, an indication as to which of them resulted in the selection of the voluntary action for an audit;

(c) A brief summary of the findings of the audit and any action taken by the environmental protection agency as a result of those findings.

(4) The number of covenants not to sue revoked during the preceding calendar year through the operation of divisions (A)(2)(c) and (B) of section 3746.12, division (B)(2) of section 3746.18, and division (B) of section 3746.19 of the Revised Code and for each property for which a covenant was revoked, at least both of the following:

(a) The address of the property affected by the revocation and name of the person who undertook the voluntary action at the property;

(b) The reason for the revocation.

(5) The amount of money credited to the voluntary action administration fund created in section 3746.16 of the Revised Code during the preceding fiscal year from the fees established in ~~divisions (D) and (H) of section 3746.07~~ and division (C) of section 3746.13 of the Revised Code and from civil penalties imposed under section 3746.22 of the Revised Code. The report shall indicate the amount of money that arose from each of the fees and from the civil penalties. The report also shall include the amount of money expended from the fund during the preceding fiscal year by program category, including, without limitation, the amount expended for conducting audits under section 3746.17 of the Revised Code during the preceding fiscal year.

(6) For each property that is receiving a tax abatement under section 5709.87 of the Revised Code for the preceding tax year, the amount of the valuation exempted from real property taxation for that tax year under that section. In order to comply with division (A)(6) of this section, the director shall include in the annual report the report required under division (B)(2) of this section.

(7) For each property that is receiving a tax abatement pursuant to an agreement with a municipal corporation or county entered into under section 5709.88 of the Revised Code, the amount of the valuation exempted from real or personal property taxation. In order to comply with division (A)(7) of this section, the director shall include in the annual report the report required under division (C) of this section.

(B)(1) Not later than the thirty-first day of March 31, 1996 ~~of each year~~, the county auditor of each county in which is located any property that ~~is receiving~~ received a tax abatement under section 5709.87 of the Revised Code for the preceding tax year shall report to the director of environmental protection for each such property both of the following as applicable ~~to tax year~~

1995: 44562

(a) The address of the property and the name of the owner as 44563
stated in the records of the county auditor of the county in which 44564
the property is located; 44565

(b) The amount of the valuation of the property that was 44566
exempted from real property taxation under that section. 44567

~~Not later than the thirty first day of March of each 44568
subsequent year, each such county auditor shall report the 44569
information described in those divisions to the director of 44570
environmental protection for each property within the county that 44571
is receiving a tax abatement under that section for the preceding 44572
tax year. 44573~~

(2) Not later than ~~July 1, 1996, and not later than~~ the first 44574
day of July of each ~~subsequent~~ year, the director of environmental 44575
protection shall compile the information provided to the director 44576
under division (B)(1) of this section applicable to the preceding 44577
tax year into a report covering all of the counties in the state 44578
in which are located properties receiving a tax abatement under 44579
section 5709.87 of the Revised Code for the preceding tax year. 44580

(C) Not later than ~~July 1, 1996, and not later than~~ the first 44581
day of July of each ~~subsequent~~ year, the director of environmental 44582
protection shall compile the information provided to the director 44583
by municipal corporations and counties under division (A) of 44584
section 5709.882 of the Revised Code applicable to the preceding 44585
calendar year into a report covering, by county, all of the 44586
municipal corporations and counties in this state in which are 44587
located properties receiving a tax abatement pursuant to an 44588
agreement entered into under section 5709.88 of the Revised Code. 44589

Sec. 3770.06. (A) There is hereby created the state lottery 44590
gross revenue fund, which shall be in the custody of the treasurer 44591

of state but shall not be part of the state treasury. All gross 44592
revenues received from sales of lottery tickets, fines, fees, and 44593
related proceeds in connection with the statewide lottery and all 44594
gross proceeds from statewide joint lottery games shall be 44595
deposited into the fund. The treasurer of state shall invest any 44596
portion of the fund not needed for immediate use in the same 44597
manner as, and subject to all provisions of law with respect to 44598
the investment of, state funds. The treasurer of state shall 44599
disburse money from the fund on order of the director of the state 44600
lottery commission or the director's designee. 44601

Except for gross proceeds from statewide joint lottery games, 44602
all revenues of the state lottery gross revenue fund that are not 44603
paid to holders of winning lottery tickets, that are not required 44604
to meet short-term prize liabilities, that are not credited to 44605
lottery sales agents in the form of bonuses, commissions, or 44606
reimbursements, that are not paid to financial institutions to 44607
reimburse those institutions for sales agent nonsufficient funds, 44608
and that are collected from sales agents for remittance to 44609
insurers under contract to provide sales agent bonding services 44610
shall be transferred to the state lottery fund, which is hereby 44611
created in the state treasury. In addition, all revenues of the 44612
state lottery gross revenue fund that represent the gross proceeds 44613
from the statewide joint lottery games and that are not paid to 44614
holders of winning lottery tickets, that are not required to meet 44615
short-term prize liabilities, that are not credited to lottery 44616
sales agents in the form of bonuses, commissions, or 44617
reimbursements, and that are not necessary to cover operating 44618
expenses associated with those games or to otherwise comply with 44619
the agreements signed by the governor that the director enters 44620
into under division (J) of section 3770.02 of the Revised Code or 44621
the rules the commission adopts under division (B)(5) of section 44622
3770.03 of the Revised Code shall be transferred to the state 44623
lottery fund. All investment earnings of the fund shall be 44624

credited to the fund. Moneys shall be disbursed from the fund 44625
pursuant to vouchers approved by the director. Total disbursements 44626
for monetary prize awards to holders of winning lottery tickets in 44627
connection with the statewide lottery and purchases of goods and 44628
services awarded as prizes to holders of winning lottery tickets 44629
shall be of an amount equal to at least fifty per cent of the 44630
total revenue accruing from the sale of lottery tickets. 44631

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 44632
there is hereby established in the state treasury the lottery 44633
profits education fund. Whenever, in the judgment of the director 44634
of the state lottery commission, the amount to the credit of the 44635
state lottery fund that does not represent proceeds from statewide 44636
joint lottery games is in excess of that needed to meet the 44637
maturing obligations of the commission and as working capital for 44638
its further operations, the director of the state lottery 44639
commission shall recommend the amount of the excess to be 44640
transferred to the lottery profits education fund, and the 44641
director of budget and management may transfer the excess to the 44642
lottery profits education fund in connection with the statewide 44643
lottery. In addition, whenever, in the judgment of the director of 44644
the state lottery commission, the amount to the credit of the 44645
state lottery fund that represents proceeds from statewide joint 44646
lottery games equals the entire net proceeds of those games as 44647
described in division (B)(5) of section 3770.03 of the Revised 44648
Code and the rules adopted under that division, the director of 44649
the state lottery commission shall recommend the amount of the 44650
proceeds to be transferred to the lottery profits education fund, 44651
and the director of budget and management may transfer those 44652
proceeds to the lottery profits education fund. Investment 44653
earnings of the lottery profits education fund shall be credited 44654
to the fund. 44655

The lottery profits education fund shall be used solely for 44656

the support of elementary, secondary, vocational, and special 44657
education programs as determined in appropriations made by the 44658
general assembly, or as provided in applicable bond proceedings 44659
for the payment of debt service on obligations issued to pay costs 44660
of capital facilities, including those for a system of common 44661
schools throughout the state pursuant to section 2n of Article 44662
VIII, Ohio Constitution. When determining the availability of 44663
money in the lottery profits education fund, the director of 44664
budget and management may consider all balances and estimated 44665
revenues of the fund. 44666

(C) There is hereby established in the state treasury the 44667
deferred prizes trust fund. With the approval of the director of 44668
budget and management, an amount sufficient to fund annuity prizes 44669
shall be transferred from the state lottery fund and credited to 44670
the trust fund. The treasurer of state shall credit all earnings 44671
arising from investments purchased under this division to the 44672
trust fund. Within sixty days after the end of each fiscal year, 44673
the treasurer of state shall certify to the director of budget and 44674
management whether the actuarial amount of the trust fund is 44675
sufficient over the fund's life for continued funding of all 44676
remaining deferred prize liabilities as of the last day of the 44677
fiscal year just ended. Also, within that sixty days, the director 44678
of budget and management shall certify the amount of investment 44679
earnings necessary to have been credited to the trust fund during 44680
the fiscal year just ending to provide for such continued funding 44681
of deferred prizes. Any earnings credited in excess of the latter 44682
certified amount shall be transferred to the lottery profits 44683
education fund. 44684

To provide all or a part of the amounts necessary to fund 44685
deferred prizes awarded by the commission in connection with the 44686
statewide lottery, the treasurer of state, in consultation with 44687
the commission, may invest moneys contained in the deferred prizes 44688

trust fund which represents proceeds from the statewide lottery in 44689
obligations of the type permitted for the investment of state 44690
funds but whose maturities are thirty years or less. 44691
Notwithstanding the requirements of any other section of the 44692
Revised Code, to provide all or part of the amounts necessary to 44693
fund deferred prizes awarded by the commission in connection with 44694
statewide joint lottery games, the treasurer of state, in 44695
consultation with the commission, may invest moneys in the trust 44696
fund which represent proceeds derived from the statewide joint 44697
lottery games in accordance with the rules the commission adopts 44698
under division (B)(5) of section 3770.03 of the Revised Code. 44699
Investments of the trust fund are not subject to the provisions of 44700
division (A)~~(10)~~(11) of section 135.143 of the Revised Code 44701
limiting to twenty-five per cent the amount of the state's total 44702
average portfolio that may be invested in debt interests other 44703
than commercial paper and limiting to five per cent the amount 44704
that may be invested in debt interests, including commercial 44705
paper, of a single issuer. 44706

All purchases made under this division shall be effected on a 44707
delivery versus payment method and shall be in the custody of the 44708
treasurer of state. 44709

The treasurer of state may retain an investment advisor, if 44710
necessary. The commission shall pay any costs incurred by the 44711
treasurer of state in retaining an investment advisor. 44712

(D) The auditor of state shall conduct annual audits of all 44713
funds and any other audits as the auditor of state or the general 44714
assembly considers necessary. The auditor of state may examine all 44715
records, files, and other documents of the commission, and records 44716
of lottery sales agents that pertain to their activities as 44717
agents, for purposes of conducting authorized audits. 44718

(E) The state lottery commission shall establish an internal 44719
audit plan before the beginning of each fiscal year, subject to 44720

the approval of the office of internal audit in the office of 44721
budget and management. At the end of each fiscal year, the 44722
commission shall prepare and submit an annual report to the office 44723
of internal audit for the office's review and approval, specifying 44724
the internal audit work completed by the end of that fiscal year 44725
and reporting on compliance with the annual internal audit plan. 44726

(F) Whenever, in the judgment of the director of budget and 44727
management, an amount of net state lottery proceeds is necessary 44728
to be applied to the payment of debt service on obligations, all 44729
as defined in sections 151.01 and 151.03 of the Revised Code, the 44730
director shall transfer that amount directly from the state 44731
lottery fund or from the lottery profits education fund to the 44732
bond service fund defined in those sections. The provisions of 44733
this division are subject to any prior pledges or obligation of 44734
those amounts to the payment of bond service charges as defined in 44735
division (C) of section 3318.21 of the Revised Code, as referred 44736
to in division (B) of this section. 44737

Sec. 3770.073. (A) If a person is entitled to a lottery prize 44738
award and is indebted to the state for the payment of any tax, 44739
workers' compensation premium, unemployment contribution, payment 44740
in lieu of unemployment contribution, certified claim under 44741
section 131.02 or 131.021 of the Revised Code, or is indebted to a 44742
political subdivision that has a certified claim under section 44743
131.02 of the Revised Code, lottery sales receipts held in trust 44744
on behalf of the state lottery commission as described in division 44745
(H)(4) of section 3770.05 of the Revised Code, or charge, penalty, 44746
or interest arising from these debts and if the amount of the 44747
prize money or the cost of goods or services awarded as a lottery 44748
prize award ~~is five thousand dollars or more~~ meets or exceeds the 44749
reportable winnings amount set by 26 U.S.C. 6041, the director of 44750
the state lottery commission, or the director's designee, shall do 44751
either of the following: 44752

(1) If the prize award will be paid in a lump sum, deduct 44753
from the prize award and pay to the attorney general an amount in 44754
satisfaction of the debt and pay any remainder to that person. If 44755
the amount of the prize award is less than the amount of the debt, 44756
the entire amount of the prize award shall be deducted and paid in 44757
partial satisfaction of the debt. 44758

(2) If the prize award will be paid in annual installments, 44759
on the date the initial installment payment is due, deduct from 44760
that installment and pay to the attorney general an amount in 44761
satisfaction of the debt and, if necessary to collect the full 44762
amount of the debt, do the same for any subsequent annual 44763
installments, at the time the installments become due and owing to 44764
the person, until the debt is fully satisfied. 44765

(B) If a person entitled to a lottery prize award owes more 44766
than one debt, any debt owed to the state shall be satisfied 44767
first, subject to both section 5739.33 and division (G) of section 44768
5747.07 of the Revised Code having first priority, and subject to 44769
division (C) of this section. 44770

(C) Any debt owed under section 3770.071 of the Revised Code 44771
shall be satisfied with first priority over debts owed under this 44772
section. 44773

(D) Except as provided in section 131.021 of the Revised 44774
Code, this section applies only to debts that have become final. 44775

Sec. 3772.01. As used in this chapter: 44776

(A) "Applicant" means any person who applies to the 44777
commission for a license under this chapter. 44778

(B) "Casino control commission fund" means the casino control 44779
commission fund described in Section 6(C)(3)(d) of Article XV, 44780
Ohio Constitution, the money in which shall be used to fund the 44781
commission and its related affairs. 44782

(C) "Casino facility" means a casino facility as defined in 44783
Section 6(C)(9) of Article XV, Ohio Constitution. 44784

(D) "Casino game" means any slot machine or table game as 44785
defined in this chapter. 44786

(E) "Casino gaming" means any type of slot machine or table 44787
game wagering, using money, casino credit, or any representative 44788
of value, authorized in any of the states of Indiana, Michigan, 44789
Pennsylvania, and West Virginia as of January 1, 2009, and 44790
includes slot machine and table game wagering subsequently 44791
authorized by, but shall not be limited by, subsequent 44792
restrictions placed on such wagering in such states. "Casino 44793
gaming" does not include bingo, as authorized in Section 6 of 44794
Article XV, Ohio Constitution and conducted as of January 1, 2009, 44795
or horse racing where the pari-mutuel system of wagering is 44796
conducted, as authorized under the laws of this state as of 44797
January 1, 2009. 44798

(F) "Casino gaming employee" means any employee of a casino 44799
operator or management company, but not a key employee, and as 44800
further defined in section 3772.131 of the Revised Code. 44801

(G) "Casino operator" means any person, trust, corporation, 44802
partnership, limited partnership, association, limited liability 44803
company, or other business enterprise that directly or indirectly 44804
holds an ownership or leasehold interest in a casino facility. 44805
"Casino operator" does not include an agency of the state, any 44806
political subdivision of the state, any person, trust, 44807
corporation, partnership, limited partnership, association, 44808
limited liability company, or other business enterprise that may 44809
have an interest in a casino facility, but who is legally or 44810
contractually restricted from conducting casino gaming. 44811

(H) "Central system" means a computer system that provides 44812
the following functions related to casino gaming equipment used in 44813

connection with casino gaming authorized under this chapter: 44814
security, auditing, data and information retrieval, and other 44815
purposes deemed necessary and authorized by the commission. 44816

(I) "Cheat" means to alter the result of a casino game, the 44817
element of chance, the operation of a machine used in a casino 44818
game, or the method of selection of criteria that determines (a) 44819
the result of the casino game, (b) the amount or frequency of 44820
payment in a casino game, (c) the value of a wagering instrument, 44821
or (d) the value of a wagering credit. "Cheat" does not include an 44822
individual who, without the assistance of another individual or 44823
without the use of a physical aid or device of any kind, uses the 44824
individual's own ability to keep track of the value of cards 44825
played and uses predictions formed as a result of the tracking 44826
information in the individual's playing and betting strategy. 44827

(J) "Commission" means the Ohio casino control commission. 44828

(K) "Gaming agent" means a peace officer employed by the 44829
commission that is vested with duties to enforce this chapter and 44830
conduct other investigations into the conduct of the casino gaming 44831
and the maintenance of the equipment that the commission considers 44832
necessary and proper and is in compliance with section 109.77 of 44833
the Revised Code. 44834

(L) "Gaming-related vendor" means any individual, 44835
partnership, corporation, association, trust, or any other group 44836
of individuals, however organized, who supplies gaming-related 44837
equipment, goods, or services to a casino operator or management 44838
company, that are directly related to or affect casino gaming 44839
authorized under this chapter, including, but not limited to, the 44840
manufacture, sale, distribution, or repair of slot machines and 44841
table game equipment. 44842

(M) "Holding company" means any corporation, firm, 44843
partnership, limited partnership, limited liability company, 44844

trust, or other form of business organization not a natural person 44845
which directly or indirectly does any of the following: 44846

(1) Has the power or right to control a casino operator, 44847
management company, or gaming-related vendor license applicant or 44848
licensee; 44849

(2) Holds an ownership interest of five per cent or more, as 44850
determined by the commission, in a casino operator, management 44851
company, or gaming-related vendor license applicant or licensee; 44852

(3) Holds voting rights with the power to vote five per cent 44853
or more of the outstanding voting rights of a casino operator, 44854
management company, or gaming-related vendor applicant or 44855
licensee. 44856

(N) "Initial investment" includes costs related to 44857
demolition, engineering, architecture, design, site preparation, 44858
construction, infrastructure improvements, land acquisition, 44859
fixtures and equipment, insurance related to construction, and 44860
leasehold improvements. 44861

(O) "Institutional investor" means any of the following 44862
entities owning five per cent or more, but less than fifteen per 44863
cent, of an ownership interest in a casino facility, casino 44864
operator, management company, or holding company: a corporation, 44865
bank, insurance company, pension fund or pension fund trust, 44866
retirement fund, including funds administered by a public agency, 44867
employees' profit-sharing fund or employees' profit-sharing trust, 44868
any association engaged, as a substantial part of its business or 44869
operations, in purchasing or holding securities, including a hedge 44870
fund, mutual fund, or private equity fund, or any trust in respect 44871
of which a bank is trustee or cotrustee, investment company 44872
registered under the "Investment Company Act of 1940," 15 U.S.C. 44873
80a-1 et seq., collective investment trust organized by banks 44874
under Part Nine of the Rules of the Comptroller of the Currency, 44875

closed-end investment trust, chartered or licensed life insurance 44876
company or property and casualty insurance company, investment 44877
advisor registered under the "Investment Advisors Act of 1940," 15 44878
U.S.C. 80 b-1 et seq., and such other persons as the commission 44879
may reasonably determine to qualify as an institutional investor 44880
for reasons consistent with this chapter, and that does not 44881
exercise control over the affairs of a licensee and its ownership 44882
interest in a licensee is for investment purposes only, as set 44883
forth in division (F) of section 3772.10 of the Revised Code. 44884

(P) "Key employee" means any executive, employee, agent, or 44885
other individual who has the power to exercise significant 44886
influence over decisions concerning any part of the operation of a 44887
person that has applied for or holds a casino operator, management 44888
company, or gaming-related vendor license or the operation of a 44889
holding company of a person that has applied for or holds a casino 44890
operator, management company, or gaming-related vendor license, 44891
including: 44892

(1) An officer, director, trustee, partner, or an equivalent 44893
fiduciary; 44894

(2) An individual who holds a direct or indirect ownership 44895
interest of five per cent or more; 44896

(3) An individual who performs the function of a principal 44897
executive officer, principal operating officer, principal 44898
accounting officer, or an equivalent officer; 44899

(4) Any other individual the commission determines to have 44900
the power to exercise significant influence over decisions 44901
concerning any part of the operation. 44902

(Q) "Licensed casino operator" means a casino operator that 44903
has been issued a license by the commission and that has been 44904
certified annually by the commission to have paid all applicable 44905
fees, taxes, and debts to the state. 44906

(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. 44939

(W) "Promotional gaming credit" means a slot machine or table 44940
game credit, discount, or other similar item issued to a patron to 44941
enable the placement of, or increase in, a wager at a slot machine 44942
or table game. 44943

(X) "Slot machine" means any mechanical, electrical, or other 44944
device or machine which, upon insertion of a coin, token, ticket, 44945
or similar object, or upon payment of any consideration, is 44946
available to play or operate, the play or operation of which, 44947
whether by reason of the skill of the operator or application of 44948
the element of chance, or both, makes individual prize 44949
determinations for individual participants in cash, premiums, 44950
merchandise, tokens, or any thing of value, whether the payoff is 44951
made automatically from the machine or in any other manner, but 44952
does not include any device that is a skill-based amusement 44953
machine, as defined in section 2915.01 of the Revised Code. 44954

(Y) "Table game" means any game played with cards, dice, or 44955
any mechanical, electromechanical, or electronic device or machine 44956
for money, casino credit, or any representative of value. "Table 44957
game" does not include slot machines. 44958

(Z) "Upfront license" means the first plenary license issued 44959
to a casino operator. 44960

(AA) "Voluntary exclusion program" means a program provided 44961
by the commission that allows persons to voluntarily exclude 44962
themselves from the gaming areas of facilities under the 44963
jurisdiction of the commission by placing their name on a 44964
voluntary exclusion list and following the procedures set forth by 44965
the commission. 44966

Sec. 3772.37. (A) Pursuant to section 131.02 of the Revised 44967
Code, the attorney general shall develop and implement a real time 44968

data match program and make it available to each casino operator 44969
and management company to identify patrons who owe amounts to the 44970
state or a political subdivision. 44971

(B)(1) Before disbursing any casino winnings to a patron that 44972
meet or exceed the reportable winnings amount set by 26 U.S.C. 44973
6041, a casino operator or management company shall consult the 44974
data match program to determine whether the patron owes any 44975
amounts to the state or a political subdivision. If the data match 44976
program indicates that the patron owes any amounts to the state or 44977
a political subdivision, the casino operator or management company 44978
shall withhold from the patron's winnings an amount sufficient to 44979
satisfy those amounts, up to the amount of the winnings. 44980

(2) If the data match program described in section 3123.90 of 44981
the Revised Code indicates that the patron also is in default 44982
under a support order, the casino operator or management company 44983
shall transmit to the department of job and family services an 44984
amount sufficient to satisfy any past due support owed by the 44985
patron, up to the amount of the winnings, before transmitting any 44986
remaining amount to the attorney general under division (C) of 44987
this section. 44988

(C)(1) Not later than seven days after withholding an amount 44989
under division (B) of this section, the casino operator or 44990
management company shall transmit to the attorney general any 44991
amount withheld and not already disbursed to the department of job 44992
and family services under section 3123.90 of the Revised Code as 44993
payment on the amount owed. 44994

(2) If the patron owes more than one amount to the state or a 44995
political subdivision as identified by the data match program 44996
described in this section, the amount owed to the state shall be 44997
satisfied first, except that any amounts owed under section 44998
5739.33 and division (G) of section 5747.07 of the Revised Code 44999

shall have first priority. 45000

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that have become final. 45001
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(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. 45004
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Sec. 3794.01. Definitions. 45007

As used in this chapter: 45008

(A) "Smoking" means inhaling, exhaling, burning, or carrying any lighted ~~eigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant or heated tobacco product or plant product intended for inhalation in any manner or in any form.~~ "Smoking" includes the use of an electronic smoking device and a vapor product. "Smoking" does not include the burning of incense in a religious ceremony. 45009
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(B) "Public place" means an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence. 45016
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(C) "Place of employment" means an enclosed area under the direct or indirect control of an employer that the employer's employees use for work or any other purpose, including but not limited to, offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles. An enclosed area as described herein is a place of employment without regard to the time of day or the presence of employees. 45019
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(D) "Employee" means a person who is employed by an employer, or who contracts with an employer or third person to perform services for an employer, or who otherwise performs services for 45027
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an employer for compensation or for no compensation. 45030

(E) "Employer" means the state or any individual, business, 45031
association, political subdivision, or other public or private 45032
entity, including a nonprofit entity, that employs or contracts 45033
for or accepts the provision of services from one or more 45034
employees. 45035

(F) "Enclosed Area" means an area with a roof or other 45036
overhead covering of any kind and walls or side coverings of any 45037
kind, regardless of the presence of openings for ingress and 45038
egress, on all sides or on all sides but one. 45039

(G) "Proprietor" means an employer, owner, manager, operator, 45040
liquor permit holder, or person in charge or control of a public 45041
place or place of employment. 45042

(H) "Retail tobacco store" means a retail establishment that 45043
derives more than eighty ~~percent~~ per cent of its gross revenue 45044
from the sale of ~~eigars, cigarettes, pipes, or other smoking~~ 45045
~~devices for burning tobacco~~ lighted or heated tobacco products and 45046
related smoking accessories and in which the sale of other 45047
products is merely incidental. "Retail tobacco store" does not 45048
include a tobacco department or section of a larger commercial 45049
establishment or of any establishment with a liquor permit or of 45050
any restaurant. 45051

(I) "Retail vapor store" means a retail establishment that 45052
derives more than eighty per cent of its gross revenue from the 45053
sale of vapor products, electronic smoking devices, or other 45054
electronic smoking product accessories and for which the sale of 45055
other products is merely incidental. "Retail vapor store" does not 45056
include a section of a larger commercial establishment or of an 45057
establishment with a liquor license or that is a restaurant. 45058

(J) "Outdoor patio" means an area that is either: enclosed by 45059
a roof or other overhead covering and walls or side coverings on 45060

not more than two sides; or has no roof or other overhead covering 45061
regardless of the number of walls or other side coverings. 45062

(K) "Vapor product" and "electronic smoking device" have the 45063
same meanings as in section 2927.02 of the Revised Code. 45064

Sec. 3794.03. Areas where smoking is not regulated by this 45065
chapter. 45066

The following shall be exempt from the provisions of this 45067
chapter: 45068

(A) Private residences, except during the hours of operation 45069
as a child care or adult care facility for compensation, during 45070
the hours of operation as a business by a person other than a 45071
person residing in the private residence, or during the hours of 45072
operation as a business, when employees of the business, who are 45073
not residents of the private residence or are not related to the 45074
owner, are present. 45075

(B) Rooms for sleeping in hotels, motels and other lodging 45076
facilities designated as smoking rooms; provided, however, that 45077
not more than twenty per cent of sleeping rooms may be so 45078
designated. 45079

(C) Family-owned and operated places of employment in which 45080
all employees are related to the owner, but only if the enclosed 45081
areas of the place of employment are not open to the public, are 45082
in a freestanding structure occupied solely by the place of 45083
employment, and smoke from the place of employment does not 45084
migrate into an enclosed area where smoking is prohibited under 45085
the provisions of this chapter. 45086

(D) Any nursing home, as defined in division (A) of section 45087
3721.10 of the Revised Code, but only to the extent necessary to 45088
comply with division (A)(18) of section 3721.13 of the Revised 45089
Code. If indoor smoking area is provided by a nursing home for 45090

residents of the nursing home, the designated indoor smoking area 45091
shall be separately enclosed and separately ventilated so that 45092
tobacco smoke does not enter, through entrances, windows, 45093
ventilation systems, or other means, any areas where smoking is 45094
otherwise prohibited under this chapter. Only residents of the 45095
nursing home may utilize the designated indoor smoking area for 45096
smoking. A nursing home may designate specific times when the 45097
indoor smoking area may be used for such purpose. No employee of a 45098
nursing home shall be required to accompany a resident into a 45099
designated indoor smoking area or perform services in such area 45100
when being used for smoking. 45101

(E) Retail tobacco stores in operation prior to December 7, 45102
2006. The retail tobacco store shall annually file with the 45103
department of health by the thirty-first day of January an 45104
affidavit stating the percentage of its gross income during the 45105
prior calendar year that was derived from the sale of cigars, 45106
cigarettes, pipes, or other smoking devices for smoking tobacco 45107
and related smoking accessories. Any retail tobacco store that 45108
begins operation after December 7, 2006, or any existing retail 45109
tobacco store that relocates to another location after December 7, 45110
2006, may only qualify for this exemption if located in a 45111
freestanding structure occupied solely by the business and smoke 45112
from the business does not migrate into an enclosed area where 45113
smoking is prohibited under the provisions of this chapter. 45114

(F) Outdoor patios. All outdoor patios shall be physically 45115
separated from an enclosed area. If windows or doors form any part 45116
of the partition between an enclosed area and the outdoor patio, 45117
the openings shall be closed to prevent the migration of smoke 45118
into the enclosed area. If windows or doors do not prevent the 45119
migration of smoke into the enclosed area, the outdoor patio shall 45120
be considered an extension of the enclosed area and subject to the 45121
prohibitions of this chapter. 45122

(G) Private clubs as defined in division (B)(13) of section 45123
4301.01 of the Revised Code, provided all of the following apply: 45124
the club has no employees; the club is organized as a 45125
not-for-profit entity; only members of the club are present in the 45126
club's building; no persons under the age of eighteen are present 45127
in the club's building; the club is located in a freestanding 45128
structure occupied solely by the club; smoke from the club does 45129
not migrate into an enclosed area where smoking is prohibited 45130
under the provisions of this chapter; and, if the club serves 45131
alcohol, it holds a valid D4 liquor permit. 45132

(H) An enclosed space in a laboratory facility at an 45133
accredited college or university, when used solely and exclusively 45134
for clinical research activities by a person, organization, or 45135
other entity conducting institutional review board-approved 45136
scientific or medical research related to the health effects of 45137
smoking or the use of tobacco products. The enclosed space shall 45138
not be open to the public and shall be designed to minimize 45139
exposure of nonsmokers to smoke. The program administrator shall 45140
annually file a notice of new research with the department of 45141
health on a form prescribed by the department. 45142

(I) A retail vapor store, insofar as the provisions of this 45143
chapter apply to smoking via vapor products and electronic smoking 45144
devices. The provisions of this chapter apply to retail vapor 45145
stores with regard to all other forms of smoking. The retail vapor 45146
store shall annually file with the department of health by the 45147
thirty-first day of January an affidavit stating the percentage of 45148
its gross income during the prior calendar year that was derived 45149
from the sale of vapor products, electronic smoking devices, or 45150
other electronic smoking product accessories. 45151

Sec. 3796.28. (A) Nothing in this chapter does any of the 45152
following: 45153

(1) Requires an employer to permit or accommodate an	45154
employee's use, possession, or distribution of medical marijuana;	45155
(2) Prohibits an employer from refusing to hire, discharging,	45156
disciplining, or otherwise taking an adverse employment action	45157
against a person with respect to hire, tenure, terms, conditions,	45158
or privileges of employment because of that person's use,	45159
possession, or distribution of medical marijuana;	45160
(3) Prohibits an employer from establishing and enforcing a	45161
drug testing policy, drug-free workplace policy, or zero-tolerance	45162
drug policy;	45163
(4) Interferes with any federal restrictions on employment,	45164
including the regulations adopted by the United States department	45165
of transportation in Title 49 of the Code of Federal Regulations,	45166
as amended;	45167
(5) Permits a person to commence a cause of action against an	45168
employer for refusing to hire, discharging, disciplining,	45169
discriminating, retaliating, or otherwise taking an adverse	45170
employment action against a person with respect to hire, tenure,	45171
terms, conditions, or privileges of employment related to medical	45172
marijuana;	45173
(6) Affects the authority of the administrator of workers'	45174
compensation to grant rebates or discounts on premium rates to	45175
employers that participate in a drug-free workplace program	45176
established in accordance with rules adopted by the administrator	45177
under Chapter 4123. of the Revised Code.	45178
(B) A person who is discharged from employment because of	45179
that person's use of medical marijuana shall be considered to have	45180
been discharged for just cause for purposes of division (D) of	45181
section 4141.29 of the Revised Code if the person's use of medical	45182
marijuana was in violation of an employer's drug-free workplace	45183
policy, zero-tolerance policy, or other formal program or policy	45184

regulating the use of medical marijuana. 45185

(C) It is not a violation of division (A), (D), or (E) of section 4112.02 of the Revised Code if an employer discharges, refuses to hire, or otherwise discriminates against a person because of that person's use of medical marijuana if the person's use of medical marijuana is in violation of the employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana. 45186
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Sec. 3796.31. Except as otherwise authorized in the Revised Code, no political subdivision shall levy any tax or fee on cultivators, processors, or dispensaries that is based on those businesses' gross receipts or that is the same as or similar to any tax or fee imposed by the state. 45193
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Sec. 3902.50. As used in sections 3902.50 to ~~3902.54~~ 3902.72 of the Revised Code: 45198
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(A) "Ambulance" has the same meaning as in section 4765.01 of the Revised Code. 45200
45201

(B) "Clinical laboratory services" has the same meaning as in section 4731.65 of the Revised Code. 45202
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(C) "Cost sharing" means the cost to a covered person under a health benefit plan according to any copayment, coinsurance, deductible, or other out-of-pocket expense requirement. 45204
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(D) "Covered" or "coverage" means the provision of benefits related to health care services to a covered person in accordance with a health benefit plan. 45207
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(E) "Covered person," "health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code. 45210
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~~(E)~~(F) "Drug" has the same meaning as in section 4729.01 of 45213

the Revised Code. 45214

(G) "Emergency facility" has the same meaning as in section 45215
3701.74 of the Revised Code. 45216

~~(F)~~(H) "Emergency services" means all of the following as 45217
described in 42 U.S.C. 1395dd: 45218

(1) Medical screening examinations undertaken to determine 45219
whether an emergency medical condition exists; 45220

(2) Treatment necessary to stabilize an emergency medical 45221
condition; 45222

(3) Appropriate transfers undertaken prior to an emergency 45223
medical condition being stabilized. 45224

~~(G)~~(I) "Health care practitioner" has the same meaning as in 45225
section 3701.74 of the Revised Code. 45226

(J) "Pharmacy benefit manager" has the same meaning as in 45227
section 3959.01 of the Revised Code. 45228

(K) "Prior authorization requirement" means any practice 45229
implemented by a health plan issuer in which coverage of a health 45230
care service, device, or drug is dependent upon a covered person 45231
or a provider obtaining approval from the health plan issuer prior 45232
to the service, device, or drug being performed, received, or 45233
prescribed, as applicable. "Prior authorization requirement" 45234
includes prospective or utilization review procedures conducted 45235
prior to providing a health care service, device, or drug. 45236

(L) "Unanticipated out-of-network care" means health care 45237
services, including clinical laboratory services, that are covered 45238
under a health benefit plan and that are provided by an 45239
out-of-network provider when either of the following conditions 45240
applies: 45241

(1) The covered person did not have the ability to request 45242
such services from an in-network provider. 45243

(2) The services provided were emergency services. 45244

Sec. 3902.60. As used in sections 3902.60 and 3902.61 of the 45245
Revised Code: 45246

(A) "Associated conditions" means the symptoms or side 45247
effects of stage four advanced metastatic cancer, or the treatment 45248
thereof, which would, in the judgment of the health care 45249
practitioner in question, jeopardize the health of a covered 45250
individual if left untreated. 45251

~~(B) "Covered person," "health benefit plan," and "health plan 45252
issuer" have the same meanings as in section 3922.01 of the 45253
Revised Code.~~ 45254

~~(C) "Stage four advanced metastatic cancer" means a cancer 45255
that has spread from the primary or original site of the cancer to 45256
nearby tissues, lymph nodes, or other areas or parts of the body. 45257~~

Sec. 3902.70. As used in this section and section 3902.71 of 45258
the Revised Code: 45259

(A) "340B covered entity" and "third-party administrator" 45260
have the same meanings as in section 5167.01 of the Revised Code. 45261

~~(B) "Health plan issuer" has the same meaning as in section 45262
3922.01 of the Revised Code.~~ 45263

~~(C) "Terminal distributor of dangerous drugs" has the same 45264
meaning as in section 4729.01 of the Revised Code.~~ 45265

Sec. 3902.72. (A) As used in this section, "health care 45266
provider" has the same meaning as in section 3701.74 of the 45267
Revised Code. 45268

(B) A health plan issuer or pharmacy benefit manager shall, 45269
upon request of a covered person, the covered person's health care 45270
provider, or the covered person's third-party representative, 45271

<u>furnish the following data for any drug covered under a related</u>	45272
<u>health benefit plan:</u>	45273
<u>(1) The covered person's eligibility information for the</u>	45274
<u>drug;</u>	45275
<u>(2) A list of any clinically appropriate alternatives to the</u>	45276
<u>drug covered under the covered person's health benefit plan;</u>	45277
<u>(3) Cost-sharing information and clinically appropriate</u>	45278
<u>alternatives for the drug, including a description of any variance</u>	45279
<u>in cost-sharing based on pharmacy, whether retail or mail order,</u>	45280
<u>or health care provider dispensing or administering the drug or</u>	45281
<u>alternatives;</u>	45282
<u>(4) Any applicable utilization management requirements for</u>	45283
<u>the drug or clinically appropriate alternatives, including prior</u>	45284
<u>authorization requirements, step therapy, quantity limits, and</u>	45285
<u>site-of-service restrictions.</u>	45286
<u>(C) A health plan issuer, including a pharmacy benefit</u>	45287
<u>manager, providing the data required under division (B) of this</u>	45288
<u>section shall ensure that the data meets all of the following:</u>	45289
<u>(1) It is current not later than one business day after any</u>	45290
<u>change is made.</u>	45291
<u>(2) It is provided in real time.</u>	45292
<u>(3) It is provided in the same format that the request is</u>	45293
<u>made by the covered person, the covered person's health care</u>	45294
<u>provider, or the third-party representative.</u>	45295
<u>(D) The format in which a health plan issuer or pharmacy</u>	45296
<u>benefit manager replies to a request made under division (B) of</u>	45297
<u>this section shall use established industry content and transport</u>	45298
<u>standards published by either of the following:</u>	45299
<u>(1) A standards developing organization accredited by the</u>	45300
<u>American national standards institute, including the national</u>	45301

council for prescription drug programs, ASC X12, health level 7; 45302

(2) A relevant federal or state governing body, including the 45303
centers for medicare and medicaid services or the office of the 45304
national coordinator for health information technology. 45305

(E) A health plan issuer, including a pharmacy benefit 45306
manager, shall furnish the data required under division (B) of 45307
this section regardless of whether the request is made using the 45308
drug's unique billing code, such as a national drug code or health 45309
care common procedure coding system code, or a descriptive term, 45310
such as the brand or generic name of the drug. 45311

(F) A health plan issuer, including a pharmacy benefit 45312
manager, shall not deny or delay a request as a method of blocking 45313
the data required under division (B) of this section from being 45314
shared based on how the drug was requested. 45315

(G) A health plan issuer, including a pharmacy benefit 45316
manager, furnishing the data required under division (B) of this 45317
section shall not do any of the following: 45318

(1) Restrict, prohibit, or otherwise hinder, in any way, a 45319
health care provider from communicating or sharing any of the 45320
following: 45321

(a) Any of the data required under division (B) of this 45322
section; 45323

(b) Additional information on any lower-cost or clinically 45324
appropriate alternatives, whether or not they are covered under 45325
the covered person's health benefit plan; 45326

(c) Additional payment or cost-sharing information that may 45327
reduce the covered person's out-of-pocket costs, such as cash 45328
price or patient assistance and support programs whether sponsored 45329
by a manufacturer, foundation, or other entity. 45330

(2) Except as may be required by law, interfere with, 45331

prevent, or materially discourage access, exchange, or use of the 45332
data required under division (B) of this section, including any of 45333
the following: 45334

(a) Charging fees; 45335

(b) Not responding to a request at the time the request is 45336
made, if such a response is reasonably possible; 45337

(c) Implementing technology in nonstandard ways; 45338

(d) Instituting covered person consent requirements, 45339
processes, policies, procedures, or renewals that are likely to 45340
substantially increase the complexity or burden of accessing, 45341
exchanging, or using such data. 45342

(3) Penalize a health care provider for disclosing such data 45343
to a covered person or for prescribing, administering, or ordering 45344
a clinically appropriate or lower-cost alternative. 45345

(H)(1) A health plan issuer, including a pharmacy benefit 45346
manager, shall treat a personal representative of a covered person 45347
as the covered person for purposes of this section. 45348

(2) If under applicable law a person has authority to act on 45349
behalf of a covered person in making decisions related to health 45350
care, a health plan issuer, including a pharmacy benefit manager, 45351
or its affiliates or entities acting on its behalf, shall treat 45352
such person as a personal representative under this section. 45353

(I) Failure to comply with this section shall be considered 45354
an unfair and deceptive practice in the business of insurance 45355
under sections 3901.19 to 3901.26 of the Revised Code. 45356

Sec. 3905.04. (A) Except as otherwise provided in this 45357
section or in section 3905.041 of the Revised Code, a resident 45358
individual applying for an insurance agent license for any of the 45359
lines of authority described in division (B) of this section shall 45360
take and pass a written examination prior to application for 45361

licensure. The examination shall test the knowledge of the 45362
individual with respect to the lines of authority for which 45363
application will be made, the duties and responsibilities of an 45364
insurance agent, and the insurance laws of this state. Before 45365
admission to the examination, each individual shall pay the 45366
nonrefundable examination fee. 45367

(B) The examination described in division (A) of this section 45368
shall be required for the following lines of authority: 45369

(1) Any of the lines of authority set forth in divisions 45370
(B)(1) to (5) of section 3905.06 of the Revised Code; 45371

(2) Title insurance; 45372

(3) Surety bail bonds as provided in sections 3905.83 to 45373
3905.95 of the Revised Code; 45374

(4) Any other line of authority designated by the 45375
superintendent of insurance. 45376

(C)~~(1)~~ An individual shall not be permitted to take the 45377
examination described in division (A) of this section unless one 45378
of the following applies: 45379

~~(1)~~~~(a)~~ The individual has earned a bachelor's or associate's 45380
degree in insurance from an accredited institution. 45381

~~(2)~~~~(b)~~ The individual has earned a professional designation 45382
approved by the superintendent. 45383

~~(3)~~~~(c)~~ The individual has completed, for each line of 45384
authority for which the individual has applied, twenty hours of 45385
study in a program of insurance education approved by the 45386
superintendent, under criteria established by the superintendent, 45387
which may include the option for all of the following types of 45388
courses and programs or combination thereof: 45389

(i) Classroom; 45390

<u>(ii) Online;</u>	45391
<u>(iii) Self-study.</u>	45392
<u>(2)</u> Division (C) of this section does not apply with respect to title insurance or any other line of authority designated by the superintendent.	45393 45394 45395
(D) An individual who fails to appear for an examination as scheduled, or fails to pass an examination, may reapply for the examination if the individual pays the required fee and submits any necessary forms prior to being rescheduled for the examination.	45396 45397 45398 45399 45400
(E)(1) The superintendent may, in accordance with Chapter 119. of the Revised Code, adopt any rule necessary for the implementation of this section.	45401 45402 45403
(2) The superintendent may make any necessary arrangements, including contracting with an outside testing service, for the administration of the examinations and the collection of the fees required by this section.	45404 45405 45406 45407
Sec. 3929.87. Within ninety days of the occurrence of a fire loss in excess of five thousand dollars to real or personal property, the <u>state</u> fire marshal or any other person authorized to make an investigation pursuant to section 3737.24 of the Revised Code shall determine, <u>to the extent practicable and in a manner consistent with accepted standards of investigation,</u> whether such loss was caused by arson.	45408 45409 45410 45411 45412 45413 45414
Sec. 4117.103. Notwithstanding any provision of section 4117.08 or 4117.10 of the Revised Code to the contrary, no agreement entered into under this chapter on or after September 29, 2005, shall prohibit a school district board of education from utilizing volunteers to assist the district and its schools in performing any of their functions, other than functions for which	45415 45416 45417 45418 45419 45420

a license, permit, ~~or~~ certificate, or registration issued by the 45421
state board of education under section 3301.074 or Chapter 3319. 45422
of the Revised Code or a certificate issued under division (A) or 45423
(B) of section 3327.10 of the Revised Code is required. 45424

Sec. 4141.01. As used in this chapter, unless the context 45425
otherwise requires: 45426

(A)(1) "Employer" means the state, its instrumentalities, its 45427
political subdivisions and their instrumentalities, Indian tribes, 45428
and any individual or type of organization including any 45429
partnership, limited liability company, association, trust, 45430
estate, joint-stock company, insurance company, or corporation, 45431
whether domestic or foreign, or the receiver, trustee in 45432
bankruptcy, trustee, or the successor thereof, or the legal 45433
representative of a deceased person who subsequent to December 31, 45434
1971, or in the case of political subdivisions or their 45435
instrumentalities, subsequent to December 31, 1973: 45436

(a) Had in employment at least one individual, or in the case 45437
of a nonprofit organization, subsequent to December 31, 1973, had 45438
not less than four individuals in employment for some portion of a 45439
day in each of twenty different calendar weeks, in either the 45440
current or the preceding calendar year whether or not the same 45441
individual was in employment in each such day; or 45442

(b) Except for a nonprofit organization, had paid for service 45443
in employment wages of fifteen hundred dollars or more in any 45444
calendar quarter in either the current or preceding calendar year; 45445
or 45446

(c) Had paid, subsequent to December 31, 1977, for employment 45447
in domestic service in a local college club, or local chapter of a 45448
college fraternity or sorority, cash remuneration of one thousand 45449
dollars or more in any calendar quarter in the current calendar 45450

year or the preceding calendar year, or had paid subsequent to 45451
December 31, 1977, for employment in domestic service in a private 45452
home cash remuneration of one thousand dollars in any calendar 45453
quarter in the current calendar year or the preceding calendar 45454
year: 45455

(i) For the purposes of divisions (A)(1)(a) and (b) of this 45456
section, there shall not be taken into account any wages paid to, 45457
or employment of, an individual performing domestic service as 45458
described in this division. 45459

(ii) An employer under this division shall not be an employer 45460
with respect to wages paid for any services other than domestic 45461
service unless the employer is also found to be an employer under 45462
division (A)(1)(a), (b), or (d) of this section. 45463

(d) As a farm operator or a crew leader subsequent to 45464
December 31, 1977, had in employment individuals in agricultural 45465
labor; and 45466

(i) During any calendar quarter in the current calendar year 45467
or the preceding calendar year, paid cash remuneration of twenty 45468
thousand dollars or more for the agricultural labor; or 45469

(ii) Had at least ten individuals in employment in 45470
agricultural labor, not including agricultural workers who are 45471
aliens admitted to the United States to perform agricultural labor 45472
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 45473
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 45474
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 45475
of the twenty different calendar weeks, in either the current or 45476
preceding calendar year whether or not the same individual was in 45477
employment in each day; or 45478

(e) Is not otherwise an employer as defined under division 45479
(A)(1)(a) or (b) of this section; and 45480

(i) For which, within either the current or preceding 45481

calendar year, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;

(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this chapter; or

(iii) Who became an employer by election under division (A)(4) or (5) of this section and for the duration of such election; or

(f) In the case of the state, its instrumentalities, its political subdivisions, and their instrumentalities, and Indian tribes, had in employment, as defined in divisions (B)(2)(a) and (B)(2)(1) of this section, at least one individual;

(g) For the purposes of division (A)(1)(a) of this section, if any week includes both the thirty-first day of December and the first day of January, the days of that week before the first day of January shall be considered one calendar week and the days beginning the first day of January another week.

(2) Each individual employed to perform or to assist in performing the work of any agent or employee of an employer is employed by such employer for all the purposes of this chapter, whether such individual was hired or paid directly by such employer or by such agent or employee, provided the employer had actual or constructive knowledge of the work. All individuals performing services for an employer of any person in this state who maintains two or more establishments within this state are employed by a single employer for the purposes of this chapter.

(3) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year. 45513
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(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect. 45516
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(5) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect. 45527
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(6) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the 45541
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franchisor exercises a type or degree of control over the 45545
franchisee or the franchisee's employees that is not customarily 45546
exercised by a franchisor for the purpose of protecting the 45547
franchisor's trademark, brand, or both. For purposes of this 45548
division, "franchisor" and "franchisee" have the same meanings as 45549
in 16 C.F.R. 436.1. 45550

(B)(1) "Employment" means service performed by an individual 45551
for remuneration under any contract of hire, written or oral, 45552
express or implied, including service performed in interstate 45553
commerce and service performed by an officer of a corporation, 45554
without regard to whether such service is executive, managerial, 45555
or manual in nature, and without regard to whether such officer is 45556
a stockholder or a member of the board of directors of the 45557
corporation, unless it is shown to the satisfaction of the 45558
director that such individual has been and will continue to be 45559
free from direction or control over the performance of such 45560
service, both under a contract of service and in fact. The 45561
director shall adopt rules to define "direction or control." 45562

(2) "Employment" includes: 45563

(a) Service performed after December 31, 1977, by an 45564
individual in the employ of the state or any of its 45565
instrumentalities, or any political subdivision thereof or any of 45566
its instrumentalities or any instrumentality of more than one of 45567
the foregoing or any instrumentality of any of the foregoing and 45568
one or more other states or political subdivisions and without 45569
regard to divisions (A)(1)(a) and (b) of this section, provided 45570
that such service is excluded from employment as defined in the 45571
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 45572
3306(c)(7) and is not excluded under division (B)(3) of this 45573
section; or the services of employees covered by voluntary 45574
election, as provided under divisions (A)(4) and (5) of this 45575
section; 45576

(b) Service performed after December 31, 1971, by an 45577
individual in the employ of a religious, charitable, educational, 45578
or other organization which is excluded from the term "employment" 45579
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 45580
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 45581
3306(c)(8) of that act and is not excluded under division (B)(3) 45582
of this section; 45583

(c) Domestic service performed after December 31, 1977, for 45584
an employer, as provided in division (A)(1)(c) of this section; 45585

(d) Agricultural labor performed after December 31, 1977, for 45586
a farm operator or a crew leader, as provided in division 45587
(A)(1)(d) of this section; 45588

(e) Subject to division (B)(2)(m) of this section, service 45589
not covered under division (B)(1) of this section which is 45590
performed after December 31, 1971: 45591

(i) As an agent-driver or commission-driver engaged in 45592
distributing meat products, vegetable products, fruit products, 45593
bakery products, beverages other than milk, laundry, or 45594
dry-cleaning services, for the individual's employer or principal; 45595

(ii) As a traveling or city salesperson, other than as an 45596
agent-driver or commission-driver, engaged on a full-time basis in 45597
the solicitation on behalf of and in the transmission to the 45598
salesperson's employer or principal except for sideline sales 45599
activities on behalf of some other person of orders from 45600
wholesalers, retailers, contractors, or operators of hotels, 45601
restaurants, or other similar establishments for merchandise for 45602
resale, or supplies for use in their business operations, provided 45603
that for the purposes of division (B)(2)(e)(ii) of this section, 45604
the services shall be deemed employment if the contract of service 45605
contemplates that substantially all of the services are to be 45606
performed personally by the individual and that the individual 45607

does not have a substantial investment in facilities used in 45608
connection with the performance of the services other than in 45609
facilities for transportation, and the services are not in the 45610
nature of a single transaction that is not a part of a continuing 45611
relationship with the person for whom the services are performed. 45612

(f) An individual's entire service performed within or both 45613
within and without the state if: 45614

(i) The service is localized in this state. 45615

(ii) The service is not localized in any state, but some of 45616
the service is performed in this state and either the base of 45617
operations, or if there is no base of operations then the place 45618
from which such service is directed or controlled, is in this 45619
state or the base of operations or place from which such service 45620
is directed or controlled is not in any state in which some part 45621
of the service is performed but the individual's residence is in 45622
this state. 45623

(g) Service not covered under division (B)(2)(f)(ii) of this 45624
section and performed entirely without this state, with respect to 45625
no part of which contributions are required and paid under an 45626
unemployment compensation law of any other state, the Virgin 45627
Islands, Canada, or of the United States, if the individual 45628
performing such service is a resident of this state and the 45629
director approves the election of the employer for whom such 45630
services are performed; or, if the individual is not a resident of 45631
this state but the place from which the service is directed or 45632
controlled is in this state, the entire services of such 45633
individual shall be deemed to be employment subject to this 45634
chapter, provided service is deemed to be localized within this 45635
state if the service is performed entirely within this state or if 45636
the service is performed both within and without this state but 45637
the service performed without this state is incidental to the 45638
individual's service within the state, for example, is temporary 45639

or transitory in nature or consists of isolated transactions; 45640

(h) Service of an individual who is a citizen of the United 45641
States, performed outside the United States except in Canada after 45642
December 31, 1971, or the Virgin Islands, after December 31, 1971, 45643
and before the first day of January of the year following that in 45644
which the United States secretary of labor approves the Virgin 45645
Islands law for the first time, in the employ of an American 45646
employer, other than service which is "employment" under divisions 45647
(B)(2)(f) and (g) of this section or similar provisions of another 45648
state's law, if: 45649

(i) The employer's principal place of business in the United 45650
States is located in this state; 45651

(ii) The employer has no place of business in the United 45652
States, but the employer is an individual who is a resident of 45653
this state; or the employer is a corporation which is organized 45654
under the laws of this state, or the employer is a partnership or 45655
a trust and the number of partners or trustees who are residents 45656
of this state is greater than the number who are residents of any 45657
other state; or 45658

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 45659
of this section is met but the employer has elected coverage in 45660
this state or the employer having failed to elect coverage in any 45661
state, the individual has filed a claim for benefits, based on 45662
such service, under this chapter. 45663

(i) For the purposes of division (B)(2)(h) of this section, 45664
the term "American employer" means an employer who is an 45665
individual who is a resident of the United States; or a 45666
partnership, if two-thirds or more of the partners are residents 45667
of the United States; or a trust, if all of the trustees are 45668
residents of the United States; or a corporation organized under 45669
the laws of the United States or of any state, provided the term 45670

"United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(j) Notwithstanding any other provisions of divisions (B)(1) and (2) of this section, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, which, as a condition for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be covered under this chapter.

(k) Construction services performed by any individual under a construction contract, as defined in section 4141.39 of the Revised Code, if the director determines that the employer for whom services are performed has the right to direct or control the performance of the services and that the individuals who perform the services receive remuneration for the services performed. The director shall presume that the employer for whom services are performed has the right to direct or control the performance of the services if ten or more of the following criteria apply:

(i) The employer directs or controls the manner or method by which instructions are given to the individual performing services;

(ii) The employer requires particular training for the individual performing services;

(iii) Services performed by the individual are integrated into the regular functioning of the employer;

(iv) The employer requires that services be provided by a particular individual;

- (v) The employer hires, supervises, or pays the wages of the individual performing services; 45702
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- (vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work; 45704
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- (vii) The employer requires the individual to perform services during established hours; 45707
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- (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer; 45709
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- (ix) The employer requires the individual to perform services on the employer's premises; 45712
45713
- (x) The employer requires the individual performing services to follow the order of work established by the employer; 45714
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- (xi) The employer requires the individual performing services to make oral or written reports of progress; 45716
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- (xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly; 45718
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- (xiii) The employer pays expenses for the individual performing services; 45720
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- (xiv) The employer furnishes the tools and materials for use by the individual to perform services; 45722
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- (xv) The individual performing services has not invested in the facilities used to perform services; 45724
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- (xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services; 45726
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- (xvii) The individual performing services is not performing services for more than two employers simultaneously; 45729
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(xviii) The individual performing services does not make the services available to the general public; 45731
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(xix) The employer has a right to discharge the individual performing services; 45733
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(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement. 45735
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(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section. 45738
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(m) Service performed by an individual for or on behalf of a motor carrier transporting property as an operator of a vehicle or vessel, unless all of the following factors apply to the individual and the motor carrier has not elected to consider the individual's service as employment: 45747
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(i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the motor carrier transporting property for which, or on whose behalf, the individual provides services. 45752
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(ii) The individual is responsible for supplying the necessary personal services to operate the vehicle or vessel used 45760
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to provide the service. 45762

(iii) The compensation paid to the individual is based on 45763
factors related to work performed, including on a mileage-based 45764
rate or a percentage of any schedule of rates, and not solely on 45765
the basis of the hours or time expended. 45766

(iv) The individual substantially controls the means and 45767
manner of performing the services, in conformance with regulatory 45768
requirements and specifications of the shipper. 45769

(v) The individual enters into a written contract with the 45770
carrier for whom the individual is performing the services that 45771
describes the relationship between the individual and the carrier 45772
to be that of an independent contractor and not that of an 45773
employee. 45774

(vi) The individual is responsible for substantially all of 45775
the principal operating costs of the vehicle or vessel and 45776
equipment used to provide the services, including maintenance, 45777
fuel, repairs, supplies, vehicle or vessel insurance, and personal 45778
expenses, except that the individual may be paid by the carrier 45779
the carrier's fuel surcharge and incidental costs, including 45780
tolls, permits, and lumper fees. 45781

(vii) The individual is responsible for any economic loss or 45782
economic gain from the arrangement with the carrier. 45783

(viii) The individual is not performing services described in 45784
26 U.S.C. 3306(c)(7) or (8). 45785

(3) "Employment" does not include the following services if 45786
they are found not subject to the "Federal Unemployment Tax Act," 45787
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 45788
are not required to be included under division (B)(2)(j) of this 45789
section: 45790

(a) Service performed after December 31, 1977, in 45791

agricultural labor, except as provided in division (A)(1)(d) of 45792
this section; 45793

(b) Domestic service performed after December 31, 1977, in a 45794
private home, local college club, or local chapter of a college 45795
fraternity or sorority except as provided in division (A)(1)(c) of 45796
this section; 45797

(c) Service performed after December 31, 1977, for this state 45798
or a political subdivision as described in division (B)(2)(a) of 45799
this section when performed: 45800

(i) As a publicly elected official; 45801

(ii) As a member of a legislative body, or a member of the 45802
judiciary; 45803

(iii) As a military member of the Ohio national guard; 45804

(iv) As an employee, not in the classified service as defined 45805
in section 124.11 of the Revised Code, serving on a temporary 45806
basis in case of fire, storm, snow, earthquake, flood, or similar 45807
emergency; 45808

(v) In a position which, under or pursuant to law, is 45809
designated as a major nontenured policymaking or advisory 45810
position, not in the classified service of the state, or a 45811
policymaking or advisory position the performance of the duties of 45812
which ordinarily does not require more than eight hours per week. 45813

(d) In the employ of any governmental unit or instrumentality 45814
of the United States; 45815

(e) Service performed after December 31, 1971: 45816

(i) Service in the employ of an educational institution or 45817
institution of higher education, including those operated by the 45818
state or a political subdivision, if such service is performed by 45819
a student who is enrolled and is regularly attending classes at 45820
the educational institution or institution of higher education; or 45821

(ii) By an individual who is enrolled at a nonprofit or 45822
public educational institution which normally maintains a regular 45823
faculty and curriculum and normally has a regularly organized body 45824
of students in attendance at the place where its educational 45825
activities are carried on as a student in a full-time program, 45826
taken for credit at the institution, which combines academic 45827
instruction with work experience, if the service is an integral 45828
part of the program, and the institution has so certified to the 45829
employer, provided that this subdivision shall not apply to 45830
service performed in a program established for or on behalf of an 45831
employer or group of employers. 45832

(f) Service performed by an individual in the employ of the 45833
individual's son, daughter, or spouse and service performed by a 45834
child under the age of eighteen in the employ of the child's 45835
father or mother; 45836

(g) Service performed for one or more principals by an 45837
individual who is compensated on a commission basis, who in the 45838
performance of the work is master of the individual's own time and 45839
efforts, and whose remuneration is wholly dependent on the amount 45840
of effort the individual chooses to expend, and which service is 45841
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 45842
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 45843
31, 1971: 45844

(i) By an individual for an employer as an insurance agent or 45845
as an insurance solicitor, if all this service is performed for 45846
remuneration solely by way of commission; 45847

(ii) As a home worker performing work, according to 45848
specifications furnished by the employer for whom the services are 45849
performed, on materials or goods furnished by such employer which 45850
are required to be returned to the employer or to a person 45851
designated for that purpose. 45852

- (h) Service performed after December 31, 1971: 45853
- (i) In the employ of a church or convention or association of 45854
churches, or in an organization which is operated primarily for 45855
religious purposes and which is operated, supervised, controlled, 45856
or principally supported by a church or convention or association 45857
of churches; 45858
- (ii) By a duly ordained, commissioned, or licensed minister 45859
of a church in the exercise of the individual's ministry or by a 45860
member of a religious order in the exercise of duties required by 45861
such order; or 45862
- (iii) In a facility conducted for the purpose of carrying out 45863
a program of rehabilitation for individuals whose earning capacity 45864
is impaired by age or physical or mental deficiency or injury, or 45865
providing remunerative work for individuals who because of their 45866
impaired physical or mental capacity cannot be readily absorbed in 45867
the competitive labor market, by an individual receiving such 45868
rehabilitation or remunerative work. 45869
- (i) Service performed after June 30, 1939, with respect to 45870
which unemployment compensation is payable under the "Railroad 45871
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 45872
- (j) Service performed by an individual in the employ of any 45873
organization exempt from income tax under section 501 of the 45874
"Internal Revenue Code of 1954," if the remuneration for such 45875
service does not exceed fifty dollars in any calendar quarter, or 45876
if such service is in connection with the collection of dues or 45877
premiums for a fraternal beneficial society, order, or association 45878
and is performed away from the home office or is ritualistic 45879
service in connection with any such society, order, or 45880
association; 45881
- (k) Casual labor not in the course of an employer's trade or 45882
business; incidental service performed by an officer, appraiser, 45883

or member of a finance committee of a bank, building and loan 45884
association, savings and loan association, or savings association 45885
when the remuneration for such incidental service exclusive of the 45886
amount paid or allotted for directors' fees does not exceed sixty 45887
dollars per calendar quarter is casual labor; 45888

(l) Service performed in the employ of a voluntary employees' 45889
beneficial association providing for the payment of life, 45890
sickness, accident, or other benefits to the members of such 45891
association or their dependents or their designated beneficiaries, 45892
if admission to a membership in such association is limited to 45893
individuals who are officers or employees of a municipal or public 45894
corporation, of a political subdivision of the state, or of the 45895
United States and no part of the net earnings of such association 45896
inures, other than through such payments, to the benefit of any 45897
private shareholder or individual; 45898

(m) Service performed by an individual in the employ of a 45899
foreign government, including service as a consular or other 45900
officer or employee or of a nondiplomatic representative; 45901

(n) Service performed in the employ of an instrumentality 45902
wholly owned by a foreign government if the service is of a 45903
character similar to that performed in foreign countries by 45904
employees of the United States or of an instrumentality thereof 45905
and if the director finds that the secretary of state of the 45906
United States has certified to the secretary of the treasury of 45907
the United States that the foreign government, with respect to 45908
whose instrumentality exemption is claimed, grants an equivalent 45909
exemption with respect to similar service performed in the foreign 45910
country by employees of the United States and of instrumentalities 45911
thereof; 45912

(o) Service with respect to which unemployment compensation 45913
is payable under an unemployment compensation system established 45914
by an act of congress; 45915

(p) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(r) Service performed in the employ of the United States or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that congress permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, provided that if this state is not certified for any year by the proper agency of the United States under section 3304 of the "Internal Revenue Code of 1954," the payments required of such instrumentalities with respect to such year shall be refunded by the director from the fund in the same manner and within the same period as is provided in division (E) of section 4141.09 of the Revised Code with respect to contributions erroneously collected;

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not

subject to or required to be covered for full tax credit against 45948
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 45949
183 (1939), 26 U.S.C.A. 3301 to 3311. 45950

(t) Service performed in the employ of a day camp whose 45951
camping season does not exceed twelve weeks in any calendar year, 45952
and which service is not subject to the "Federal Unemployment Tax 45953
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 45954
performed after December 31, 1971: 45955

(i) In the employ of a hospital, if the service is performed 45956
by a patient of the hospital, as defined in division (W) of this 45957
section; 45958

(ii) For a prison or other correctional institution by an 45959
inmate of the prison or correctional institution; 45960

(iii) Service performed after December 31, 1977, by an inmate 45961
of a custodial institution operated by the state, a political 45962
subdivision, or a nonprofit organization. 45963

(u) Service that is performed by a nonresident alien 45964
individual for the period the individual temporarily is present in 45965
the United States as a nonimmigrant under division (F), (J), (M), 45966
or (Q) of section 101(a)(15) of the "Immigration and Nationality 45967
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 45968
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 45969
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 45970

(v) Notwithstanding any other provisions of division (B)(3) 45971
of this section, services that are excluded under divisions 45972
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 45973
from employment when performed for a nonprofit organization, as 45974
defined in division (X) of this section, or for this state or its 45975
instrumentalities, or for a political subdivision or its 45976
instrumentalities or for Indian tribes; 45977

(w) Service that is performed by an individual working as an 45978

election official or election worker if the amount of remuneration 45979
received by the individual during the calendar year for services 45980
as an election official or election worker is less than one 45981
thousand dollars; 45982

(x) Service performed for an elementary or secondary school 45983
that is operated primarily for religious purposes, that is 45984
described in subsection 501(c)(3) and exempt from federal income 45985
taxation under subsection 501(a) of the Internal Revenue Code, 26 45986
U.S.C.A. 501; 45987

(y) Service performed by a person committed to a penal 45988
institution. 45989

(z) Service performed for an Indian tribe as described in 45990
division (B)(2)(1) of this section when performed in any of the 45991
following manners: 45992

(i) As a publicly elected official; 45993

(ii) As a member of an Indian tribal council; 45994

(iii) As a member of a legislative or judiciary body; 45995

(iv) In a position which, pursuant to Indian tribal law, is 45996
designated as a major nontenured policymaking or advisory 45997
position, or a policymaking or advisory position where the 45998
performance of the duties ordinarily does not require more than 45999
eight hours of time per week; 46000

(v) As an employee serving on a temporary basis in the case 46001
of a fire, storm, snow, earthquake, flood, or similar emergency. 46002

(aa) Service performed after December 31, 1971, for a 46003
nonprofit organization, this state or its instrumentalities, a 46004
political subdivision or its instrumentalities, or an Indian tribe 46005
as part of an unemployment work-relief or work-training program 46006
assisted or financed in whole or in part by any federal agency or 46007
an agency of a state or political subdivision, thereof, by an 46008

individual receiving the work-relief or work-training. 46009

(bb) Participation in a learn to earn program as defined in 46010
section 4141.293 of the Revised Code. 46011

(4) If the services performed during one half or more of any 46012
pay period by an employee for the person employing that employee 46013
constitute employment, all the services of such employee for such 46014
period shall be deemed to be employment; but if the services 46015
performed during more than one half of any such pay period by an 46016
employee for the person employing that employee do not constitute 46017
employment, then none of the services of such employee for such 46018
period shall be deemed to be employment. As used in division 46019
(B)(4) of this section, "pay period" means a period, of not more 46020
than thirty-one consecutive days, for which payment of 46021
remuneration is ordinarily made to the employee by the person 46022
employing that employee. Division (B)(4) of this section does not 46023
apply to services performed in a pay period by an employee for the 46024
person employing that employee, if any of such service is excepted 46025
by division (B)(3)(o) of this section. 46026

(C) "Benefits" means money payments payable to an individual 46027
who has established benefit rights, as provided in this chapter, 46028
for loss of remuneration due to the individual's unemployment. 46029

(D) "Benefit rights" means the weekly benefit amount and the 46030
maximum benefit amount that may become payable to an individual 46031
within the individual's benefit year as determined by the 46032
director. 46033

(E) "Claim for benefits" means a claim for waiting period or 46034
benefits for a designated week. 46035

(F) "Additional claim" means the first claim for benefits 46036
filed following any separation from employment during a benefit 46037
year; "continued claim" means any claim other than the first claim 46038
for benefits and other than an additional claim. 46039

(G) "Wages" means remuneration paid to an employee by each of the employee's employers with respect to employment; except that wages shall not include that part of remuneration paid during any calendar year to an individual by an employer or such employer's predecessor in interest in the same business or enterprise, which in any calendar year is in excess of nine thousand dollars on and after January 1, 1995; nine thousand five hundred dollars on and after January 1, 2018; and nine thousand dollars on and after January 1, 2020. Remuneration in excess of such amounts shall be deemed wages subject to contribution to the same extent that such remuneration is defined as wages under the "Federal Unemployment Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The remuneration paid an employee by an employer with respect to employment in another state, upon which contributions were required and paid by such employer under the unemployment compensation act of such other state, shall be included as a part of remuneration in computing the amount specified in this division.

(H)(1) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash, except that in the case of agricultural or domestic service, "remuneration" includes only cash remuneration. Gratuities customarily received by an individual in the course of the individual's employment from persons other than the individual's employer and which are accounted for by such individual to the individual's employer are taxable wages.

The reasonable cash value of compensation paid in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the director, provided that "remuneration" does not include:

(a) Payments as provided in divisions (b)(2) to (b)(20) of

section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 46072
26 U.S.C.A. 3301 to 3311, as amended; 46073

(b) The payment by an employer, without deduction from the 46074
remuneration of the individual in the employer's employ, of the 46075
tax imposed upon an individual in the employer's employ under 46076
section 3101 of the "Internal Revenue Code of 1954," with respect 46077
to services performed after October 1, 1941. 46078

(2) "Cash remuneration" means all remuneration paid in cash, 46079
including commissions and bonuses, but not including the cash 46080
value of all compensation in any medium other than cash. 46081

(I) "Interested party" means the director and any party to 46082
whom notice of a determination of an application for benefit 46083
rights or a claim for benefits is required to be given under 46084
section 4141.28 of the Revised Code. 46085

(J) "Annual payroll" means the total amount of wages subject 46086
to contributions during a twelve-month period ending with the last 46087
day of the second calendar quarter of any calendar year. 46088

(K) "Average annual payroll" means the average of the last 46089
three annual payrolls of an employer, provided that if, as of any 46090
computation date, the employer has had less than three annual 46091
payrolls in such three-year period, such average shall be based on 46092
the annual payrolls which the employer has had as of such date. 46093

(L)(1) "Contributions" means the money payments to the state 46094
unemployment compensation fund required of employers by section 46095
4141.25 of the Revised Code and of the state and any of its 46096
political subdivisions electing to pay contributions under section 46097
4141.242 of the Revised Code. Employers paying contributions shall 46098
be described as "contributory employers." 46099

(2) "Payments in lieu of contributions" means the money 46100
payments to the state unemployment compensation fund required of 46101
reimbursing employers under sections 4141.241 and 4141.242 of the 46102

Revised Code. 46103

(M) An individual is "totally unemployed" in any week during 46104
which the individual performs no services and with respect to such 46105
week no remuneration is payable to the individual. 46106

(N) An individual is "partially unemployed" in any week if, 46107
due to involuntary loss of work, the total remuneration payable to 46108
the individual for such week is less than the individual's weekly 46109
benefit amount. 46110

(O) "Week" means the calendar week ending at midnight 46111
Saturday unless an equivalent week of seven consecutive calendar 46112
days is prescribed by the director. 46113

(1) "Qualifying week" means any calendar week in an 46114
individual's base period with respect to which the individual 46115
earns or is paid remuneration in employment subject to this 46116
chapter. A calendar week with respect to which an individual earns 46117
remuneration but for which payment was not made within the base 46118
period, when necessary to qualify for benefit rights, may be 46119
considered to be a qualifying week. The number of qualifying weeks 46120
which may be established in a calendar quarter shall not exceed 46121
the number of calendar weeks in the quarter. 46122

(2) "Average weekly wage" means the amount obtained by 46123
dividing an individual's total remuneration for all qualifying 46124
weeks during the base period by the number of such qualifying 46125
weeks, provided that if the computation results in an amount that 46126
is not a multiple of one dollar, such amount shall be rounded to 46127
the next lower multiple of one dollar. 46128

(P) "Weekly benefit amount" means the amount of benefits an 46129
individual would be entitled to receive for one week of total 46130
unemployment. 46131

(Q)(1) "Base period" means the first four of the last five 46132
completed calendar quarters immediately preceding the first day of 46133

an individual's benefit year, except as provided in division 46134
(Q)(2) of this section. 46135

(2) If an individual does not have sufficient qualifying 46136
weeks and wages in the base period to qualify for benefit rights, 46137
the individual's base period shall be the four most recently 46138
completed calendar quarters preceding the first day of the 46139
individual's benefit year. Such base period shall be known as the 46140
"alternate base period." If information as to weeks and wages for 46141
the most recent quarter of the alternate base period is not 46142
available to the director from the regular quarterly reports of 46143
wage information, which are systematically accessible, the 46144
director may, consistent with the provisions of section 4141.28 of 46145
the Revised Code, base the determination of eligibility for 46146
benefits on the affidavit of the claimant with respect to weeks 46147
and wages for that calendar quarter. The claimant shall furnish 46148
payroll documentation, where available, in support of the 46149
affidavit. The determination based upon the alternate base period 46150
as it relates to the claimant's benefit rights, shall be amended 46151
when the quarterly report of wage information from the employer is 46152
timely received and that information causes a change in the 46153
determination. As provided in division (B) of section 4141.28 of 46154
the Revised Code, any benefits paid and charged to an employer's 46155
account, based upon a claimant's affidavit, shall be adjusted 46156
effective as of the beginning of the claimant's benefit year. No 46157
calendar quarter in a base period or alternate base period shall 46158
be used to establish a subsequent benefit year. 46159

(3) The "base period" of a combined wage claim, as described 46160
in division (H) of section 4141.43 of the Revised Code, shall be 46161
the base period prescribed by the law of the state in which the 46162
claim is allowed. 46163

(4) For purposes of determining the weeks that comprise a 46164
completed calendar quarter under this division, only those weeks 46165

ending at midnight Saturday within the calendar quarter shall be 46166
utilized. 46167

(R)(1) "Benefit year" with respect to an individual means the 46168
fifty-two week period beginning with the first day of that week 46169
with respect to which the individual first files a valid 46170
application for determination of benefit rights, and thereafter 46171
the fifty-two week period beginning with the first day of that 46172
week with respect to which the individual next files a valid 46173
application for determination of benefit rights after the 46174
termination of the individual's last preceding benefit year, 46175
except that the application shall not be considered valid unless 46176
the individual has had employment in six weeks that is subject to 46177
this chapter or the unemployment compensation act of another 46178
state, or the United States, and has, since the beginning of the 46179
individual's previous benefit year, in the employment earned three 46180
times the average weekly wage determined for the previous benefit 46181
year. The "benefit year" of a combined wage claim, as described in 46182
division (H) of section 4141.43 of the Revised Code, shall be the 46183
benefit year prescribed by the law of the state in which the claim 46184
is allowed. Any application for determination of benefit rights 46185
made in accordance with section 4141.28 of the Revised Code is 46186
valid if the individual filing such application is unemployed, has 46187
been employed by an employer or employers subject to this chapter 46188
in at least twenty qualifying weeks within the individual's base 46189
period, and has earned or been paid remuneration at an average 46190
weekly wage of not less than twenty-seven and one-half per cent of 46191
the statewide average weekly wage for such weeks. For purposes of 46192
determining whether an individual has had sufficient employment 46193
since the beginning of the individual's previous benefit year to 46194
file a valid application, "employment" means the performance of 46195
services for which remuneration is payable. 46196

(2) Effective for benefit years beginning on and after 46197

December 26, 2004, but before July 1, 2022, any application for 46198
determination of benefit rights made in accordance with section 46199
4141.28 of the Revised Code is valid if the individual satisfies 46200
the criteria described in division (R)(1) of this section, and if 46201
the reason for the individual's separation from employment is not 46202
disqualifying pursuant to division (D)(2) of section 4141.29 or 46203
section 4141.291 of the Revised Code. A disqualification imposed 46204
pursuant to division (D)(2) of section 4141.29 or section 4141.291 46205
of the Revised Code must be removed as provided in those sections 46206
as a requirement of establishing a valid application for benefit 46207
years beginning on and after December 26, 2004, but before July 1, 46208
2022. Effective for benefit years beginning on and after July 1, 46209
2022, any application for determination of benefit rights made in 46210
accordance with section 4141.28 of the Revised Code is valid if 46211
the individual satisfies the criteria described in division (R)(1) 46212
of this section. A disqualification imposed pursuant to division 46213
(D)(2) of section 4141.29 or section 4141.291 of the Revised Code 46214
does not affect the validity of an application. 46215

(3) The statewide average weekly wage shall be calculated by 46216
the director once a year based on the twelve-month period ending 46217
the thirtieth day of June, as set forth in division (B)(3) of 46218
section 4141.30 of the Revised Code, rounded down to the nearest 46219
dollar. Increases or decreases in the amount of remuneration 46220
required to have been earned or paid in order for individuals to 46221
have filed valid applications shall become effective on Sunday of 46222
the calendar week in which the first day of January occurs that 46223
follows the twelve-month period ending the thirtieth day of June 46224
upon which the calculation of the statewide average weekly wage 46225
was based. 46226

(4) As used in this division, an individual is "unemployed" 46227
if, with respect to the calendar week in which such application is 46228
filed, the individual is "partially unemployed" or "totally 46229

unemployed" as defined in this section or if, prior to filing the application, the individual was separated from the individual's most recent work for any reason which terminated the individual's employee-employer relationship, or was laid off indefinitely or for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three consecutive calendar months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, or the equivalent thereof as the director prescribes by rule.

(T) "Computation date" means the first day of the third calendar quarter of any calendar year.

(U) "Contribution period" means the calendar year beginning on the first day of January of any year.

(V) "Agricultural labor," for the purpose of this division, means any service performed prior to January 1, 1972, which was agricultural labor as defined in this division prior to that date, and service performed after December 31, 1971:

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any

commodity defined as an agricultural commodity in section 15 (g) 46261
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 46262
U.S.C. 1141j, as amended, or in connection with the ginning of 46263
cotton, or in connection with the operation or maintenance of 46264
ditches, canals, reservoirs, or waterways, not owned or operated 46265
for profit, used exclusively for supplying and storing water for 46266
farming purposes; 46267

(4) In the employ of the operator of a farm in handling, 46268
planting, drying, packing, packaging, processing, freezing, 46269
grading, storing, or delivering to storage or to market or to a 46270
carrier for transportation to market, in its unmanufactured state, 46271
any agricultural or horticultural commodity, but only if the 46272
operator produced more than one half of the commodity with respect 46273
to which such service is performed; 46274

(5) In the employ of a group of operators of farms, or a 46275
cooperative organization of which the operators are members, in 46276
the performance of service described in division (V)(4) of this 46277
section, but only if the operators produced more than one-half of 46278
the commodity with respect to which the service is performed; 46279

(6) Divisions (V)(4) and (5) of this section shall not be 46280
deemed to be applicable with respect to service performed: 46281

(a) In connection with commercial canning or commercial 46282
freezing or in connection with any agricultural or horticultural 46283
commodity after its delivery to a terminal market for distribution 46284
for consumption; or 46285

(b) On a farm operated for profit if the service is not in 46286
the course of the employer's trade or business. 46287

As used in division (V) of this section, "farm" includes 46288
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 46289
plantations, ranches, nurseries, ranges, greenhouses, or other 46290
similar structures used primarily for the raising of agricultural 46291

or horticultural commodities and orchards. 46292

(W) "Hospital" means an institution which has been registered 46293
or licensed by the Ohio department of health as a hospital. 46294

(X) "Nonprofit organization" means an organization, or group 46295
of organizations, described in section 501(c)(3) of the "Internal 46296
Revenue Code of 1954," and exempt from income tax under section 46297
501(a) of that code. 46298

(Y) "Institution of higher education" means a public or 46299
nonprofit educational institution, including an educational 46300
institution operated by an Indian tribe, which: 46301

(1) Admits as regular students only individuals having a 46302
certificate of graduation from a high school, or the recognized 46303
equivalent; 46304

(2) Is legally authorized in this state or by the Indian 46305
tribe to provide a program of education beyond high school; and 46306

(3) Provides an educational program for which it awards a 46307
bachelor's or higher degree, or provides a program which is 46308
acceptable for full credit toward such a degree, a program of 46309
post-graduate or post-doctoral studies, or a program of training 46310
to prepare students for gainful employment in a recognized 46311
occupation. 46312

For the purposes of this division, all colleges and 46313
universities in this state are institutions of higher education. 46314

(Z) For the purposes of this chapter, "states" includes the 46315
District of Columbia, the Commonwealth of Puerto Rico, and the 46316
Virgin Islands. 46317

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 46318
this section, an individual who is an alien admitted to the United 46319
States to perform service in agricultural labor pursuant to 46320
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 46321

Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 46322

(BB)(1) "Crew leader" means an individual who furnishes 46323
individuals to perform agricultural labor for any other employer 46324
or farm operator, and: 46325

(a) Pays, either on the individual's own behalf or on behalf 46326
of the other employer or farm operator, the individuals so 46327
furnished by the individual for the service in agricultural labor 46328
performed by them; 46329

(b) Has not entered into a written agreement with the other 46330
employer or farm operator under which the agricultural worker is 46331
designated as in the employ of the other employer or farm 46332
operator. 46333

(2) For the purposes of this chapter, any individual who is a 46334
member of a crew furnished by a crew leader to perform service in 46335
agricultural labor for any other employer or farm operator shall 46336
be treated as an employee of the crew leader if: 46337

(a) The crew leader holds a valid certificate of registration 46338
under the "Farm Labor Contractor Registration Act of 1963," 90 46339
Stat. 2668, 7 U.S.C. 2041; or 46340

(b) Substantially all the members of the crew operate or 46341
maintain tractors, mechanized harvesting or crop-dusting 46342
equipment, or any other mechanized equipment, which is provided by 46343
the crew leader; and 46344

(c) If the individual is not in the employment of the other 46345
employer or farm operator within the meaning of division (B)(1) of 46346
this section. 46347

(3) For the purposes of this division, any individual who is 46348
furnished by a crew leader to perform service in agricultural 46349
labor for any other employer or farm operator and who is not 46350
treated as in the employment of the crew leader under division 46351

(BB)(2) of this section shall be treated as the employee of the other employer or farm operator and not of the crew leader. The other employer or farm operator shall be treated as having paid cash remuneration to the individual in an amount equal to the amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator.

(CC) "Educational institution" means an institution other than an institution of higher education as defined in division (Y) of this section, including an educational institution operated by an Indian tribe, which:

(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of an instructor or teacher; and

(2) Is approved, chartered, or issued a permit to operate as a school by the state board of education, other government agency, or Indian tribe that is authorized within the state to approve, charter, or issue a permit for the operation of a school.

For the purposes of this division, the courses of study or training which the institution offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(DD) "Cost savings day" means any unpaid day off from work in which employees continue to accrue employee benefits which have a determinable value including, but not limited to, vacation, pension contribution, sick time, and life and health insurance.

(EE) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.

Sec. 4141.131. The director of job and family services may 46382
enter into contracts for the sale of real property no longer 46383
needed by the director of job and family services for the 46384
operations of the director of job and family services under this 46385
title. Any costs attributable to the director of job and family 46386
services that are associated with the sale of real property under 46387
this section shall be paid out of the unemployment compensation 46388
special administrative fund established pursuant to section 46389
4141.11 of the Revised Code. The director of job and family 46390
services shall submit a report summarizing the use of that fund 46391
for the purpose of this section at least annually to the 46392
unemployment compensation advisory council as prescribed by the 46393
council. 46394

The ~~auditor of state~~ director of administrative services, 46395
with the assistance of the attorney general, shall prepare a deed 46396
to the real property being sold upon notice from the director of 46397
job and family services that a contract for the sale of that 46398
property has been executed in accordance with this section. The 46399
deed shall state the consideration and any conditions placed upon 46400
the sale. The deed shall be executed by the governor in the name 46401
of the state, countersigned by the secretary of state, sealed with 46402
the great seal of the state, presented in the office of the 46403
~~auditor of state~~ director of administrative services for 46404
recording, and delivered to the buyer upon payment of the balance 46405
of the purchase price. 46406

The buyer shall present the deed for recording in the county 46407
recorder's office of the county in which the real property is 46408
located. 46409

Sec. 4141.21. Except as provided in section 4141.162 of the 46410
Revised Code, and subject to section 4141.43 of the Revised Code, 46411
the information maintained by the director of job and family 46412

services or the unemployment compensation review commission or 46413
furnished to the director or commission by employers or employees 46414
pursuant to this chapter is for the exclusive use and information 46415
of the department of job and family services and the commission in 46416
the discharge of ~~its~~ their duties and shall not be open to the 46417
public or be used in any court in any action or proceeding pending 46418
therein, or be admissible in evidence in any action, other than 46419
one arising under this chapter or section 5733.42 of the Revised 46420
Code. All of the information and records necessary or useful in 46421
the determination of any particular claim for benefits or 46422
necessary in verifying any charge to an employer's account under 46423
sections 4141.23 to 4141.26 of the Revised Code shall be available 46424
for examination and use by the employer and the employee involved 46425
or their authorized representatives in the hearing of such cases, 46426
and that information may be tabulated and published in statistical 46427
form for the use and information of the state departments and the 46428
public. 46429

Sec. 4141.22. (A) No person shall disclose any information 46430
that was maintained by the director of job and family services or 46431
the unemployment compensation review commission or that was 46432
furnished to the director or the commission by employers or 46433
employees pursuant to this chapter, unless such disclosure is 46434
permitted under section 4141.21 of the Revised Code. 46435

(B) No person in the employ of the director ~~of job and family~~ 46436
~~services or~~, a county family services agency ~~or~~, a workforce 46437
development agency, or the commission, or who has been in the 46438
employ of the director ~~or~~, those agencies, or the commission, at 46439
any time, shall divulge any information maintained by or furnished 46440
to the director or the commission under this chapter and secured 46441
by the person while so employed, in respect to the transactions, 46442
property, business, or mechanical, chemical, or other industrial 46443

process of any person, firm, corporation, association, or 46444
partnership to any person other than the director or other 46445
employees of the department of job and family services or, a 46446
county family services agency ~~or~~, workforce development agency, or 46447
the commission, as required by the person's duties, or to other 46448
persons as authorized by the director under section 4141.43 of the 46449
Revised Code. 46450

Whoever violates this section shall be disqualified from 46451
holding any appointment or employment by the director ~~or~~, a county 46452
family services agency ~~or~~, a workforce development agency, or the 46453
commission. 46454

Sec. 4141.51. (A) An employer who wishes to participate in 46455
the SharedWork Ohio program shall submit a plan to the director of 46456
job and family services in which the employer does all of the 46457
following: 46458

(1) Identifies the participating employees by name, social 46459
security number, affected unit, and normal weekly hours of work; 46460

(2) Describes the manner in which the employer will implement 46461
the requirements of the SharedWork Ohio program, including the 46462
proposed reduction percentage, which shall be between ten per cent 46463
and ~~fifty~~ sixty per cent, and any temporary closure of the 46464
participating employer's business for equipment maintenance or 46465
other similar circumstances that the employer knows may occur 46466
during the effective period of an approved plan; 46467

(3) Includes a plan for giving advance notice, if feasible, 46468
to an employee whose normal weekly hours of work are to be reduced 46469
and, if advance notice is not feasible, an explanation of why that 46470
notice is not feasible; 46471

(4) Includes a certification by the employer that the 46472
aggregate reduction in the number of hours worked by the employees 46473

of the employer is in lieu of layoffs and includes an estimate of 46474
the number of layoffs that would have occurred absent the ability 46475
to participate in the SharedWork Ohio program; 46476

(5) Includes a certification by the employer that if the 46477
employer provides health benefits and retirement benefits under a 46478
defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, 46479
or contributions under a defined contribution plan as defined in 46480
26 U.S.C. 414(i), as amended, to any employee whose normal weekly 46481
hours of work are reduced under the program that such benefits 46482
will continue to be provided to an employee participating in the 46483
SharedWork Ohio program under the same terms and conditions as 46484
though the normal weekly hours of work of the employee had not 46485
been reduced or to the same extent as other employees not 46486
participating in the program; 46487

(6) Permits eligible employees to participate, as 46488
appropriate, in training to enhance job skills approved by the 46489
director, including employer-sponsored training or worker training 46490
funded under the federal "Workforce Innovation and Opportunity 46491
Act," 29 U.S.C. 3101 et seq.; 46492

(7) Includes any other information as required by the United 46493
States secretary of labor or the director under the rules the 46494
director adopts under section 4141.50 of the Revised Code; 46495

(8) Includes an attestation by the employer that the terms of 46496
the written plan submitted by the employer and implementation of 46497
that plan are consistent with obligations of the employer under 46498
the applicable federal and state laws; 46499

(9) Includes a certification by the employer that the 46500
employer will promptly notify the director of any change in the 46501
business that includes the sale or transfer of all or part of the 46502
business, and that the employer will notify any successor in 46503
interest to the employer's business prior to the transfer of all 46504

or part of the business, of the existence of any approved shared work plan; 46505
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(10) Includes a certification by the employer that, as of the date the employer submits the plan, the employer is current on all reports and has paid all contributions, reimbursements, interest, and penalties due under this chapter; 46507
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(11) Includes an assurance from the employer that the employer will remain current on all employer reporting and payments of contributions, reimbursements, interest, and penalties as required by this chapter; 46511
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(12) Includes a certification by the employer that none of the participating employees are employed on a seasonal, temporary, or intermittent basis; 46515
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(13) Includes an assurance from the employer that the employer will not reduce a participating employee's normal weekly hours of work by more than the reduction percentage, except in the event of a temporary closure of the employer's business for equipment maintenance, or when the employee takes approved time off during the week with pay, and the combined work hours and paid leave hours equal the number of hours the employee would have worked under the plan. 46518
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(B) The director shall approve a shared work plan if an employer includes in the plan all of the information, certifications, and assurances required under division (A) of this section. 46526
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(C) The director shall approve or deny a shared work plan and shall send a written notice to the employer stating whether the director approved or denied the plan not later than ~~thirty~~ ten days after the director receives the plan. If the director denies approval of a shared work plan, the director shall state the reasons for denying approval in the written notice sent to the 46530
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employer. 46536

(D) The director shall enforce the requirements of the 46537
SharedWork Ohio program in the same manner as the director 46538
enforces the requirements of this chapter, including under section 46539
4141.40 of the Revised Code. 46540

Sec. 4141.53. (A) An individual is eligible to receive shared 46541
work compensation for a week in which the individual satisfies all 46542
of the following: 46543

(1) The individual is employed by a participating employer 46544
and is subject to a shared work plan that was approved before that 46545
week and is in effect for that week. 46546

(2) The individual is available for work and is actively 46547
seeking work by being available for the individual's normal weekly 46548
hours of work. 46549

(3) The individual's normal weekly hours of work with the 46550
participating employer have been reduced by at least ten per cent 46551
but not more than ~~fifty~~ sixty per cent. 46552

(4) The individual has been employed by an employer or 46553
employers subject to this chapter in at least twenty qualifying 46554
weeks within the individual's base period and has earned or been 46555
paid remuneration at an average weekly wage of not less than 46556
twenty-seven and one-half per cent of the statewide average weekly 46557
wage for those weeks. 46558

(5) The individual has been subject to a shared work plan for 46559
at least one week prior to the week for which the compensation is 46560
to be paid, or otherwise satisfies the waiting period requirement 46561
of division (B) of section 4141.29 of the Revised Code for the 46562
individual's benefit year. 46563

(6) The individual otherwise satisfies the requirements of 46564
this chapter and is not otherwise disqualified from receiving 46565

unemployment compensation benefits. 46566

(B) For purposes of division (A)(2) of this section, an 46567
individual is available for the individual's normal weekly hours 46568
of work with the participating employer if the individual does any 46569
of the following: 46570

(1) Works the number of weekly hours assigned to the 46571
individual under an approved shared work plan; 46572

(2) Works fewer hours than the number of weekly hours 46573
assigned to the individual under an approved shared work plan and 46574
either of the following apply: 46575

(a) The individual takes approved time off during the week 46576
with pay, and the combined work hours and paid leave hours equal 46577
the number of hours the employee would have worked under the plan; 46578

(b) The individual does not take approved time off with pay 46579
during that week and the reduction in hours was not the fault of 46580
the individual and was not more than ~~fifty~~ sixty per cent of the 46581
individual's normal weekly hours of work. 46582

(C)(1) Except as provided in division (C)(2) or (D) of this 46583
section, the director of job and family services shall pay a 46584
participating employee who is eligible for weekly shared work 46585
compensation in an amount equal to the participating employee's 46586
weekly benefit amount as described in division (B) of section 46587
4141.30 of the Revised Code for a period of total unemployment, 46588
multiplied by the reduction percentage specified in the approved 46589
shared work plan applicable to the participating employee. 46590

(2) The director shall pay a participating employee who is 46591
eligible for weekly shared work compensation in an amount equal to 46592
the participating employee's weekly benefit amount as described in 46593
division (B) of section 4141.30 of the Revised Code for a period 46594
of total unemployment, multiplied by the percentage by which the 46595
participating employee's normal weekly hours of work were actually 46596

reduced during the workweek, if all of the following apply: 46597

(a) The participating employee did not take approved paid 46598
leave during the week. 46599

(b) The participating employee's normal weekly hours of work 46600
were actually reduced by not less than ten per cent and not 46601
greater than ~~fifty~~ sixty per cent. 46602

(c) The increase or decrease in the participating employee's 46603
hours above or below the number of hours assigned to the employee 46604
in the approved shared work plan was not the fault of the 46605
employee. 46606

(3) The director shall determine fault for purposes of 46607
divisions (B)(2)(b) and (C)(2)(c) of this section in the same 46608
manner that the director makes determinations for benefit rights 46609
and determines claims for unemployment compensation benefits under 46610
sections 4141.28 and 4141.281 of the Revised Code. 46611

(4) The director shall round the amount of a shared work 46612
compensation payment that is not a multiple of one dollar to the 46613
next lower multiple of one dollar. 46614

(5) No shared work compensation shall be payable during the 46615
one-week period described in division (A)(5) of this section. 46616

(D) If an individual works for a participating employer and 46617
another employer during the weeks the individual is covered by an 46618
approved shared work plan, eligibility for shared work 46619
compensation is determined as follows: 46620

(1) If the combined number of hours the individual works for 46621
both the participating employer and the other employer in a week 46622
exceeds the amount of the individual's normal weekly hours of work 46623
reduced by ten per cent, the individual is not eligible for shared 46624
work compensation. 46625

(2) If the combined number of hours the individual works in a 46626

week for both employers equals the amount of the individual's 46627
normal weekly hours of work reduced between ten and ~~fifty~~ sixty 46628
per cent, the director shall pay the individual, if the individual 46629
is otherwise eligible, shared work compensation in an amount equal 46630
to the individual's weekly benefit amount as described in division 46631
(B) of section 4141.30 of the Revised Code for a period of total 46632
unemployment, multiplied by the percentage by which the 46633
individual's normal weekly hours of work were reduced during the 46634
week when factoring in both the amount of hours worked for the 46635
other employer and the amount of hours worked for the 46636
participating employer. 46637

(E) A participating employee is not entitled to receive 46638
shared work compensation and unemployment compensation benefits 46639
that, when combined, exceed the maximum total benefits payable to 46640
the participating employee in a benefit year under section 4141.30 46641
of the Revised Code. No participating employee shall be paid 46642
shared work compensation during the employee's benefit year in an 46643
amount that exceeds twenty-six times the amount of the employee's 46644
weekly benefit amount for a period of total unemployment under 46645
section 4141.30 of the Revised Code. 46646

(F) An individual who has received all of the shared work 46647
compensation and unemployment compensation benefits available in a 46648
benefit year is an individual who has exhausted regular benefits 46649
under section 4141.30 of the Revised Code and is entitled to 46650
receive extended benefits under section 4141.301 of the Revised 46651
Code if the individual is otherwise eligible to receive benefits 46652
under that section. 46653

(G) Except as provided in division (C)(2) of this section, 46654
the director shall not pay shared work compensation to an 46655
individual for a week during which the individual performs paid 46656
work for the individual's participating employer that exceeds or 46657
falls below the reduced hours established under an approved shared 46658

work plan that covers the individual. 46659

(H)(1) Except as provided in divisions (H)(2) and (3) of this 46660
section, a participating employee is not eligible to receive 46661
benefits for being partially unemployed for any week during which 46662
the individual works as a participating employee. 46663

(2) A participating employee who performs no services during 46664
a week for the participating employer and who is otherwise 46665
eligible may be paid benefits for being totally or partially 46666
unemployed for that week. 46667

(3) A participating employee whose normal weekly hours of 46668
work are reduced by more than ~~fifty~~ sixty per cent and who is 46669
otherwise eligible may be paid benefits for partial unemployment 46670
for that week. 46671

(I) Any payment of total or partial unemployment compensation 46672
benefits under this section is not a payment of shared work 46673
compensation under an approved plan but shall be calculated 46674
against the maximum total benefits payable to the participating 46675
employee in a benefit year under section 4141.30 of the Revised 46676
Code. 46677

(J) For purposes of this section and unless another benefit 46678
year applies to the individual, notwithstanding division (R)(1) of 46679
section 4141.01 of the Revised Code, a participating employee's 46680
"benefit year" is the fifty-two week period beginning with the 46681
first day of that week with respect to which the employee's 46682
participating employer first files a claim on behalf of the 46683
participating employee pursuant to division (B) of section 4141.54 46684
of the Revised Code. 46685

Sec. 4141.55. (A) If the state is eligible for and receives 46686
reimbursement for shared work compensation paid under the 46687
SharedWork Ohio program from the federal government pursuant to 46688

the federal "Layoff Prevention Act of 2012," Pub. L. No. 112-96, 46689
126 Stat. 156, or any other federal law, notwithstanding section 46690
4141.24 of the Revised Code and if permitted under that act or 46691
other federal law, during the time period in which the state is 46692
fully or partially reimbursed the account of an employer shall not 46693
be charged for the portion of any shared work compensation paid to 46694
a participating employer's participating employees for which the 46695
state receives reimbursement. If the federal government does not 46696
provide full reimbursement for shared work compensation paid to an 46697
individual under section 4141.53 of the Revised Code, the portion 46698
of shared work compensation paid to that individual that is not 46699
reimbursed shall be charged in accordance with division (C) of 46700
this section. 46701

(B) Beginning with the week for which the federal government 46702
no longer provides reimbursement, or if the state does not receive 46703
reimbursement or the federal government requires an employer's 46704
account to be charged, any shared work compensation paid to an 46705
individual shall be charged in accordance with division (C) of 46706
this section. 46707

(C) Except as provided in divisions (A) and (B) of this 46708
section, any shared work compensation paid to an individual under 46709
section 4141.53 of the Revised Code shall be charged in accordance 46710
with division (D) of section 4141.24 of the Revised Code. 46711

Sec. 4301.03. The liquor control commission may adopt and 46712
promulgate, repeal, rescind, and amend, in the manner required by 46713
this section, rules, standards, requirements, and orders necessary 46714
to carry out this chapter and Chapter 4303. of the Revised Code, 46715
but all rules of the board of liquor control that were in effect 46716
immediately prior to April 17, 1963, shall remain in full force 46717
and effect as rules of the liquor control commission until and 46718
unless amended or repealed by the liquor control commission. The 46719

rules of the commission may include the following: 46720

(A) Rules with reference to applications for and the issuance 46721
of permits for the manufacture, distribution, transportation, and 46722
sale of beer and intoxicating liquor, and the sale of alcohol; and 46723
rules governing the procedure of the division of liquor control in 46724
the suspension, revocation, and cancellation of those permits; 46725

(B) Rules and orders providing in detail for the conduct of 46726
any retail business authorized under permits issued pursuant to 46727
this chapter and Chapter 4303. of the Revised Code, with a view to 46728
ensuring compliance with those chapters and laws relative to them, 46729
and the maintenance of public decency, sobriety, and good order in 46730
any place licensed under the permits. No rule or order shall 46731
prohibit the operation of video lottery terminal games at a 46732
commercial race track where live horse racing and simulcasting are 46733
conducted in accordance with Chapter 3769. of the Revised Code or 46734
the sale of lottery tickets issued pursuant to Chapter 3770. of 46735
the Revised Code by any retail business authorized under permits 46736
issued pursuant to that chapter. 46737

No rule or order shall prohibit pari-mutuel wagering on 46738
simulcast horse races at a satellite facility that has been issued 46739
a D liquor permit under Chapter 4303. of the Revised Code. No rule 46740
or order shall prohibit a charitable organization that holds a D-4 46741
permit from selling or serving beer or intoxicating liquor under 46742
its permit in a portion of its premises merely because that 46743
portion of its premises is used ~~at other times~~ for the conduct of 46744
a bingo game, as described in division (O) of section 2915.01 of 46745
the Revised Code. ~~However, such an organization shall not sell or~~ 46746
~~serve beer or intoxicating liquor or permit beer or intoxicating~~ 46747
~~liquor to be consumed or seen in the same location in its premises~~ 46748
~~where a bingo game, as described in division (O)(1) of section~~ 46749
~~2915.01 of the Revised Code, is being conducted while the game is~~ 46750

~~being conducted.~~ As used in this division, "charitable
organization" has the same meaning as in division (H) of section
2915.01 of the Revised Code. No rule or order pertaining to
visibility into the premises of a permit holder after the legal
hours of sale shall be adopted or maintained by the commission.

(C) Standards, not in conflict with those prescribed by any
law of this state or the United States, to secure the use of
proper ingredients and methods in the manufacture of beer, mixed
beverages, and wine to be sold within this state;

(D) Rules determining the nature, form, and capacity of all
packages and bottles to be used for containing beer or
intoxicating liquor, except for spirituous liquor to be kept or
sold, governing the form of all seals and labels to be used on
those packages and bottles;

(E) Rules requiring the label on every package, bottle, and
container to state all of the following, as applicable:

(1) The ingredients in the contents;

(2) Except for beer, the terms of weight, volume, or proof
spirits;

(3) Except for spirituous liquor, whether the product is
beer, wine, alcohol, or any intoxicating liquor;

(4) Regarding beer that contains more than twelve per cent of
alcohol by volume, the percentage of alcohol by volume and that
the beer is a "high alcohol beer."

(F) Uniform rules governing all advertising with reference to
the sale of beer and intoxicating liquor throughout the state and
advertising upon and in the premises licensed for the sale of beer
or intoxicating liquor;

(G) Rules restricting and placing conditions upon the
transfer of permits;

(H) Rules and orders limiting the number of permits of any class within the state or within any political subdivision of the state; and, for that purpose, adopting reasonable classifications of persons or establishments to which any authorized class of permits may be issued within any political subdivision;

(I) Rules and orders with reference to sales of beer and intoxicating liquor on Sundays and holidays and with reference to the hours of the day during which and the persons to whom intoxicating liquor of any class may be sold, and rules with reference to the manner of sale;

(J) Rules requiring permit holders buying beer to pay and permit holders selling beer to collect minimum cash deposits for kegs, cases, bottles, or other returnable containers of the beer; requiring the repayment, or credit, of the minimum cash deposit charges upon the return of the empty containers; and requiring the posting of such form of indemnity or such other conditions with respect to the charging, collection, and repayment of minimum cash deposit charges for returnable containers of beer as are necessary to ensure the return of the empty containers or the repayment upon that return of the minimum cash deposits paid;

(K) Rules establishing the method by which alcohol products may be imported for sale by wholesale distributors and the method by which manufacturers and suppliers may sell alcohol products to wholesale distributors.

Every rule, standard, requirement, or order of the commission and every repeal, amendment, or rescission of them shall be posted for public inspection in the principal office of the commission and the principal office of the division of liquor control, and a certified copy of them shall be filed in the office of the secretary of state. An order applying only to persons named in it shall be served on the persons affected by personal delivery of a certified copy, or by mailing a certified copy to each person

affected by it or, in the case of a corporation, to any officer or 46813
agent of the corporation upon whom a service of summons may be 46814
served in a civil action. The posting and filing required by this 46815
section constitutes sufficient notice to all persons affected by 46816
such rule or order which is not required to be served. General 46817
rules of the commission promulgated pursuant to this section shall 46818
be published in the manner the commission determines. 46819

Sec. 4301.10. (A) The division of liquor control shall do all 46820
of the following: 46821

(1) Control the traffic in beer and intoxicating liquor in 46822
this state, including the manufacture, importation, and sale of 46823
beer and intoxicating liquor; 46824

(2) Grant or refuse permits for the manufacture, 46825
distribution, transportation, and sale of beer and intoxicating 46826
liquor and the sale of alcohol, as authorized or required by this 46827
chapter and Chapter 4303. of the Revised Code. A certificate, 46828
signed by the superintendent of liquor control and to which is 46829
affixed the official seal of the division, stating that it appears 46830
from the records of the division that no permit has been issued to 46831
the person specified in the certificate, or that a permit, if 46832
issued, has been revoked, canceled, or suspended, shall be 46833
received as prima-facie evidence of the facts recited in the 46834
certificate in any court or before any officer of this state. 46835

(3) Put into operation, manage, and control a system of state 46836
liquor stores for the sale of spirituous liquor at retail and to 46837
holders of permits authorizing the sale of spirituous liquor; 46838
however, the division shall not establish any drive-in state 46839
liquor stores; and by means of those types of stores, and any 46840
manufacturing plants, distributing and bottling plants, 46841
warehouses, and other facilities that it considers expedient, 46842
establish and maintain a state monopoly of the distribution of 46843

spirituous liquor and its sale in packages or containers; and for 46844
that purpose, manufacture, buy, import, possess, and sell 46845
spirituous liquors as provided in this chapter and Chapter 4303. 46846
of the Revised Code, and in the rules promulgated by the 46847
superintendent of liquor control pursuant to those chapters; lease 46848
or in any manner acquire the use of any land or building required 46849
for any of those purposes; purchase any equipment that is 46850
required; and borrow money to carry on its business, and issue, 46851
sign, endorse, and accept notes, checks, and bills of exchange; 46852
but all obligations of the division created under authority of 46853
this division shall be a charge only upon the moneys received by 46854
the division from the sale of spirituous liquor and its other 46855
business transactions in connection with the sale of spirituous 46856
liquor, and shall not be general obligations of the state; 46857

(4) Enforce the administrative provisions of this chapter and 46858
Chapter 4303. of the Revised Code, and the rules and orders of the 46859
liquor control commission and the superintendent relating to the 46860
manufacture, importation, transportation, distribution, and sale 46861
of beer or intoxicating liquor. The attorney general, any 46862
prosecuting attorney, and any prosecuting officer of a municipal 46863
corporation or a municipal court shall, at the request of the 46864
division of liquor control or the department of public safety, 46865
prosecute any person charged with the violation of any provision 46866
in those chapters or of any section of the Revised Code relating 46867
to the manufacture, importation, transportation, distribution, and 46868
sale of beer or intoxicating liquor. 46869

(5) Determine the locations of all state liquor stores and 46870
manufacturing, distributing, and bottling plants required in 46871
connection with those stores, subject to this chapter and Chapter 46872
4303. of the Revised Code; 46873

(6) Conduct inspections of liquor permit premises to 46874
determine compliance with the administrative provisions of this 46875

chapter and Chapter 4303. of the Revised Code and the rules 46876
adopted under those provisions by the liquor control commission. 46877

Except as otherwise provided in division (A)(6) of this 46878
section, those inspections may be conducted only during those 46879
hours in which the permit holder is open for business and only by 46880
authorized agents or employees of the division or by any peace 46881
officer, as defined in section 2935.01 of the Revised Code. 46882
Inspections may be conducted at other hours only to determine 46883
compliance with laws or commission rules that regulate the hours 46884
of sale of beer or intoxicating liquor and only if the 46885
investigator has reasonable cause to believe that those laws or 46886
rules are being violated. Any inspection conducted pursuant to 46887
division (A)(6) of this section is subject to all of the following 46888
requirements: 46889

(a) The only property that may be confiscated is contraband, 46890
as defined in section 2901.01 of the Revised Code, or property 46891
that is otherwise necessary for evidentiary purposes. 46892

(b) A complete inventory of all property confiscated from the 46893
premises shall be given to the permit holder or the permit 46894
holder's agent or employee by the confiscating agent or officer at 46895
the conclusion of the inspection. At that time, the inventory 46896
shall be signed by the confiscating agent or officer, and the 46897
agent or officer shall give the permit holder or the permit 46898
holder's agent or employee the opportunity to sign the inventory. 46899

(c) Inspections conducted pursuant to division (A)(6) of this 46900
section shall be conducted in a reasonable manner. A finding by 46901
any court of competent jurisdiction that an inspection was not 46902
conducted in a reasonable manner in accordance with this section 46903
or any rules adopted by the commission may be considered grounds 46904
for suppression of evidence. A finding by the commission that an 46905
inspection was not conducted in a reasonable manner in accordance 46906
with this section or any rules adopted by it may be considered 46907

grounds for dismissal of the commission case. 46908

If any court of competent jurisdiction finds that property 46909
confiscated as the result of an administrative inspection is not 46910
necessary for evidentiary purposes and is not contraband, as 46911
defined in section 2901.01 of the Revised Code, the court shall 46912
order the immediate return of the confiscated property, provided 46913
that property is not otherwise subject to forfeiture, to the 46914
permit holder. However, the return of this property is not grounds 46915
for dismissal of the case. The commission likewise may order the 46916
return of confiscated property if no criminal prosecution is 46917
pending or anticipated. 46918

(7) Delegate to any of its agents or employees any power of 46919
investigation that the division possesses with respect to the 46920
enforcement of any of the administrative laws relating to beer or 46921
intoxicating liquor, provided that this division does not 46922
authorize the division to designate any agent or employee to serve 46923
as an enforcement agent. The employment and designation of 46924
enforcement agents shall be within the exclusive authority of the 46925
director of public safety pursuant to sections 5502.13 to 5502.19 46926
of the Revised Code. 46927

(8) Collect the following fees: 46928

(a) A biennial fifty-dollar registration fee for each agent, 46929
solicitor, trade marketing professional, or salesperson, 46930
registered pursuant to section 4303.25 of the Revised Code, of a 46931
beer or intoxicating liquor manufacturer, supplier, broker, trade 46932
marketing company, or wholesale distributor doing business in this 46933
state; 46934

(b) A fifty-dollar product registration fee for each new beer 46935
or intoxicating liquor product sold in this state. The product 46936
registration fee also applies to products sold in this state by 46937
B-2a, S-1, and S-2 permit holders. The product registration fee 46938

shall be accompanied by a copy of the federal label and product approval for the new product.

(c) An annual three-hundred-dollar supplier registration fee from each manufacturer or supplier that produces and ships into this state, or ships into this state, intoxicating liquor or beer, in addition to an initial application fee of one hundred dollars. A manufacturer that produces and ships beer or wine into this state and that holds only an § S-1 or S-2 permit, as applicable, is exempt from the supplier registration fee. A manufacturer that produces and ships beer or wine into this state and that holds a B-2a permit shall pay an annual seventy-six-dollar supplier registration fee. A manufacturer that produces and ships wine into this state and that does not hold either an § S-1 or a B-2a permit, but that produces less than two hundred fifty thousand gallons of wine per year ~~and that is entitled to a tax credit under 27 C.F.R. 24.278~~ shall pay an annual seventy-six-dollar supplier registration fee. A B-2a, S-1, or § S-2 permit holder that does not sell its wine to wholesale distributors of wine in this state and an § S-1 permit holder that does not sell its beer to wholesale distributors of beer in this state shall not be required to submit to the division territory designation forms.

Each supplier, agent, solicitor, trade marketing professional, or salesperson registration issued under this division shall authorize the person named to carry on the activity specified in the registration. Each agent, solicitor, trade marketing professional, or salesperson registration is valid for two years or for the unexpired portion of a two-year registration period. Each supplier registration is valid for one year or for the unexpired portion of a one-year registration period. Registrations shall end on their respective uniform expiration date, which shall be designated by the division, and are subject to suspension, revocation, cancellation, or fine as authorized by

this chapter and Chapter 4303. of the Revised Code. 46971

As used in this division, "trade marketing company" and 46972
"trade marketing professional" have the same meanings as in 46973
section 4301.171 of the Revised Code. 46974

(9) Establish a system of electronic data interchange within 46975
the division and regulate the electronic transfer of information 46976
and funds among persons and governmental entities engaged in the 46977
manufacture, distribution, and retail sale of alcoholic beverages; 46978

(10) Notify all holders of retail permits of the forms of 46979
permissible identification for purposes of division (A) of section 46980
4301.639 of the Revised Code; 46981

(11) Exercise all other powers expressly or by necessary 46982
implication conferred upon the division by this chapter and 46983
Chapter 4303. of the Revised Code, and all powers necessary for 46984
the exercise or discharge of any power, duty, or function 46985
expressly conferred or imposed upon the division by those 46986
chapters. 46987

(B) The division may do all of the following: 46988

(1) Sue, but may be sued only in connection with the 46989
execution of leases of real estate and the purchases and contracts 46990
necessary for the operation of the state liquor stores that are 46991
made under this chapter and Chapter 4303. of the Revised Code; 46992

(2) Enter into leases and contracts of all descriptions and 46993
acquire and transfer title to personal property with regard to the 46994
sale, distribution, and storage of spirituous liquor within the 46995
state; 46996

(3) Terminate at will any lease entered into pursuant to 46997
division (B)(2) of this section upon first giving ninety days' 46998
notice in writing to the lessor of its intention to do so; 46999

(4) Fix the wholesale and retail prices at which the various 47000

classes, varieties, and brands of spirituous liquor shall be sold 47001
by the division. Those retail prices shall be the same at all 47002
state liquor stores, except to the extent that a price 47003
differential is required to collect a county sales tax levied 47004
pursuant to section 5739.021 of the Revised Code and for which tax 47005
the tax commissioner has authorized prepayment pursuant to section 47006
5739.05 of the Revised Code. In fixing selling prices, the 47007
division shall compute an anticipated gross profit at least 47008
sufficient to provide in each calendar year all costs and expenses 47009
of the division and also an adequate working capital reserve for 47010
the division. The gross profit shall not exceed forty per cent of 47011
the retail selling price based on costs of the division, and in 47012
addition the sum required by section 4301.12 of the Revised Code 47013
to be paid into the state treasury. An amount equal to one and 47014
one-half per cent of that gross profit shall be paid into the 47015
statewide treatment and prevention fund created by section 4301.30 47016
of the Revised Code and be appropriated by the general assembly 47017
from the fund to the department of mental health and addiction 47018
services as provided in section 4301.30 of the Revised Code. 47019

On spirituous liquor manufactured in this state from the 47020
juice of grapes or fruits grown in this state, the division shall 47021
compute an anticipated gross profit of not to exceed ten per cent. 47022

The wholesale prices fixed under this division shall be at a 47023
discount of not less than six per cent of the retail selling 47024
prices as determined by the division in accordance with this 47025
section. 47026

(C) The division may approve the expansion or diminution of a 47027
premises to which a liquor permit has been issued and may adopt 47028
standards governing such an expansion or diminution. 47029

Sec. 4301.12. The division of liquor control shall provide 47030
for the custody, safekeeping, and deposit of all moneys, checks, 47031

and drafts received by it or any of its employees or agents prior 47032
to paying them to the treasurer of state as provided by section 47033
113.08 of the Revised Code. 47034

A sum equal to three dollars and thirty-eight cents for each 47035
gallon of spirituous liquor sold by the division, JobsOhio, or a 47036
designee of JobsOhio during the period covered by the payment 47037
shall be paid into the state treasury to the credit of the general 47038
revenue fund. All moneys received from permit fees, except B-2a, 47039
S-1, and S-2 permit fees from B-2a, S-1, and S-2 permit 47040
holders who do not also hold A-2 or A-2f permits, shall be paid to 47041
the credit of the undivided liquor permit fund established by 47042
section 4301.30 of the Revised Code. 47043

Except as otherwise provided by law, the division shall 47044
deposit all moneys collected under Chapters 4301. and 4303. of the 47045
Revised Code into the state treasury to the credit of the state 47046
liquor regulatory fund created in section 4301.30 of the Revised 47047
Code. In addition, revenue resulting from any contracts with the 47048
department of commerce pertaining to the responsibilities and 47049
operations described in this chapter may be credited to the fund. 47050

Whenever, in the judgment of the director of budget and 47051
management, the amount in the liquor control fund is in excess of 47052
that needed to meet the maturing obligations of the division, as 47053
working capital for its further operations, to pay the operating 47054
expenses of the commission, and for the alcohol testing program 47055
under section 3701.143 of the Revised Code, the director shall 47056
transfer the excess to the credit of the general revenue fund. If 47057
the director determines that the amount in the liquor control fund 47058
is insufficient, the director may transfer money from the general 47059
revenue fund to the liquor control fund. 47060

Sec. 4301.30. (A) All fees collected by the division of 47061

liquor control shall be deposited in the state treasury to the 47062
credit of the undivided liquor permit fund, which is hereby 47063
created, at the time prescribed under section 4301.12 of the 47064
Revised Code. Each payment shall be accompanied by a statement 47065
showing separately the amount collected for each class of permits 47066
in each municipal corporation and in each township outside the 47067
limits of any municipal corporation in such township. 47068

(B)(1) An amount equal to forty-five per cent of the fund 47069
shall be paid from the fund into the state liquor regulatory fund, 47070
which is hereby created in the state treasury. The state liquor 47071
regulatory fund shall be used to pay the operating expenses of the 47072
division of liquor control in administering and enforcing Title 47073
XLIII of the Revised Code and the operating expenses of the liquor 47074
control commission. Investment earnings of the fund shall be 47075
credited to the fund. 47076

(2) Whenever, in the judgment of the director of budget and 47077
management, the amount of money that is in the state liquor 47078
regulatory fund is in excess of the amount that is needed to pay 47079
the operating expenses of the division in administering and 47080
enforcing Title XLIII of the Revised Code and the operating 47081
expenses of the commission, the director shall credit the excess 47082
amount to the general revenue fund. 47083

(C) Twenty per cent of the undivided liquor permit fund shall 47084
be paid into the statewide treatment and prevention fund, which is 47085
hereby created in the state treasury. This amount shall be 47086
appropriated by the general assembly, together with an amount 47087
equal to one and one-half per cent of the gross profit of the 47088
division of liquor control derived under division (B)(4) of 47089
section 4301.10 of the Revised Code, to the department of mental 47090
health and addiction services. In planning for the allocation of 47091
and in allocating these amounts for the purposes of Chapter 5119. 47092

of the Revised Code, the department shall comply with the 47093
nondiscrimination provisions of Title VI of the Civil Rights Act 47094
of 1964, and any rules adopted under that act. 47095

(D) Thirty-five per cent of the undivided liquor permit fund 47096
shall be distributed by the superintendent of liquor control at 47097
quarterly calendar periods as follows: 47098

(1) To each municipal corporation, the aggregate amount shown 47099
by the statements to have been collected from permits in the 47100
municipal corporation, for the use of the general fund of the 47101
municipal corporation; 47102

(2) To each township, the aggregate amount shown by the 47103
statements to have been collected from permits in its territory, 47104
outside the limits of any municipal corporation located in the 47105
township, for the use of the general fund of the township, or for 47106
fire protection purposes, including buildings and equipment in the 47107
township or in an established fire district within the township, 47108
to the extent that the funds are derived from liquor permits 47109
within the territory comprising such fire district. 47110

(E) For the purpose of the distribution required by this 47111
section, E, H, and D permits covering boats or vessels are deemed 47112
to have been issued in the municipal corporation or township 47113
wherein the owner or operator of the vehicle, boat, vessel, or 47114
dining car equipment to which the permit relates has the owner's 47115
or operator's principal office or place of business within the 47116
state. 47117

(F) If the liquor control commission determines that the 47118
police or other officers of any municipal corporation or township 47119
entitled to share in distributions under this section are refusing 47120
or culpably neglecting to enforce this chapter and Chapter 4303. 47121
of the Revised Code, or the penal laws of this state relating to 47122
the manufacture, importation, transportation, distribution, and 47123

sale of beer and intoxicating liquors, or if the prosecuting 47124
officer of a municipal corporation or a municipal court fails to 47125
comply with the request of the commission authorized by division 47126
(A)(4) of section 4301.10 of the Revised Code, the commission, by 47127
certified mail, may notify the chief executive officer of the 47128
municipal corporation or the board of township trustees of the 47129
township of the failure and require the immediate cooperation of 47130
the responsible officers of the municipal corporation or township 47131
with the division of liquor control in the enforcement of those 47132
chapters and penal laws. Within thirty days after the notice is 47133
served, the commission shall determine whether the requirement has 47134
been complied with. If the commission determines that the 47135
requirement has not been complied with, it may issue an order to 47136
the superintendent to withhold the distributive share of the 47137
municipal corporation or township until further order of the 47138
commission. This action of the commission is reviewable within 47139
thirty days thereafter in the court of common pleas of Franklin 47140
county. 47141

(G) All fees collected by the division of liquor control from 47142
the issuance or renewal of B-2a, S-1, and S-2 permits, and paid 47143
by B-2a, S-1, and S-2 permit holders who do not also hold A-1 or 47144
A-1c permits or A-2 or A-2f permits, shall be deposited in the 47145
state treasury to the credit of the state liquor regulatory fund. 47146
Once during each fiscal year, an amount equal to fifty per cent of 47147
the fees collected shall be paid from the state liquor regulatory 47148
fund into the general revenue fund. 47149

Sec. 4301.42. For the purpose of providing revenue for the 47150
support of the state, a tax is hereby levied on the sale of beer 47151
in sealed bottles and cans having twelve ounces or less of liquid 47152
content, at the rate of fourteen one-hundredths of one cent on 47153
each ounce of liquid content or fractional part of each ounce of 47154
liquid content, and on such containers in excess of twelve ounces, 47155

at the rate of eighty-four one-hundredths of one cent on each six 47156
ounces of liquid content or fractional part of each six ounces of 47157
liquid content. Sections 4307.01 to 4307.12 of the Revised Code 47158
apply in the administration of that tax. Manufacturers, bottlers, 47159
and canners of beer, wholesale dealers in beer, and § S-1 permit 47160
holders have the duty to pay the tax imposed by this section and 47161
are entitled to the privileges in the manner provided in section 47162
4303.33 of the Revised Code. 47163

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 47164
the Revised Code: 47165

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 47166
fluid ounces. 47167

(2) "Sale" or "sell" includes exchange, barter, gift, 47168
distribution, and, except with respect to A-4 permit holders, 47169
offer for sale. 47170

(B) For the purposes of providing revenues for the support of 47171
the state and encouraging the grape industries in the state, a tax 47172
is hereby levied on the sale or distribution of wine in Ohio, 47173
except for known sacramental purposes, at the rate of thirty cents 47174
per wine gallon for wine containing not less than four per cent of 47175
alcohol by volume and not more than fourteen per cent of alcohol 47176
by volume, ninety-eight cents per wine gallon for wine containing 47177
more than fourteen per cent but not more than twenty-one per cent 47178
of alcohol by volume, one dollar and eight cents per wine gallon 47179
for vermouth, and one dollar and forty-eight cents per wine gallon 47180
for sparkling and carbonated wine and champagne, the tax to be 47181
paid by the holders of A-2, A-2f, ~~and~~ B-5, S-1, and S-2 permits or 47182
by any other person selling or distributing wine upon which no tax 47183
has been paid. From the tax paid under this section on wine, 47184
vermouth, and sparkling and carbonated wine and champagne, the 47185

treasurer of state shall credit to the Ohio grape industries fund 47186
created under section 924.54 of the Revised Code a sum equal to 47187
one cent per gallon for each gallon upon which the tax is paid. 47188

(C) For the purpose of providing revenues for the support of 47189
the state, there is hereby levied a tax on prepared and bottled 47190
highballs, cocktails, cordials, and other mixed beverages at the 47191
rate of one dollar and twenty cents per wine gallon to be paid by 47192
holders of A-4 permits or by any other person selling or 47193
distributing those products upon which no tax has been paid. Only 47194
one sale of the same article shall be used in computing the amount 47195
of tax due. The tax on mixed beverages to be paid by holders of 47196
A-4 permits under this section shall not attach until the 47197
ownership of the mixed beverage is transferred for valuable 47198
consideration to a wholesaler or retailer, and no payment of the 47199
tax shall be required prior to that time. 47200

(D) ~~During the period of July 1, 2019, through June 30, 2021,~~ 47201
~~from~~ From the tax paid under this section on wine, vermouth, and 47202
sparkling and carbonated wine and champagne, the treasurer of 47203
state shall credit to the Ohio grape industries fund created under 47204
section 924.54 of the Revised Code a sum equal to two cents per 47205
gallon upon which the tax is paid. The amount credited under this 47206
division is in addition to the amount credited to the Ohio grape 47207
industries fund under division (B) of this section. 47208

(E) For the purpose of providing revenues for the support of 47209
the state, there is hereby levied a tax on cider at the rate of 47210
twenty-four cents per wine gallon to be paid by the holders of 47211
A-2, A-2f, and B-5 permits or by any other person selling or 47212
distributing cider upon which no tax has been paid. Only one sale 47213
of the same article shall be used in computing the amount of the 47214
tax due. 47215

Sec. 4301.432. For the purpose of encouraging the grape 47216

industries of the state, a tax is hereby levied on the sale or 47217
distribution of vermouth, sparkling and carbonated wine and 47218
champagne, and other wine, except for known sacramental purposes, 47219
at the rate of two cents per wine gallon, the tax to be paid by 47220
the holders of A-2, A-2f, B-2a, B-5, S-1 and S-2 permits or by 47221
any other person selling or distributing wine upon which no such 47222
tax has been paid. The treasurer of state shall credit to the Ohio 47223
grape industries fund created under section 924.54 of the Revised 47224
Code the moneys the treasurer of state receives from this tax." 47225

Sec. 4301.62. (A) As used in this section: 47226

(1) "Chauffeured limousine" means a vehicle registered under 47227
section 4503.24 of the Revised Code. 47228

(2) "Street," "highway," and "motor vehicle" have the same 47229
meanings as in section 4511.01 of the Revised Code. 47230

(B) No person shall have in the person's possession an opened 47231
container of beer or intoxicating liquor in any of the following 47232
circumstances: 47233

(1) Except as provided in division (C)(1)(e) of this section, 47234
in an agency store; 47235

(2) Except as provided in division (C) of this section, on 47236
the premises of the holder of any permit issued by the division of 47237
liquor control; 47238

(3) In any other public place; 47239

(4) Except as provided in division (D) or (E) of this 47240
section, while operating or being a passenger in or on a motor 47241
vehicle on any street, highway, or other public or private 47242
property open to the public for purposes of vehicular travel or 47243
parking; 47244

(5) Except as provided in division (D) or (E) of this 47245

section, while being in or on a stationary motor vehicle on any 47246
street, highway, or other public or private property open to the 47247
public for purposes of vehicular travel or parking. 47248

(C)(1) A person may have in the person's possession an opened 47249
container of any of the following: 47250

(a) Beer or intoxicating liquor that has been lawfully 47251
purchased for consumption on the premises where bought from the 47252
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 47253
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 47254
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, 47255
or F-8 permit; 47256

(b) Beer, wine, or mixed beverages served for consumption on 47257
the premises by the holder of an F-3 permit, wine served as a 47258
tasting sample by an A-2, S-1, or S-2 permit holder ~~or S permit~~ 47259
~~holder~~ for consumption on the premises of a farmers market for 47260
which an F-10 permit has been issued, or wine served for 47261
consumption on the premises by the holder of an F-4 or F-6 permit; 47262

(c) Beer or intoxicating liquor consumed on the premises of a 47263
convention facility as provided in section 4303.201 of the Revised 47264
Code; 47265

(d) Beer or intoxicating liquor to be consumed during 47266
tastings and samplings approved by rule of the liquor control 47267
commission; 47268

(e) Spirituous liquor to be consumed for purposes of a 47269
tasting sample, as defined in section 4301.171 of the Revised 47270
Code. 47271

(2) A person may have in the person's possession on an F 47272
liquor permit premises an opened container of beer or intoxicating 47273
liquor that was not purchased from the holder of the F permit if 47274
the premises for which the F permit is issued is a music festival 47275
and the holder of the F permit grants permission for that 47276

possession on the premises during the period for which the F 47277
permit is issued. As used in this division, "music festival" means 47278
a series of outdoor live musical performances, extending for a 47279
period of at least three consecutive days and located on an area 47280
of land of at least forty acres. 47281

(3)(a) A person may have in the person's possession on a D-2 47282
liquor permit premises an opened or unopened container of wine 47283
that was not purchased from the holder of the D-2 permit if the 47284
premises for which the D-2 permit is issued is an outdoor 47285
performing arts center, the person is attending an orchestral 47286
performance, and the holder of the D-2 permit grants permission 47287
for the possession and consumption of wine in certain 47288
predesignated areas of the premises during the period for which 47289
the D-2 permit is issued. 47290

(b) As used in division (C)(3)(a) of this section: 47291

(i) "Orchestral performance" means a concert comprised of a 47292
group of not fewer than forty musicians playing various musical 47293
instruments. 47294

(ii) "Outdoor performing arts center" means an outdoor 47295
performing arts center that is located on not less than one 47296
hundred fifty acres of land and that is open for performances from 47297
the first day of April to the last day of October of each year. 47298

(4) A person may have in the person's possession an opened or 47299
unopened container of beer or intoxicating liquor at an outdoor 47300
location at which the person is attending an orchestral 47301
performance as defined in division (C)(3)(b)(i) of this section if 47302
the person with supervision and control over the performance 47303
grants permission for the possession and consumption of beer or 47304
intoxicating liquor in certain predesignated areas of that outdoor 47305
location. 47306

(5) A person may have in the person's possession on an F-9 47307

liquor permit premises an opened or unopened container of beer or 47308
intoxicating liquor that was not purchased from the holder of the 47309
F-9 permit if the person is attending either of the following: 47310

(a) An orchestral performance and the F-9 permit holder 47311
grants permission for the possession and consumption of beer or 47312
intoxicating liquor in certain predesignated areas of the premises 47313
during the period for which the F-9 permit is issued; 47314

(b) An outdoor performing arts event or orchestral 47315
performance that is free of charge and the F-9 permit holder 47316
annually hosts not less than twenty-five other events or 47317
performances that are free of charge on the permit premises. 47318

As used in division (C)(5) of this section, "orchestral 47319
performance" has the same meaning as in division (C)(3)(b) of this 47320
section. 47321

(6)(a) A person may have in the person's possession on the 47322
property of an outdoor motorsports facility an opened or unopened 47323
container of beer or intoxicating liquor that was not purchased 47324
from the owner of the facility if both of the following apply: 47325

(i) The person is attending a racing event at the facility; 47326
and 47327

(ii) The owner of the facility grants permission for the 47328
possession and consumption of beer or intoxicating liquor on the 47329
property of the facility. 47330

(b) As used in division (C)(6)(a) of this section: 47331

(i) "Racing event" means a motor vehicle racing event 47332
sanctioned by one or more motor racing sanctioning organizations. 47333

(ii) "Outdoor motorsports facility" means an outdoor 47334
racetrack to which all of the following apply: 47335

(I) It is two and four-tenths miles or more in length. 47336

(II) It is located on two hundred acres or more of land. 47337

(III) The primary business of the owner of the facility is 47338
the hosting and promoting of racing events. 47339

(IV) The holder of a D-1, D-2, or D-3 permit is located on 47340
the property of the facility. 47341

(7)(a) A person may have in the person's possession an opened 47342
container of beer or intoxicating liquor at an outdoor location 47343
within an outdoor refreshment area created under section 4301.82 47344
of the Revised Code if the opened container of beer or 47345
intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, 47346
A-2f, D class, or F class permit holder to which both of the 47347
following apply: 47348

(i) The permit holder's premises is located within the 47349
outdoor refreshment area. 47350

(ii) The permit held by the permit holder has an outdoor 47351
refreshment area designation. 47352

(b) Division (C)(7) of this section does not authorize a 47353
person to do either of the following: 47354

(i) Enter the premises of an establishment within an outdoor 47355
refreshment area while possessing an opened container of beer or 47356
intoxicating liquor acquired elsewhere; 47357

(ii) Possess an opened container of beer or intoxicating 47358
liquor while being in or on a motor vehicle within an outdoor 47359
refreshment area, unless the possession is otherwise authorized 47360
under division (D) or (E) of this section. 47361

(c) As used in division (C)(7) of this section, "D class 47362
permit holder" does not include a D-6 or D-8 permit holder. 47363

(8)(a) A person may have in the person's possession on the 47364
property of a market, within a defined F-8 permit premises, an 47365
opened container of beer or intoxicating liquor that was purchased 47366
from a D permit premises that is located immediately adjacent to 47367

the market if both of the following apply: 47368

(i) The market grants permission for the possession and 47369
consumption of beer and intoxicating liquor within the defined F-8 47370
permit premises; 47371

(ii) The market is hosting an event pursuant to an F-8 permit 47372
and the market has notified the division of liquor control about 47373
the event in accordance with division (A)(3) of section 4303.208 47374
of the Revised Code. 47375

(b) As used in division (C)(8) of this section, "market" 47376
means a market, for which an F-8 permit is held, that has been in 47377
operation since 1860. 47378

(D) This section does not apply to a person who pays all or a 47379
portion of the fee imposed for the use of a chauffeured limousine 47380
pursuant to a prearranged contract, or the guest of the person, 47381
when all of the following apply: 47382

(1) The person or guest is a passenger in the limousine. 47383

(2) The person or guest is located in the limousine, but is 47384
not occupying a seat in the front compartment of the limousine 47385
where the operator of the limousine is located. 47386

(3) The limousine is located on any street, highway, or other 47387
public or private property open to the public for purposes of 47388
vehicular travel or parking. 47389

(E) An opened bottle of wine that was purchased from the 47390
holder of a permit that authorizes the sale of wine for 47391
consumption on the premises where sold is not an opened container 47392
for the purposes of this section if both of the following apply: 47393

(1) The opened bottle of wine is securely resealed by the 47394
permit holder or an employee of the permit holder before the 47395
bottle is removed from the premises. The bottle shall be secured 47396
in such a manner that it is visibly apparent if the bottle has 47397

been subsequently opened or tampered with. 47398

(2) The opened bottle of wine that is resealed in accordance 47399
with division (E)(1) of this section is stored in the trunk of a 47400
motor vehicle or, if the motor vehicle does not have a trunk, 47401
behind the last upright seat or in an area not normally occupied 47402
by the driver or passengers and not easily accessible by the 47403
driver. 47404

(F)(1) Except if an ordinance or resolution is enacted or 47405
adopted under division (F)(2) of this section, this section does 47406
not apply to a person who, pursuant to a prearranged contract, is 47407
a passenger riding on a commercial quadricycle when all of the 47408
following apply: 47409

(a) The person is not occupying a seat in the front of the 47410
commercial quadricycle where the operator is steering or braking. 47411

(b) The commercial quadricycle is being operated on a street, 47412
highway, or other public or private property open to the public 47413
for purposes of vehicular travel or parking. 47414

(c) The person has in their possession on the commercial 47415
quadricycle an opened container of beer or wine. 47416

(d) The person has in their possession on the commercial 47417
quadricycle not more than either thirty-six ounces of beer or 47418
eighteen ounces of wine. 47419

(2) The legislative authority of a municipal corporation or 47420
township may enact an ordinance or adopt a resolution, as 47421
applicable, that prohibits a passenger riding on a commercial 47422
quadricycle from possessing an opened container of beer or wine. 47423

(3) As used in this section, "commercial quadricycle" means a 47424
vehicle that has fully-operative pedals for propulsion entirely by 47425
human power and that meets all of the following requirements: 47426

(a) It has four wheels and is operated in a manner similar to 47427

a bicycle. 47428

(b) It has at least five seats for passengers. 47429

(c) It is designed to be powered by the pedaling of the operator and the passengers. 47430
47431

(d) It is used for commercial purposes. 47432

(e) It is operated by the vehicle owner or an employee of the owner. 47433
47434

(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market. 47435
47436
47437
47438
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As used in division (G) of this section, "market" means an establishment that: 47440
47441

(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code; 47442
47443
47444
47445

(2) Has an indoor sales floor area of not less than twenty-two thousand square feet; 47446
47447

(3) Hosts a farmer's market on each Saturday from April through December. 47448
47449

(H)(1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code. 47450
47451

(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing. 47452
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47457

(I) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in division (D)(2)(a)(iii) of section 4303.181 of the Revised Code, when both of the following apply:

(1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal that is restricted to persons taking flights to and from the airport; and

(2) The consumption is authorized under division (D)(2)(a) of section 4303.181 of the Revised Code.

Sec. 4301.82. (A) As used in this section:

(1) "Qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 4303. of the Revised Code.

(2) "D class permit" does not include a D-6 or D-8 permit.

(B) The executive officer of a municipal corporation or the fiscal officer of a township may file an application with the legislative authority of the municipal corporation or township to have property within the municipal corporation or township designated as an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the municipal corporation or township. The executive officer or fiscal officer shall ensure that the application contains all of the following:

(1) A map or survey of the proposed outdoor refreshment area in sufficient detail to identify the boundaries of the area, which shall not exceed either of the following, as applicable:

(a) Three hundred twenty contiguous acres or one-half square mile if the municipal corporation or township has a population of

more than thirty-five thousand as specified in division (D) of 47488
this section; 47489

(b) One hundred fifty contiguous acres if the municipal 47490
corporation or township has a population of thirty-five thousand 47491
or less as specified in division (D) of this section. 47492

(2) A general statement of the nature and types of 47493
establishments that will be located within the proposed outdoor 47494
refreshment area; 47495

(3) A statement that the proposed outdoor refreshment area 47496
will encompass not fewer than four qualified permit holders; 47497

(4) Evidence that the uses of land within the proposed 47498
outdoor refreshment area are in accord with the master zoning plan 47499
or map of the municipal corporation or township; 47500

(5) Proposed requirements for the purpose of ensuring public 47501
health and safety within the proposed outdoor refreshment area. 47502

(C) Within forty-five days after the date the application is 47503
filed with the legislative authority of a municipal corporation or 47504
township, the legislative authority shall publish public notice of 47505
the application in one newspaper of general circulation in the 47506
municipal corporation or township or as provided in section 7.16 47507
of the Revised Code. The legislative authority shall ensure that 47508
the notice states that the application is on file in the office of 47509
the clerk of the municipal corporation or township and is 47510
available for inspection by the public during regular business 47511
hours. The legislative authority also shall indicate in the notice 47512
the date and time of any public hearing to be held regarding the 47513
application by the legislative authority. 47514

Not earlier than thirty but not later than sixty days after 47515
the initial publication of notice, the legislative authority shall 47516
approve or disapprove the application by either ordinance or 47517
resolution, as applicable. Approval of an application requires an 47518

affirmative vote of a majority of the legislative authority. Upon 47519
approval of the application by the legislative authority, the 47520
territory described in the application constitutes an outdoor 47521
refreshment area. The legislative authority shall provide to the 47522
division of liquor control and the investigative unit of the 47523
department of public safety notice of the approval of the 47524
application and a description of the area specified in the 47525
application. If the legislative authority disapproves the 47526
application, the executive officer of a municipal corporation or 47527
fiscal officer of a township may make changes in the application 47528
to secure its approval by the legislative authority. 47529

(D) The creation of outdoor refreshment areas is limited as 47530
follows: 47531

(1) A municipal corporation or township with a population of 47532
more than fifty thousand shall not create more than four outdoor 47533
refreshment areas. 47534

(2) A municipal corporation or township with a population of 47535
more than thirty-five thousand but less than or equal to fifty 47536
thousand shall not create more than two outdoor refreshment areas. 47537

(3)(a) Except as provided in division (D)(3)(b) of this 47538
section, a municipal corporation or township with a population of 47539
thirty-five thousand or less shall not create an outdoor 47540
refreshment area. 47541

(b) A municipal corporation or township with a population of 47542
thirty-five thousand or less may create one outdoor refreshment 47543
area if the proposed area will include at least four qualified 47544
permit holders and be composed of one hundred fifty or fewer 47545
contiguous acres. 47546

For purposes of this section, the population of a municipal 47547
corporation or township is deemed to be the population shown by 47548
the most recent regular federal decennial census. 47549

(E) As soon as possible after receiving notice that an outdoor refreshment area has been approved, the division of liquor control, for purposes of section 4301.62 of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under Chapters 4301. and 4303. of the Revised Code. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements established for the area under division (F) of this section.

(F)(1) At the time of the creation of an outdoor refreshment area, the legislative authority of a municipal corporation or township in which such an area is located shall adopt an ordinance or resolution, as applicable, that establishes requirements the legislative authority determines necessary to ensure public health and safety within the area. The legislative authority shall include in the ordinance or resolution all of the following:

(a) The specific boundaries of the area, including street addresses;

(b) The number, spacing, and type of signage designating the area;

(c) The hours of operation for the area;

(d) The number of personnel needed to ensure public safety in the area;

(e) A sanitation plan that will help maintain the appearance and public health of the area;

(f) The number of personnel needed to execute the sanitation plan;

(g) A requirement that beer and intoxicating liquor be served 47580
solely in plastic bottles or other ~~plastic~~non-glass containers in 47581
the area. 47582

The legislative authority may, but is not required to, 47583
include in the ordinance or resolution any public health and 47584
safety requirements proposed in an application under division (B) 47585
of this section to designate or expand the outdoor refreshment 47586
area. The legislative authority may subsequently modify the public 47587
health and safety requirements as determined necessary by the 47588
legislative authority. 47589

(2) Prior to adopting an ordinance or resolution under this 47590
division, the legislative authority shall give notice of its 47591
proposed action by publication in one newspaper of general 47592
circulation in the municipal corporation or township or as 47593
provided in section 7.16 of the Revised Code. 47594

(3) The legislative authority shall provide to the division 47595
of liquor control and the investigative unit of the department of 47596
public safety notice of the public health and safety requirements 47597
established or modified under this division. 47598

(G) If an outdoor refreshment area has been created in 47599
accordance with this section, the holder of an F class permit that 47600
sponsors an event located in the outdoor refreshment area may 47601
apply to the division for issuance of an outdoor refreshment area 47602
designation. The division shall issue such a designation if the 47603
division determines that the permit holder is in compliance with 47604
all applicable requirements established under this chapter and 47605
Chapter 4303. of the Revised Code. An F class permit holder that 47606
receives a designation under this division shall do both of the 47607
following: 47608

(1) Comply with all laws, rules, and regulations that govern 47609
its type of permit, and the applicable public health and safety 47610

requirements established for the outdoor refreshment area under 47611
division (F) of this section; 47612

(2) Not block ingress or egress to the outdoor refreshment 47613
area or any other liquor permit premises located within the area. 47614

(H) Section 4399.18 of the Revised Code applies to a liquor 47615
permit holder located within an outdoor refreshment area in the 47616
same manner as if the liquor permit holder were not located in an 47617
outdoor refreshment area. 47618

(I)(1) Five years after the date of creation of an outdoor 47619
refreshment area, the legislative authority of the municipal 47620
corporation or township that created the area under this section 47621
shall review the operation of the area and shall, by ordinance or 47622
resolution, either approve the continued operation of the area or 47623
dissolve the area. Prior to adopting the ordinance or resolution, 47624
the legislative authority shall give notice of its proposed action 47625
by publication in one newspaper of general circulation in the 47626
municipal corporation or township or as provided in section 7.16 47627
of the Revised Code. 47628

If the legislative authority dissolves the outdoor 47629
refreshment area, the outdoor refreshment area ceases to exist. 47630
The legislative authority then shall provide notice of its action 47631
to the division of liquor control and the investigative unit of 47632
the department of public safety. Upon receipt of the notice, the 47633
division shall revoke all outdoor refreshment area designations 47634
issued to qualified permit holders within the dissolved area. If 47635
the legislative authority approves the continued operation of the 47636
outdoor refreshment area, the area continues in operation. 47637

(2) Five years after the approval of the continued operation 47638
of an outdoor refreshment area under division (I)(1) of this 47639
section, the legislative authority shall conduct a review in the 47640
same manner as provided in division (I)(1) of this section. The 47641

legislative authority also shall conduct such a review five years 47642
after any subsequent approval of continued operation under 47643
division (I)(2) of this section. 47644

(J) At any time, the legislative authority of a municipal 47645
corporation or township in which an outdoor refreshment area is 47646
located may, by ordinance or resolution, dissolve all or a part of 47647
the outdoor refreshment area. Prior to adopting the resolution or 47648
ordinance, the legislative authority shall give notice of its 47649
proposed action by publication in one newspaper of general 47650
circulation in the municipal corporation or township or as 47651
provided in section 7.16 of the Revised Code. If the legislative 47652
authority dissolves all or part of an outdoor refreshment area, 47653
the area designated in the ordinance or resolution no longer 47654
constitutes an outdoor refreshment area. The legislative authority 47655
shall provide notice of its actions to the division of liquor 47656
control and the investigative unit of the department of public 47657
safety. Upon receipt of the notice, the division shall revoke all 47658
outdoor refreshment area designations issued to qualified permit 47659
holders or the holder of an F class permit within the dissolved 47660
area or portion of the area. 47661

Sec. 4303.03. (A) Subject to division (B) of this section, 47662
permit A-2 may be issued to a manufacturer to manufacture wine 47663
from grapes, fruits, or other agricultural products; to import and 47664
purchase wine in bond for blending purposes, the total amount of 47665
wine so imported during the year covered by the permit not to 47666
exceed forty per cent of all the wine manufactured and imported; 47667
to manufacture, purchase, and import brandy for fortifying 47668
purposes; and to sell those products either in glass or container 47669
for consumption on the premises where manufactured, in sealed 47670
containers for consumption off the premises where manufactured, 47671
and to wholesale permit holders under the rules adopted by the 47672
division of liquor control. 47673

(B)(1) The holder of an A-2 permit shall not sell directly to a retailer. In order to make sales to a retailer, the manufacturer shall obtain a B-2a permit or make the sale directly to a B-2 or B-5 permit holder for subsequent resale to a retailer.

(2) The holder of an A-2 permit shall not sell directly to a consumer unless the product is sold on the premises in accordance with division (A) of this section. In order to make sales to a consumer off the premises where the wine is manufactured, the manufacturer shall obtain an § S-1 or S-2 permit.

(3) Nothing in this chapter prohibits an A-2 permit holder from also holding a B-2a, S-1, or § S-2 permit.

(C) The fee for this permit is seventy-six dollars for each plant to which this permit is issued.

Sec. 4303.031. (A) Subject to divisions (B) and (C) of this section, permit A-2f may be issued to a manufacturer to do all of the following:

(1) Manufacture wine from grapes, fruits, or other agricultural products;

(2) Import and purchase wine in bond for blending purposes. The total amount of wine imported for blending purposes during any year covered by the permit shall not exceed forty per cent of all the wine manufactured and imported.

(3) Manufacture, purchase, and import brandy for fortifying purposes;

(4) Sell products produced under divisions (A)(1) to (3) of this section either in glass or container for consumption on the premises where manufactured, in sealed containers for consumption off the premises where manufactured, and to wholesale permit holders under the rules adopted by the division of liquor control.

(B) The division may issue permit A-2f to a manufacturer only

if both of the following apply: 47704

(1) The manufacturer grows grapes, fruits, or other 47705
agricultural products on property owned by the manufacturer that 47706
is classified as land devoted exclusively to agricultural use in 47707
accordance with section 5713.31 of the Revised Code. 47708

(2) The manufacturer processes the grapes, fruits, or other 47709
agricultural products specified in division (B)(1) of this section 47710
into wine and sells the wine as authorized in this section. 47711

(C)(1) The holder of an A-2f permit shall not sell directly 47712
to a retailer. In order to make sales to a retailer, the 47713
manufacturer shall obtain a B-2a permit or make the sale directly 47714
to a B-2 or B-5 permit holder for subsequent resale to a retailer. 47715

(2) The holder of an A-2f permit shall not sell directly to a 47716
consumer unless the product is sold on the premises in accordance 47717
with division (A) of this section. In order to make sales to a 47718
consumer off the premises where the wine is manufactured, the 47719
manufacturer shall obtain an ~~§~~ S-1 or S-2 permit. 47720

(3) Nothing in this chapter prohibits an A-2f permit holder 47721
from also holding a B-2a, S-1, or ~~§~~ S-2 permit. 47722

(D) The fee for this permit is seventy-six dollars for each 47723
plant to which this permit is issued. 47724

(E) The A-2f permit shall be known as the "Ohio Farm Winery 47725
Permit." 47726

Sec. 4303.071. (A)(1) ~~Permit~~ The division of liquor control 47727
may issue a B-2a ~~may be issued~~ permit to a person that ~~is the~~ 47728
~~brand owner or United States importer of wine, is the designated~~ 47729
~~agent of a brand owner or importer for all wine sold in this state~~ 47730
~~for that owner or importer, or manufactures wine if such~~ 47731
~~manufacturer is entitled to a tax credit under 27 C.F.R. 24.278~~ 47732
~~and produces less than two hundred fifty thousand gallons of wine~~ 47733

~~per year~~. If the person resides outside this state, the person 47734
shall comply with the requirements governing the issuance of 47735
licenses or permits that authorize the sale of intoxicating liquor 47736
by the appropriate authority of the state in which the person 47737
resides ~~or~~ and by the alcohol and tobacco tax and trade bureau in 47738
the United States department of the treasury. 47739

(2) The fee for the B-2a permit is twenty-five dollars. 47740

(3) The holder of a B-2a permit may sell wine to a retail 47741
permit holder, ~~but~~. However, a B-2a permit holder that is a wine 47742
manufacturer may sell to a retail permit holder only wine that the 47743
B-2a permit holder has manufactured and for which a territory 47744
designation has not been filed in this state. 47745

(4) The holder of a B-2a permit shall renew the permit in 47746
accordance with section 4303.271 of the Revised Code, except that 47747
renewal shall not be subject to the notice and hearing 47748
requirements established in division (B) of that section. 47749

(B) The holder of a B-2a permit shall collect and pay the 47750
taxes relating to the delivery of wine to a retailer that are 47751
levied under sections 4301.421 and 4301.432 and Chapters 5739. and 47752
5741. of the Revised Code. 47753

(C) The holder of a B-2a permit shall comply with this 47754
chapter, Chapter 4301. of the Revised Code, and any rules adopted 47755
by the liquor control commission under section 4301.03 of the 47756
Revised Code. 47757

Sec. 4303.17. (A)(1) Permit D-4 may be issued to a club that 47758
has been in existence for three years or more prior to the 47759
issuance of the permit to sell beer and any intoxicating liquor to 47760
its members only, in glass or container, for consumption on the 47761
premises where sold. The fee for this permit is four hundred 47762
sixty-nine dollars. 47763

No D-4 permit shall be granted or retained until all elected officers of the organization controlling the club have filed with the division of liquor control a statement, ~~signed under oath,~~ certifying that the club is operated in the interest of the membership of a reputable organization, which is maintained by a dues paying membership, and setting forth the amount of initiation fee and yearly dues.

The roster of membership of a D-4 permit holder shall be submitted ~~under oath~~ on at the request of the superintendent of liquor control. Any information acquired by the superintendent or the division with respect to that membership shall not be open to public inspection or examination and may be divulged by the superintendent and the division only in hearings before the liquor control commission or in a court action in which the division or the superintendent is named a party.

(2) The requirement that a club shall have been in existence for three years in order to qualify for a D-4 permit does not apply to units of organizations chartered by congress or to a subsidiary unit of a national fraternal organization if the parent organization has been in existence for three years or more at the time application for a permit is made by that unit.

(B) No rule or order of the division or commission shall prohibit a charitable organization that holds a D-4 permit from selling or serving beer or intoxicating liquor under its permit in a portion of its premises merely because that portion of its premises is used ~~at other times~~ for the conduct of a bingo game as described in division (O)(1) of section 2915.01 of the Revised Code. ~~However, such an organization shall not sell or serve beer or intoxicating liquor or permit beer or intoxicating liquor to be consumed or seen in the same location in its premises where a bingo game as described in division (O)(1) of section 2915.01 of the Revised Code is being conducted while the game is being~~

~~conducted.~~ As used in this division, "charitable organization" has 47796
the same meaning as in division (H) of section 2915.01 of the 47797
Revised Code. 47798

(C) Notwithstanding any contrary provision of sections 47799
4301.32 to 4301.41, division (C)(1) of section 4303.29, and 47800
section 4305.14 of the Revised Code, the holder of a D-4 permit 47801
may transfer the location of the permit and sell beer and wine at 47802
the new location if that location is in an election precinct in 47803
which the sale of beer and wine, but not spirituous liquor, 47804
otherwise is permitted by law. 47805

Sec. 4303.2010. (A) As used in this section: 47806

(1) "Farmers market" means a farmers market registered with 47807
the director of agriculture under section 3717.221 of the Revised 47808
Code. "Farmers market" does not include a for-profit farmers 47809
market, a farmers market located at a rest area within the limits 47810
of the right-of-way of an interstate highway, a farmers market 47811
located at a service facility as defined in Chapter 5537. of the 47812
Revised Code that is along the Ohio turnpike, or a farmers market 47813
with fewer than five farmers market participants. 47814

(2) "A-2 permit holder" means an A-2 permit holder that 47815
produces less than two hundred and fifty thousand gallons of wine 47816
per year. 47817

(B) The division of liquor control may issue an F-10 permit 47818
to a person who organizes a farmers market. Pursuant to the 47819
permit, the F-10 permit holder may allow a farmers market 47820
participant that is an A-2, S-1, or S-2 permit holder ~~or S permit~~ 47821
~~holder~~ to do the following at the location of the farmers market: 47822

(1) Sell tasting samples of wine manufactured by the A-2, 47823
S-1, or S-2 permit holder ~~or S permit holder~~ for consumption on 47824
the premises where the farmers market is located; 47825

(2) Sell wine manufactured by the A-2, S-1, or S-2 permit holder ~~or S permit holder~~ in sealed containers for consumption off the premises where the farmers market is located.

(C) An applicant for an F-10 permit shall submit an application for the permit to the division of liquor control. The application shall include the location of the farmers market that is the subject of the application.

(D) The premises of the farmers market for which the F-10 permit is issued shall be clearly defined and sufficiently restricted to allow proper enforcement of the permit by state and local law enforcement officers. If an F-10 permit is issued for all or a portion of the same premises for which another class of permit is issued, the division of liquor control shall suspend that permit holder's privileges in that portion of the premises in which the F-10 permit is in effect.

(E) No A-2, S-1, or S-2 permit holder ~~or S permit holder~~ shall do any of the following at a farmers market for which an F-10 permit has been issued:

(1) Sell a tasting sample in an amount that exceeds one ounce;

(2) Sell more than one sample of each wine offered for sale to any one person;

(3) Sell more than five varieties of wine as tasting samples per day;

(4) Sell a variety of wine that is offered for distribution by a wholesale distributor in any state. Division (E)(4) of this section does not apply to a variety of wine solely distributed by the A-2, S-1, or S-2 permit holder ~~or S permit holder~~.

(5) Sell more than four and one-half liters of wine per household for off-premises consumption under division (B)(2) of

this section; 47856

(6) Allow any person other than the ~~A-2, S-1, or S-2~~ permit 47857
holder ~~or S permit holder~~, a member of the applicable permit 47858
holder's family, or an employee of the applicable permit holder to 47859
sell wine. 47860

(F) The F-10 permit is effective for nine months. The permit 47861
is not renewable. However, a person who organizes a farmers market 47862
may re-apply for a new permit. The fee for the F-10 permit is one 47863
hundred dollars. 47864

(G) An ~~A-2, S-1, or S-2~~ permit holder ~~or S permit holder~~ 47865
shall not conduct the activities described in division (B) of this 47866
section unless the sale of wine for consumption on the premises 47867
and the sale of wine for consumption off the premises is 47868
authorized in the election precinct in which the farmers market 47869
that is the subject of the F-10 permit is located. 47870

(H) No F-10 permit holder shall allow more than four A-2 47871
permit holders, four ~~S~~ S-1 permit holders, four S-2 permit 47872
holders, or a combination of four ~~A-2, S-1, and S-2~~ permit holders 47873
~~and S permit holders~~ per day to conduct the activities described 47874
in division (B) of this section on the premises of the applicable 47875
farmers market. 47876

Sec. 4303.232. (A)(1) ~~Permit S may be issued~~ The division of 47877
liquor control may issue an S-1 permit to a person that ~~is the~~ 47878
~~brand owner or United States importer of beer or wine, is the~~ 47879
~~designated agent of a brand owner or importer for all beer or wine~~ 47880
~~sold in this state for that owner or importer, or manufactures~~ 47881
~~wine if the manufacturer is entitled to a tax credit under 27~~ 47882
~~C.F.R. 24.278 and produces~~ beer or less than two hundred fifty 47883
thousand gallons of wine per year. If the person resides outside 47884
this state, the person shall comply with the requirements 47885
governing the issuance of licenses or permits that authorize the 47886

sale of beer or intoxicating liquor by the appropriate authority 47887
of the state in which the person resides ~~or~~ and by the alcohol and 47888
tobacco tax and trade bureau of the United States department of 47889
the treasury. 47890

(2) The fee for the ~~S~~ S-1 permit is twenty-five dollars. 47891

(3) ~~The holder of an S~~ An S-1 permit holder may sell beer or 47892
wine to a personal consumer by receiving and filling orders that 47893
the personal consumer submits to the permit holder. The permit 47894
holder shall sell only beer or wine that the permit holder has 47895
manufactured to a personal consumer. 47896

(4) ~~The holder of an S~~ An S-1 permit holder shall renew the 47897
permit in accordance with section 4303.271 of the Revised Code, 47898
except that the renewal shall not be subject to the notice and 47899
hearing requirements established in division (B) of that section. 47900

(5) The division ~~of liquor control~~ may refuse to renew an ~~S~~ 47901
S-1 permit for any of the reasons specified in section 4303.292 of 47902
the Revised Code or if the holder of the permit fails to do any of 47903
the following: 47904

(a) Collect and pay all applicable taxes specified in 47905
division (B) of this section; 47906

(b) Pay the permit fee; 47907

(c) Comply with this section or any rules adopted by the 47908
liquor control commission under section 4301.03 of the Revised 47909
Code. 47910

(B)(1) ~~The holder of an S~~ An S-1 permit holder who sells wine 47911
shall collect and pay the taxes relating to the delivery of wine 47912
to a personal consumer that are levied under sections 4301.421, 47913
4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised 47914
Code. 47915

(2) ~~The holder of an S~~ An S-1 permit holder who sells beer 47916

shall collect and pay the taxes relating to the delivery of beer 47917
to a personal consumer that are levied under sections 4301.42 and 47918
4301.421 and Chapters 4305., 4307., 5739., and 5741. of the 47919
Revised Code. 47920

(C)(1) ~~The holder of an S~~ An S-1 permit holder shall send a 47921
shipment of beer or wine that has been paid for by a personal 47922
consumer to that personal consumer via ~~the holder of~~ an H permit 47923
holder. Prior to sending a shipment of beer or wine to a personal 47924
consumer, ~~the holder of an S~~ S-1 permit holder, or an employee of 47925
the permit holder, shall make a bona fide effort to ensure that 47926
the personal consumer is at least twenty-one years of age. The 47927
shipment of beer or wine shall be shipped in a package that 47928
clearly ~~has written on it in bold print the words "alcohol~~ 47929
enclosed. states that it contains alcohol. No person shall fail 47930
to comply with division (C)(1) of this section. 47931

(2) Upon delivering a shipment of beer or wine to a personal 47932
consumer, ~~the holder of the an~~ H permit holder, or an employee of 47933
the permit holder, shall verify that the personal consumer is at 47934
least twenty-one years of age by checking the personal consumer's 47935
driver's or commercial driver's license or identification card 47936
issued under sections 4507.50 to 4507.52 of the Revised Code. 47937

(3) ~~The holder of an S~~ An S-1 permit holder shall keep a 47938
record of each shipment of beer or wine that the permit holder 47939
sends to a personal consumer. The records shall be used for all of 47940
the following: 47941

(a) To provide a copy of each beer or wine shipment invoice 47942
to the tax commissioner in a manner prescribed by the 47943
commissioner. The invoice shall include the name of each personal 47944
consumer that purchased beer or wine from the ~~S~~ S-1 permit holder 47945
in accordance with this section and any other information required 47946
by the tax commissioner. 47947

(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased beer or wine from the § S-1 permit holder in accordance with this section, the quantity of beer or wine purchased by each personal consumer, and any other information requested by the division. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the § S-1 permit holder must use to submit the report.

(c) To notify a personal consumer of any health or welfare recalls of the beer or wine that has been purchased by the personal consumer.

(D) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, and intends to use beer or wine purchased in accordance with this section for personal consumption only and not for resale or other commercial purposes.

(E) ~~The holder of an S~~ An S-1 permit holder shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

Sec. 4303.233. (A) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, and intends to use wine purchased in accordance with this section for personal consumption only and not for resale or other commercial purposes.

(B)(1) The division of liquor control may issue an S-2 permit to a person that manufactures two hundred fifty thousand gallons or more of wine per year. If the person resides outside this

state, the person shall comply with the requirements governing the 47979
issuance of licenses or permits that authorize the sale of beer or 47980
intoxicating liquor by the appropriate authority of the state in 47981
which the person resides and by the alcohol and tobacco tax and 47982
trade bureau of the United States department of the treasury. 47983

(2) An S-2 permit holder may sell wine to a personal consumer 47984
by receiving and filling orders that the personal consumer submits 47985
to the permit holder. The permit holder shall sell only wine that 47986
the permit holder has manufactured to a personal consumer. An S-2 47987
permit holder may use a fulfillment warehouse registered under 47988
section 4303.234 of the Revised Code to send a shipment of wine to 47989
a personal consumer. A fulfillment warehouse is an agent of an S-2 47990
permit holder and an S-2 permit holder is liable for violations of 47991
this chapter and Chapter 4301. of the Revised Code that are 47992
committed by the fulfillment warehouse regarding wine shipped on 47993
behalf of the S-2 permit holder. 47994

(C) An S-2 permit holder shall collect and pay the taxes 47995
relating to the delivery of wine to a personal consumer that are 47996
levied under sections 4301.421, 4301.43, and 4301.432 and Chapters 47997
5739. and 5741. of the Revised Code. 47998

(D)(1) An S-2 permit holder shall send a shipment of wine 47999
that has been paid for by a personal consumer to that personal 48000
consumer via an H permit holder. Prior to sending a shipment of 48001
wine to a personal consumer, the S-2 permit holder, or an employee 48002
of the permit holder, shall make a bona fide effort to ensure that 48003
the personal consumer is at least twenty-one years of age. The 48004
shipment of wine shall be shipped in a package that clearly states 48005
that it contains alcohol. No person shall fail to comply with 48006
division (D)(1) of this section. 48007

(2) Upon delivering a shipment of wine to a personal 48008
consumer, an H permit holder, or an employee of the permit holder, 48009
shall verify that the personal consumer is at least twenty-one 48010

years of age by checking the personal consumer's driver's or 48011
commercial driver's license or identification card issued under 48012
sections 4507.50 to 4507.52 of the Revised Code. 48013

(3) An S-2 permit holder shall keep a record of each shipment 48014
of wine that the permit holder sends to a personal consumer. The 48015
records shall be used for all of the following: 48016

(a) To provide a copy of each wine shipment invoice to the 48017
tax commissioner in a manner prescribed by the commissioner. The 48018
invoice shall include the name of each personal consumer that 48019
purchased wine from the S-2 permit holder in accordance with this 48020
section and any other information required by the tax 48021
commissioner. 48022

(b) To provide annually in electronic format by electronic 48023
means a report to the division. The report shall include the name 48024
and address of each personal consumer that purchased wine from the 48025
S-2 permit holder in accordance with this section, the quantity of 48026
wine purchased by each personal consumer, and any other 48027
information requested by the division. If the S-2 permit holder 48028
uses a fulfillment warehouse registered under section 4303.234 of 48029
the Revised Code to send a shipment of wine on behalf of the S-2 48030
permit holder, the S-2 permit holder need not include the personal 48031
consumer information for that shipment in the report. The division 48032
shall prescribe and provide an electronic form for the report and 48033
shall determine the specific electronic means that the S-2 permit 48034
holder must use to submit the report. 48035

(c) To notify a personal consumer of any health or welfare 48036
recalls of the wine that has been purchased by the personal 48037
consumer. 48038

(E) An S-2 permit holder shall comply with this chapter, 48039
Chapter 4301. of the Revised Code, and any rules adopted by the 48040
liquor control commission under section 4301.03 of the Revised 48041

Code. 48042

(F)(1) An S-2 permit holder shall renew the permit in accordance with section 4303.271 of the Revised Code, except that the renewal shall not be subject to the notice and hearing requirements established in division (B) of that section. 48043
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(2) The division may refuse to renew an S-2 permit for any of the reasons specified in section 4303.292 of the Revised Code or if the permit holder fails to do any of the following: 48047
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48049

(a) Collect and pay all applicable taxes specified in division (C) of this section; 48050
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(b) Pay the permit fee; 48052

(c) Comply with this section or any rules adopted by the liquor control commission under section 4301.03 of the Revised Code. 48053
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48055

(G) The initial fee for the S-2 permit is two hundred fifty dollars. The renewal fee for the S-2 permit is one hundred dollars. 48056
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Sec. 4303.234. (A) As used in this section: 48059

(1) "Fulfillment warehouse" means a person that operates a warehouse that is located outside this state and has entered into a written agreement with an S-2 permit holder to fulfill orders of the S-2 permit holder's wine to personal consumers via delivery by an H permit holder. 48060
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(2) "Personal consumer" has the same meaning as in section 4303.233 of the Revised Code. 48065
48066

(B) A fulfillment warehouse may send a shipment of wine sold by an S-2 permit holder to a personal consumer via an H permit holder. A fulfillment warehouse shall provide annually in electronic format by electronic means a report to the division not 48067
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later than March first. The annual report shall include all of the 48071
following: 48072

(1) The name and address of the fulfillment warehouse. The 48073
fulfillment warehouse shall include the address of each location 48074
owned or operated by the fulfillment warehouse that is used to 48075
ship wine to personal consumers in this state. 48076

(2) The name and address of each S-2 liquor permit holder 48077
with which the fulfillment warehouse has entered into an 48078
agreement; 48079

(3) The name and address of each personal consumer that the 48080
fulfillment warehouse sends wine to and the quantity of wine 48081
purchased by the personal consumer; 48082

(4) The shipping tracking number provided by the H permit 48083
holder for each shipment of wine delivered to a personal consumer. 48084
The division shall prescribe and provide an electronic form for 48085
the report and shall determine the specific electronic means that 48086
the fulfillment warehouse must use to submit the report. 48087

(E) The division may adopt rules in accordance with Chapter 48088
119. of the Revised Code necessary to administer and enforce this 48089
section. 48090

Sec. ~~4303.234~~ 4303.235. All B-2a, S-1, and S S-2 permit 48091
holders and fulfillment warehouses, as defined in section 4303.234 48092
of the Revised Code, are subject to the following: 48093

(A) Audit by the division of liquor control or the department 48094
of taxation; 48095

(B) Jurisdiction of the liquor control commission, the 48096
division of liquor control, the department of taxation, the 48097
department of public safety, and the courts of this state; and 48098

(C) The statutes and rules of this state. 48099

Sec. ~~4303.233~~ 4303.236. (A) No family household shall 48100
purchase more than twenty-four cases of twelve bottles of seven 48101
hundred fifty milliliters of wine in one year. 48102

(B)(1) Except as provided in section 4303.185 of the Revised 48103
Code, no person shall knowingly send a shipment of wine to a 48104
personal consumer, as defined in section 4303.233 of the Revised 48105
Code, without an S-1 or S-2 permit or registering as a fulfillment 48106
warehouse under section 4303.234 of the Revised Code. This 48107
division does not apply to an H permit holder. 48108

(2) Except as provided in section 4303.185 of the Revised 48109
Code, no person shall knowingly send a shipment of beer to a 48110
personal consumer, as defined in section 4303.232 of the Revised 48111
Code, without an S-1 permit. This division does not apply to an H 48112
permit holder. 48113

(C) A person that is not a beer or wine manufacturer, 48114
including the holder of any retail permit in this state or outside 48115
of this state, shall not obtain or attempt to obtain a B-2a, S-1, 48116
or S-2 permit. 48117

Sec. 4303.237. (A) As used in this section: 48118

(1) "Container" means a can, bottle, or box of beer, wine, or 48119
mixed beverage that is sealed by the manufacturer of the beer, 48120
wine, or mixed beverage. 48121

(2) "Repackaging" means the process by which containers of 48122
beer, wine, and mixed beverages are rebundled into new 48123
configurations of those containers or with other promotional 48124
merchandise. 48125

(B) The division of liquor control may issue an R permit to 48126
either of the following: 48127

(1) A manufacturer or supplier of beer, wine, or mixed 48128

beverages for purposes of repackaging the beer, wine, or mixed 48129
beverages; or 48130

(2) An entity operating under a written authorization from 48131
the manufacturer or supplier to operate a repackaging facility for 48132
the repackaging of beer, wine, or mixed beverages. 48133

(B) An R permit holder may only deliver beer, wine, or mixed 48134
beverages that the permit holder repackages to the following: 48135

(1) The manufacturer or supplier that supplied the beer, 48136
wine, or mixed beverages to the R permit holder for repackaging 48137
purposes; 48138

(2) A B permit holder that is authorized by the beer, wine, 48139
or mixed beverages manufacturer or supplier to sell or distribute 48140
the repackaged beer, wine, or mixed beverages in this state; 48141

(3) An entity outside this state if so authorized by the 48142
beer, wine, or mixed beverages manufacturer or supplier. 48143

(C) An R permit holder shall ensure both of the following: 48144

(1) That beer, wine, or mixed beverages repackaged and 48145
delivered to a B permit holder pursuant to division (B) of this 48146
section has been registered with the division of liquor control 48147
under division (A)(8)(b) of section 4301.10 of the Revised Code; 48148
and 48149

(2) That a territory designation form has been filed with the 48150
division for the beer, wine, or mixed beverages. 48151

(D) An R permit holder shall not deliver to a B permit holder 48152
more repackaged beer, wine, or mixed beverages than the B permit 48153
holder specifically ordered. 48154

The title to beer, wine, or mixed beverages in the possession 48155
of an R permit holder shall remain with the beer, wine, or mixed 48156
beverages manufacturer or supplier for whom it is being 48157
repackaged. 48158

(E) The liquor control commission shall revoke an R permit if 48159
the R permit holder possesses or delivers beer, wine, or mixed 48160
beverages in violation of this section. 48161

(F) An R permit holder shall not have any financial interest 48162
in any other permit authorized under Chapter 4303. of the Revised 48163
Code, except that a manufacturer may hold a manufacturing permit. 48164

(G) The fee for the R permit is seven hundred fifty dollars 48165
for each location. 48166

Sec. 4303.26. (A) Applications for regular permits authorized 48167
by sections 4303.02 to 4303.23 of the Revised Code may be filed 48168
with the division of liquor control. No permit shall be issued by 48169
the division until fifteen days after the application for it is 48170
filed. An applicant for the issuance of a new permit shall pay a 48171
processing fee of one hundred dollars when filing application for 48172
the permit, if the permit is then available, or shall pay the 48173
processing fee when a permit becomes available, if it is not 48174
available when the applicant initially files the application. When 48175
an application for a new class C or D permit is filed, when class 48176
C or D permits become available, or when an application for 48177
transfer of ownership of a class C or D permit or transfer of a 48178
location of a class C or D permit is filed, no permit shall be 48179
issued, nor shall the location or the ownership of a permit be 48180
transferred, by the division until the division notifies the 48181
legislative authority of the municipal corporation if the business 48182
or event is or is to be located within the corporate limits of a 48183
municipal corporation, or the clerk of the board of county 48184
commissioners and the fiscal officer of the board of township 48185
trustees in the county in which the business or event is or is to 48186
be conducted if the business is or is to be located outside the 48187
corporate limits of a municipal corporation, and an opportunity is 48188
provided officials or employees of the municipal corporation or 48189

county and township, who shall be designated by the legislative 48190
authority or the board of county commissioners or board of 48191
township trustees, for a complete hearing upon the advisability of 48192
the issuance, transfer of ownership, or transfer of location of 48193
the permit. In this hearing, no objection to the issuance, 48194
transfer of ownership, or transfer of location of the permit shall 48195
be based upon noncompliance of the proposed permit premises with 48196
local zoning regulations which prohibit the sale of beer or 48197
intoxicating liquor, in an area zoned for commercial or industrial 48198
uses, for a permit premises that would otherwise qualify for a 48199
proper permit issued by the division. 48200

When the division sends notice to the legislative or 48201
executive authority of the political subdivision, as required by 48202
this section, the division shall also so notify, by certified 48203
mail, return receipt requested, or by personal service, the chief 48204
peace officer of the political subdivision. Upon the request of 48205
the chief peace officer, the division shall send the chief peace 48206
officer a copy of the application for the issuance or the transfer 48207
of ownership or location of the permit and all other documents or 48208
materials filed by the applicant or applicants in relation to the 48209
application. The chief peace officer may appear and testify, 48210
either in person or through a representative, at any hearing held 48211
on the advisability of the issuance, transfer of ownership, or 48212
transfer of location of the permit. The hearing shall be held in 48213
the central office of the division, except that upon written 48214
request of the legislative authority of the municipal corporation 48215
or the board of county commissioners or board of township 48216
trustees, the hearing shall be held in the county seat of the 48217
county where the applicant's business is or is to be conducted. 48218

If the business or event specified in an application for the 48219
issuance, transfer of ownership, or transfer of location of any 48220
regular permit authorized by sections 4303.02 to 4303.23 of the 48221

Revised Code, except for an F-2 permit, is, or is to be operated, 48222
within five hundred feet from the boundaries of a parcel of real 48223
estate having situated on it a school, church, library, public 48224
playground, or township park, no permit shall be issued, nor shall 48225
the location or the ownership of a permit be transferred, by the 48226
division until written notice of the filing of the application 48227
with the division is served, by certified mail, return receipt 48228
requested, or by personal service, upon the authorities in control 48229
of the school, church, library, public playground, or township 48230
park and an opportunity is provided them for a complete hearing 48231
upon the advisability of the issuance, transfer of ownership, or 48232
transfer of location of the permit. In this hearing, no objection 48233
to the issuance, transfer of ownership, or transfer of location of 48234
the permit shall be based upon the noncompliance of the proposed 48235
permit premises with local zoning regulations which prohibit the 48236
sale of beer or intoxicating liquor, in an area zoned for 48237
commercial or industrial uses, for a permit premises that would 48238
otherwise qualify for a proper permit issued by the division. Upon 48239
the written request of any of these authorities, the hearing shall 48240
be held in the county seat of the county where the applicant's 48241
business is or is to be conducted. 48242

A request for any hearing authorized by this section shall be 48243
made no later than thirty days from the time of notification by 48244
the division. This thirty-day period begins on the date the 48245
division mails notice to the legislative authority or the date on 48246
which the division mails notice to or, by personal service, serves 48247
notice upon, the institution. The division shall conduct a hearing 48248
if the request for the hearing is postmarked by the deadline date. 48249
The division may allow, upon cause shown by the requesting 48250
legislative authority or board, an extension of thirty additional 48251
days for the legislative authority of the municipal corporation, 48252
board of township trustees of the township, or board of county 48253
commissioners of the county in which a permit premises is or is to 48254

be located to object to the issuance, transfer of ownership, or 48255
transfer of location of a permit. The request for the extension 48256
shall be made by the legislative authority or board to the 48257
division no later than thirty days after the time of notification 48258
by the division. 48259

(B) When an application for transfer of ownership of a permit 48260
is filed with the division, the division shall give notice of the 48261
application to the tax commissioner. Within twenty days after 48262
receiving this notification, the commissioner shall notify the 48263
division of liquor control and the proposed transferee of the 48264
permit if the permit holder owes to this state any delinquent 48265
horse-racing taxes, alcoholic beverage taxes, motor fuel taxes, 48266
petroleum activity taxes, sales or use taxes, cigarette taxes, 48267
other tobacco product taxes, income taxes withheld from employee 48268
compensation, commercial activity taxes, ~~or~~ gross casino revenue 48269
taxes, or gross receipts taxes levied pursuant to section 5739.101 48270
of the Revised Code, or has failed to file any corresponding 48271
returns or submit any information required by the commissioner, as 48272
required for such taxes, to the extent that any delinquent payment 48273
or return, or any failure to submit information, is known to the 48274
department of taxation at the time of the application. The 48275
division shall not transfer ownership of the permit until payments 48276
known to be delinquent are resolved, returns known to be 48277
delinquent are filed, and any information required by the 48278
commissioner has been provided. As used in this division, 48279
"resolved" means that the delinquent payment has been paid in full 48280
or an amount sufficient to satisfy the delinquent payment is in 48281
escrow for the benefit of the state. The commissioner shall notify 48282
the division of the resolution. After the division has received 48283
the notification from the commissioner, the division may proceed 48284
to transfer ownership of the permit. Nothing in this division 48285
shall be construed to affect or limit the responsibilities or 48286
liabilities of the transferor or the transferee imposed by Chapter 48287

3769., 4301., 4303., 4305., 5735., 5736., 5739., 5741., 5743., 48288
5747., 5751., or 5753. of the Revised Code. 48289

(C) No F or F-2 permit shall be issued for an event until the 48290
applicant has, by means of a form that the division shall provide 48291
to the applicant, notified the chief peace officer of the 48292
political subdivision in which the event will be conducted of the 48293
date, time, place, and duration of the event. 48294

(D) The division of liquor control shall notify an applicant 48295
for a permit authorized by sections 4303.02 to 4303.23 of the 48296
Revised Code of an action pending or judgment entered against a 48297
liquor permit premises, of which the division has knowledge, 48298
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 48299
applicant is applying for a permit at the location of the premises 48300
that is the subject of the action under section 3767.03 or 48301
judgment under section 3767.05 of the Revised Code. 48302

Sec. 4303.271. (A) Except as provided in divisions (B) and 48303
(D) of this section, the holder of a permit issued under sections 48304
4303.02 to 4303.232 of the Revised Code, who files an application 48305
for the renewal of the same class of permit for the same premises, 48306
shall be entitled to the renewal of the permit. The division of 48307
liquor control shall renew the permit unless the division rejects 48308
for good cause any renewal application, subject to the right of 48309
the applicant to appeal the rejection to the liquor control 48310
commission. 48311

(B) The legislative authority of the municipal corporation, 48312
the board of township trustees, or the board of county 48313
commissioners of the county in which a permit premises is located 48314
may object to the renewal of a permit issued under sections 48315
4303.11 to 4303.183 of the Revised Code for any of the reasons 48316
contained in division (A) of section 4303.292 of the Revised Code. 48317
Any objection shall be made no later than thirty days prior to the 48318

expiration of the permit, and the division shall accept the objection if it is postmarked no later than thirty days prior to the expiration of the permit. The objection shall be made by a resolution specifying the reasons for objecting to the renewal and requesting a hearing, but no objection shall be based upon noncompliance of the permit premises with local zoning regulations that prohibit the sale of beer or intoxicating liquor in an area zoned for commercial or industrial uses, for a permit premises that would otherwise qualify for a proper permit issued by the division. The resolution shall be accompanied by a statement by the chief legal officer of the political subdivision that, in the chief legal officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of section 4303.292 of the Revised Code.

Upon receipt of a resolution of a legislative authority or board objecting to the renewal of a permit and a statement from the chief legal officer, the division shall set a time for the hearing and send by certified mail to the permit holder, at the permit holder's usual place of business, a copy of the resolution and notice of the hearing. The division shall then hold a hearing in the central office of the division, except that, upon written request of the legislative authority or board, the hearing shall be held in the county seat of the county in which the permit premises is located, to determine whether the renewal shall be denied for any of the reasons contained in division (A) of section 4303.292 of the Revised Code. Only the reasons for refusal contained in division (A) of section 4303.292 of the Revised Code and specified in the resolution of objection shall be considered at the hearing.

The permit holder and the objecting legislative authority or board shall be parties to the proceedings under this section and shall have the right to be present, to be represented by counsel,

to offer evidence, to require the attendance of witnesses, and to 48351
cross-examine witnesses at the hearing. 48352

(C) An application for renewal of a permit shall be filed 48353
with the division at least fifteen days prior to the expiration of 48354
an existing permit, and the existing permit shall continue in 48355
effect as provided in section 119.06 of the Revised Code until the 48356
application is approved or rejected by the division. Any holder of 48357
a permit, which has expired through failure to be renewed as 48358
provided in this section, shall obtain a renewal of the permit, 48359
upon filing an application for renewal with the division, at any 48360
time within thirty days from the date of the expired permit. A 48361
penalty of ten per cent of the permit fee shall be paid by the 48362
permit holder if the application for renewal is not filed at least 48363
fifteen days prior to the expiration of the permit. 48364

(D)(1) Annually, the tax commissioner shall ~~cause~~ examine the 48365
department of taxation's records for the horse-racing, alcoholic 48366
beverage, motor fuel, petroleum activity, sales or use, cigarette, 48367
other tobacco products, employer withholding, commercial activity, 48368
and gross casino revenue tax ~~records in the department of taxation~~ 48369
and gross receipts taxes levied pursuant to section 5739.101 of 48370
the Revised Code for each holder of a permit issued under sections 48371
4303.02 to 4303.232 of the Revised Code ~~to be examined~~ to 48372
determine if the permit holder is delinquent in filing any 48373
returns, submitting any information required by the commissioner, 48374
or remitting any payments with respect to those taxes or any fees, 48375
charges, penalties, or interest related to those taxes. 48376

48377

If any delinquency or liability exists, the commissioner 48378
shall send a notice of that fact by certified mail, return receipt 48379
requested, to the permit holder at the mailing address shown in 48380
the records of the department. The notice shall specify, in as 48381
much detail as is possible, the periods for which returns have not 48382

been filed and the nature and amount of unpaid assessments and 48383
other liabilities and shall be sent on or before the first day of 48384
the third month preceding the month in which the permit expires. 48385
The commissioner also shall notify the division of liquor control 48386
of the delinquency or liability, identifying the permit holder by 48387
name and permit number. 48388

(2)(a) Except as provided in division (D)(4) of this section, 48389
the division of liquor control shall not renew the permit of any 48390
permit holder the tax commissioner has identified as being 48391
delinquent in filing any returns, providing any information, or 48392
remitting any payments with respect to the taxes listed in 48393
division (D)(1) of this section as of the first day of the sixth 48394
month preceding the month in which the permit expires, or of any 48395
permit holder the commissioner has identified as having been 48396
assessed by the department on or before the first day of the third 48397
month preceding the month in which the permit expires, until the 48398
division is notified by the commissioner that the delinquency, 48399
liability, or assessment has been resolved. 48400

(b)(i) Within ninety days after the date on which the permit 48401
expires, any permit holder whose permit is not renewed under this 48402
division may file an appeal with the liquor control commission. 48403
The commission shall notify the tax commissioner regarding the 48404
filing of any such appeal. During the period in which the appeal 48405
is pending, the permit shall not be renewed by the division. The 48406
permit shall be reinstated if the permit holder and the 48407
commissioner or the attorney general demonstrate to the liquor 48408
control commission that the commissioner's notification of a 48409
delinquency or assessment was in error or that the issue of the 48410
delinquency or assessment has been resolved. 48411

(ii) A permit holder who has filed an appeal under division 48412
(D)(2)(b)(i) of this section may file a motion to withdraw the 48413
appeal. The division of liquor control may renew a permit holder's 48414

permit if the permit holder has withdrawn such an appeal and the 48415
division receives written certification from the tax commissioner 48416
that the permit holder's delinquency or assessment has been 48417
resolved. 48418

(3) A permit holder notified of delinquency or liability 48419
under this section may protest the notification to the tax 48420
commissioner on the basis that no return or information is 48421
delinquent and no tax, fee, charge, penalty, or interest is 48422
outstanding. The commissioner shall expeditiously consider any 48423
evidence submitted by the permit holder and, if it is determined 48424
that the notification was in error, immediately shall inform the 48425
division of liquor control that the renewal application may be 48426
granted. The renewal shall not be denied if the delinquency or 48427
unreported liability is the subject of a bona fide dispute as to 48428
the validity of the delinquency or unreported liability and is the 48429
subject of an assessment and of an appeal properly filed by the 48430
permit holder. 48431

(4) If the commissioner concludes that under the 48432
circumstances the permit holder's delinquency or liability has 48433
been conditionally resolved, the commissioner shall allow the 48434
permit to be renewed, conditioned upon the permit holder's 48435
continuing performance in satisfying the delinquency and 48436
liability. The conditional nature of the renewal shall be 48437
specified in the notification given to the division of liquor 48438
control under division (D)(1) of this section. Upon receipt of 48439
notice of the resolution, the division shall issue a conditional 48440
renewal. If the taxpayer defaults on any agreement to pay the 48441
delinquency or liability or fails to keep subsequent tax or fee 48442
payments current, the liquor control commission, upon request and 48443
proof of the default or failure to keep subsequent tax or fee 48444
payments current, shall indefinitely suspend the permit holder's 48445
permit until all taxes or fees and interest due are paid. 48446

(5) The commissioner may adopt rules to assist in 48447
administering the duties imposed by this section. 48448

Sec. 4303.33. (A) Every A-1 or A-1c permit holder in this 48449
state, every bottler, importer, wholesale dealer, broker, 48450
producer, or manufacturer of beer outside this state and within 48451
the United States, and every B-1 permit holder and importer 48452
importing beer from any manufacturer, bottler, person, or group of 48453
persons however organized outside the United States for sale or 48454
distribution for sale in this state, on or before the eighteenth 48455
day of each month, shall make and file with the tax commissioner 48456
upon a form prescribed by the tax commissioner an advance tax 48457
payment in an amount estimated to equal the taxpayer's tax 48458
liability for the month in which the advance tax payment is made. 48459
If the advance tax payment credits claimed on the report are for 48460
advance tax payments received by the tax commissioner on or before 48461
the eighteenth day of the month covered by the report, the 48462
taxpayer is entitled to an additional credit of three per cent of 48463
the advance tax payment and a discount of three per cent shall be 48464
allowed the taxpayer at the time of filing the report if filed as 48465
provided in division (B) of this section on any amount by which 48466
the tax liability reflected in the report exceeds the advance tax 48467
payment estimate by not more than ten per cent. The additional 48468
three per cent credit and three per cent discount shall be in 48469
consideration for advancing the payment of the tax and other 48470
services performed by the permit holder and other taxpayers in the 48471
collection of the tax. 48472

"Advance tax payment credit" means credit for payments made 48473
by an A-1, A-1c, or B-1 permit holder and any other persons during 48474
the period covered by a report which was made in anticipation of 48475
the tax liability required to be reported on that report. 48476

"Tax liability" as used in division (A) of this section means 48477

the total gross tax liability of an A-1, A-1c, or B-1 permit holder and any other persons for the period covered by a report before any allowance for credits and discount. 48478
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(B) Every A-1 or A-1c permit holder in this state, every bottler, importer, wholesale dealer, broker, producer, or manufacturer of beer outside this state and within the United States, and every B-1 permit holder importing beer from any manufacturer, bottler, person, or group of persons however organized outside the United States, and every § S-1 permit holder, on or before the tenth day of each month, shall make and file a report for the preceding month upon a form prescribed by the tax commissioner which report shall show the amount of beer produced, sold, and distributed for sale in this state by the A-1 or A-1c permit holder, sold and distributed for sale in this state by each manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States, the amount of beer imported into this state from outside the United States and sold and distributed for sale in this state by the B-1 permit holder or importer, and the amount of beer sold in this state by the § S-1 permit holder. 48481
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The report shall be filed by mailing it to the tax commissioner, together with payment of the tax levied by sections 4301.42 and 4305.01 of the Revised Code shown to be due on the report after deduction of advance payment credits and any additional credits or discounts provided for under this section. 48498
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(C)(1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, S-1, and § S-2 permit holder in this state, on or before the eighteenth day of each month, shall make and file a report with the tax commissioner upon a form prescribed by the tax commissioner which report shall show, on the report of each A-2, A-2f, A-4, B-2a, S-1, and § S-2 permit holder the amount of wine, cider, and mixed beverages produced and sold, or sold in this state by each such 48503
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A-2, A-2f, A-4, B-2a, S-1, and S-2 permit holder for the next 48510
preceding calendar month and such other information as the tax 48511
commissioner requires, and on the report of each such B-2, B-3, 48512
B-4, and B-5 permit holder the amount of wine, cider, and mixed 48513
beverages purchased from an importer, broker, wholesale dealer, 48514
producer, or manufacturer located outside this state and sold and 48515
distributed in this state by such B-2, B-3, B-4, and B-5 permit 48516
holder, for the next preceding calendar month and such other 48517
information as the tax commissioner requires. 48518

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, S-1, 48519
and S-2 permit holder in this state shall remit with the report 48520
the tax levied by sections 4301.43 and, if applicable, 4301.432 of 48521
the Revised Code less a discount thereon of three per cent of the 48522
total tax so levied and paid, provided the return is filed 48523
together with remittance of the amount of tax shown to be due 48524
thereon, within the time prescribed. Any permit holder or other 48525
persons who fail to file a report under this section, for each day 48526
the person so fails, may be required to forfeit and pay into the 48527
state treasury the sum of one dollar as revenue arising from the 48528
tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of 48529
the Revised Code, and that sum may be collected by assessment in 48530
the manner provided in section 4305.13 of the Revised Code. 48531

(3) If the tax commissioner determines that the quantity 48532
reported by a person does not warrant monthly reporting, the 48533
commissioner may authorize the filing of returns and the payment 48534
of the tax required by this section for periods longer than one 48535
month. 48536

(D) Every B-1 permit holder and importer in this state 48537
importing beer from any manufacturer, bottler, person, or group of 48538
persons however organized, outside the United States, if required 48539
by the tax commissioner shall post a bond payable to the state in 48540
such form and amount as the commissioner prescribes with surety to 48541

the satisfaction of the tax commissioner, conditioned upon the 48542
payment to the tax commissioner of taxes levied by sections 48543
4301.42 and 4305.01 of the Revised Code. 48544

(E) No such wine, beer, cider, or mixed beverages sold or 48545
distributed in this state shall be taxed more than once under 48546
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 48547

(F) As used in this section: 48548

(1) "Cider" has the same meaning as in section 4301.01 of the 48549
Revised Code. 48550

(2) "Wine" has the same meaning as in section 4301.01 of the 48551
Revised Code, except that "wine" does not include cider. 48552

(G) All money collected by the tax commissioner under this 48553
section shall be paid to the treasurer of state as revenue arising 48554
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 48555
4305.01 of the Revised Code. 48556

~~Sec. 4303.332. An A-1c permit holder in this state shall 48557
receive a credit against taxes levied in the following calendar 48558
year under sections 4301.42 and 4305.01 of the Revised Code on not 48559
more than nine million three hundred thousand gallons of beer sold 48560
or distributed in this state (A) Both of the following are exempt 48561
from the taxes levied under sections 4301.42 and 4305.01 of the 48562
Revised Code on beer sold or distributed in this state: 48563~~

~~(1) An A-1c permit holder in this state with a total 48564
production of beer, wherever produced, that does not exceed nine 48565
million three hundred thousand gallons in a calendar year; 48566~~

~~(2) An S-1 permit holder with a total production of beer, 48567
wherever produced, that does not exceed nine million three hundred 48568
thousand gallons in a calendar year. 48569~~

The ~~credit exemption~~ may be claimed monthly against taxes 48570
levied under one or more of those sections as the reports required 48571

by section 4303.33 of the Revised Code are due. At the time the 48572
report for December is due for a calendar year during which a 48573
permit holder ~~is eligible to receive a credit~~ claimed an exemption 48574
under this section, if the permit holder has ~~claimed less than the~~ 48575
~~credit due on nine million three hundred thousand gallons,~~ 48576
~~including credit claimed on the December report~~ paid the tax 48577
levied under sections 4301.42 and 4305.01 of the Revised Code, the 48578
permit holder may claim a refund of ~~taxes previously reported and~~ 48579
such tax paid ~~under section 4303.33 of the Revised Code~~ during the 48580
calendar year ~~on a number of gallons equal to the difference~~ 48581
~~between nine million three hundred thousand gallons and the number~~ 48582
~~of gallons for which a credit has been claimed under this section~~ 48583
or shall remit any additional tax due because the permit holder 48584
did not qualify for the exemption on the December report. For the 48585
purpose of providing this refund, taxes previously paid under 48586
section 4303.33 of the Revised Code during the calendar year shall 48587
not be considered final until the December report is filed. ~~The~~ 48588

(B) The tax commissioner shall prescribe forms for and allow 48589
the ~~credits~~ exemptions and refunds authorized by this section. 48590

Sec. 4303.333. (A) An A-2 or A-2f permit holder in this state 48591
or S-1 or S-2 permit holder whose total production of wine, 48592
wherever produced, which but for this exemption is taxable under 48593
section 4301.43 of the Revised Code does not exceed five hundred 48594
thousand gallons in a calendar year, shall be allowed an exemption 48595
from the taxes levied under section 4301.43 of the Revised Code on 48596
wine produced and sold or distributed in this state. The exemption 48597
may be claimed monthly against current taxes levied under such 48598
section as the reports required by section 4303.33 of the Revised 48599
Code are due. At the time the report for December is due for a 48600
calendar year during which a permit holder claimed an exemption 48601
under this section, if the permit holder has paid the tax levied 48602
under section 4301.43 of the Revised Code, the permit holder may 48603

claim a refund of such tax paid during the calendar year or shall 48604
remit any additional tax due because it did not qualify for the 48605
exemption on the December report. For the purpose of providing 48606
this refund, taxes previously paid under section 4303.33 of the 48607
Revised Code during the calendar year shall not be considered 48608
final until the December report is filed. 48609

(B) The tax commissioner shall prescribe forms for and allow 48610
the exemptions and refunds authorized by this section. 48611

Sec. 4303.99. (A) Whoever violates section 4303.28 of the 48612
Revised Code shall be fined not less than one thousand nor more 48613
than twenty-five hundred dollars or imprisoned not less than six 48614
months nor more than one year. 48615

(B) Whoever violates section 4303.36 of the Revised Code 48616
shall be fined not less than twenty-five nor more than one hundred 48617
dollars. 48618

(C) Whoever violates section 4303.37 of the Revised Code 48619
shall be fined not less than twenty-five nor more than fifty 48620
dollars. 48621

(D) Whoever violates division (D)(2) of section 4303.202 or 48622
division (C) of section 4303.208 of the Revised Code is guilty of 48623
a misdemeanor of the fourth degree. 48624

(E)(1) Whoever violates division (B)(1) or (2) of section 48625
4303.236 of the Revised Code is guilty of a misdemeanor and shall 48626
be fined not more than five hundred dollars. 48627

(2) If a person commits a second offense within one year 48628
after committing the first offense, the person shall be fined not 48629
more than one thousand dollars. 48630

(3) If a person commits a third or subsequent offense within 48631
one year after committing the first offense, the person shall be 48632

fined not more than five thousand dollars. 48633

Sec. 4501.21. (A) There is hereby created in the state 48634
treasury the license plate contribution fund. The fund shall 48635
consist of all contributions for specialty license plates paid by 48636
motor vehicle registrants and collected by the registrar of motor 48637
vehicles pursuant to the Revised Code sections referenced in 48638
division (B) of this section. 48639

(B) The registrar shall pay the contributions the registrar 48640
collects in the fund as follows: 48641

The registrar shall pay the contributions received pursuant 48642
to section 4503.491 of the Revised Code to the breast cancer fund 48643
of Ohio, which shall use that money only to pay for programs that 48644
provide assistance and education to Ohio breast cancer patients 48645
and that improve access for such patients to quality health care 48646
and clinical trials and shall not use any of the money for 48647
abortion information, counseling, services, or other 48648
abortion-related activities. 48649

The registrar shall pay the contributions the registrar 48650
receives pursuant to section 4503.492 of the Revised Code to the 48651
organization cancer support community central Ohio, which shall 48652
deposit the money into the Sheryl L. Kraner Fund of that 48653
organization. Cancer support community central Ohio shall expend 48654
the money it receives pursuant to this division only in the same 48655
manner and for the same purposes as that organization expends 48656
other money in that fund. 48657

The registrar shall pay the contributions received pursuant 48658
to section 4503.493 of the Revised Code to the autism society of 48659
Ohio, which shall use the contributions for programs and autism 48660
awareness efforts throughout the state. 48661

The registrar shall pay the contributions the registrar 48662

receives pursuant to section 4503.494 of the Revised Code to the 48663
national multiple sclerosis society for distribution in equal 48664
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 48665
chapters of the national multiple sclerosis society. These 48666
chapters shall use the money they receive under this section to 48667
assist in paying the expenses they incur in providing services 48668
directly to their clients. 48669

The registrar shall pay the contributions the registrar 48670
receives pursuant to section 4503.495 of the Revised Code to the 48671
national pancreatic cancer foundation, which shall use the money 48672
it receives under this section to assist those who suffer with 48673
pancreatic cancer and their families. 48674

The registrar shall pay the contributions the registrar 48675
receives pursuant to section 4503.496 of the Revised Code to the 48676
Ohio sickle cell and health association, which shall use the 48677
contributions to help support educational, clinical, and social 48678
support services for adults who have sickle cell disease. 48679

The registrar shall pay the contributions the registrar 48680
receives pursuant to section 4503.497 of the Revised Code to the 48681
St. Baldrick's foundation, which shall use the contributions for 48682
its research and other programs. 48683

The registrar shall pay the contributions the registrar 48684
receives pursuant to section 4503.498 of the Revised Code to 48685
special olympics Ohio, inc., which shall use the contributions for 48686
its programs, charitable efforts, and other activities. 48687

The registrar shall pay the contributions the registrar 48688
receives pursuant to section 4503.499 of the Revised Code to the 48689
children's glioma cancer foundation, which shall use the 48690
contributions for its research and other programs. 48691

The registrar shall pay the contributions the registrar 48692
receives pursuant to section 4503.4910 of the Revised Code to the 48693

KylerStrong foundation, which shall use the contributions to raise awareness of brain cancer caused by diffuse intrinsic pontine glioma and to fund research for the cure of such cancer.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4911 of the Revised Code to the research institution for childhood cancer at nationwide children's hospital, which shall use the contributions to fund research for the cure of childhood cancers.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.50 of the Revised Code to the future farmers of America foundation, which shall deposit the contributions into its general account to be used for educational and scholarship purposes of the future farmers of America foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.501 of the Revised Code to the 4-H youth development program of the Ohio state university extension program, which shall use those contributions to pay the expenses it incurs in conducting its educational activities.

The registrar shall pay the contributions received pursuant to section 4503.502 of the Revised Code to the Ohio cattlemen's foundation, which shall use those contributions for scholarships and other educational activities.

The registrar shall pay the contributions received pursuant to section 4503.505 of the Revised Code to the organization Ohio region phi theta kappa, which shall use those contributions for scholarships for students who are members of that organization.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.506 of the Revised Code to Ohio demolay, which shall use the contributions for scholarships, educational programs, and any other programs or events the

organization holds or sponsors in this state. 48725

The registrar shall pay the contributions received pursuant 48726
to section 4503.508 of the Revised Code to the organization 48727
bottoms up diaper drive to provide funding for that organization 48728
for collecting and delivering diapers to parents in need. 48729

The registrar shall pay the contributions the registrar 48730
receives pursuant to section 4503.509 of the Revised Code to a kid 48731
again, incorporated for distribution in equal amounts to the Ohio 48732
chapters of a kid again. 48733

The registrar shall pay each contribution the registrar 48734
receives pursuant to section 4503.51 of the Revised Code to the 48735
university or college whose name or marking or design appears on 48736
collegiate license plates that are issued to a person under that 48737
section. A university or college that receives contributions from 48738
the fund shall deposit the contributions into its general 48739
scholarship fund. 48740

The registrar shall pay the contributions the registrar 48741
receives pursuant to section 4503.514 of the Revised Code to the 48742
university of Notre Dame in South Bend, Indiana, for purposes of 48743
awarding grants or scholarships to residents of Ohio who attend 48744
the university. The university shall not use any of the funds it 48745
receives for purposes of administering the scholarship program. 48746
The registrar shall enter into appropriate agreements with the 48747
university of Notre Dame to effectuate the distribution of such 48748
funds as provided in this section. 48749

The registrar shall pay the contributions the registrar 48750
receives pursuant to section 4503.521 of the Revised Code to the 48751
Ohio bicycle federation to assist that organization in paying for 48752
the educational programs it sponsors in support of Ohio cyclists 48753
of all ages. 48754

The registrar shall pay the contributions the registrar 48755

receives pursuant to section 4503.522 of the Revised Code to the 48756
"friends of Perry's victory and international peace memorial, 48757
incorporated," a nonprofit corporation organized under the laws of 48758
this state, to assist that organization in paying the expenses it 48759
incurs in sponsoring or holding charitable, educational, and 48760
cultural events at the monument. 48761

The registrar shall pay the contributions the registrar 48762
receives pursuant to section 4503.523 of the Revised Code to the 48763
fairport lights foundation, which shall use the money to pay for 48764
the restoration, maintenance, and preservation of the lighthouses 48765
of fairport harbor. 48766

The registrar shall pay the contributions the registrar 48767
receives pursuant to section 4503.524 of the Revised Code to the 48768
Massillon tiger football booster club, which shall use the 48769
contributions only to promote and support the football team of 48770
Washington high school of the Massillon city school district. 48771

The registrar shall pay the contributions the registrar 48772
receives pursuant to section 4503.525 of the Revised Code to the 48773
United States power squadron ~~districts~~ district seven, eleven, 48774
~~twenty four, and twenty nine~~ which shall annually distribute the 48775
contributions in equal amounts to all United States power 48776
squadrons located in the state. Each power squadron district shall 48777
use the money it receives under this section to pay for the 48778
educational boating programs each district holds or sponsors 48779
within this state. 48780

The registrar shall pay the contributions the registrar 48781
receives pursuant to section 4503.526 of the Revised Code to the 48782
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 48783
international, which shall use the money it receives under this 48784
section to pay the costs of its educational and humanitarian 48785
activities. 48786

The registrar shall pay the contributions the registrar receives pursuant to section 4503.528 of the Revised Code to the Ohio children's alliance, which shall use the money it receives under this section to pay the expenses it incurs in advancing its mission of sustainably improving the provision of services to children, young adults, and families in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.529 of the Revised Code to the Ohio nurses foundation. The foundation shall use the money it receives under this section to provide educational scholarships to assist individuals who aspire to join the nursing profession, to assist nurses in the nursing profession who seek to advance their education, and to support persons conducting nursing research concerning the evidence-based practice of nursing and the improvement of patient outcomes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of

promoting the pro football hall of fame as a travel destination. 48819

The registrar shall pay the contributions that are paid to 48820
the registrar pursuant to section 4503.545 of the Revised Code to 48821
the national rifle association foundation, which shall use the 48822
money to pay the costs of the educational activities and programs 48823
the foundation holds or sponsors in this state. 48824

The registrar shall pay to the Ohio pet fund the 48825
contributions the registrar receives pursuant to section 4503.551 48826
of the Revised Code and any other money from any other source, 48827
including donations, gifts, and grants, that is designated by the 48828
source to be paid to the Ohio pet fund. The Ohio pet fund shall 48829
use the moneys it receives under this section to support programs 48830
for the sterilization of dogs and cats and for educational 48831
programs concerning the proper veterinary care of those animals, 48832
and for expenses of the Ohio pet fund that are reasonably 48833
necessary for it to obtain and maintain its tax-exempt status and 48834
to perform its duties. 48835

The registrar shall pay the contributions the registrar 48836
receives pursuant to section 4503.552 of the Revised Code to the 48837
rock and roll hall of fame and museum, incorporated. 48838

The registrar shall pay the contributions the registrar 48839
receives pursuant to section 4503.553 of the Revised Code to the 48840
Ohio coalition for animals, incorporated, a nonprofit corporation. 48841
Except as provided in division (B) of this section, the coalition 48842
shall distribute the money to its members, and the members shall 48843
use the money only to pay for educational, charitable, and other 48844
programs of each coalition member that provide care for unwanted, 48845
abused, and neglected horses. The Ohio coalition for animals may 48846
use a portion of the money to pay for reasonable marketing costs 48847
incurred in the design and promotion of the license plate and for 48848
administrative costs incurred in the disbursement and management 48849
of funds received under this section. 48850

The registrar shall pay the contributions the registrar receives pursuant to section 4503.554 of the Revised Code to the Ohio state council of the knights of Columbus, which shall use the contributions to pay for its charitable activities and programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.555 of the Revised Code to the western reserve historical society, which shall use the contributions to fund the Crawford auto aviation museum.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.556 of the Revised Code to the Erica J. Holloman foundation, inc., for the awareness of triple negative breast cancer. The foundation shall use the contributions for charitable and educational purposes.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.557 of the Revised Code to the central Ohio chapter of the Ronald McDonald house charities, which shall distribute the contribution to the chapter of the Ronald McDonald house charities in whose geographic territory the person who paid the contribution resides.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which such payments are to be made.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.562 of the Revised Code to the Mahoning river consortium, which shall use the money to pay the expenses it incurs in restoring and maintaining the Mahoning river watershed.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.564 of the Revised Code to the Glen Helen association to pay expenses related to the Glen Helen nature preserve.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.565 of the Revised Code to the conservancy for Cuyahoga valley national park, which shall use the money in support of the park.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.566 of the Revised Code to the Ottawa national wildlife refuge, which shall use the contributions for wildlife preservation purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.567 of the Revised Code to the girls on the run of Franklin county, inc., which shall use the contributions to support the activities of the organization.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.576 of the Revised Code to the Ohio state beekeepers association, which shall use those contributions to promote beekeeping, provide educational information about beekeeping, and to support other state and local beekeeping programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.577 of the Revised Code to the national aviation hall of fame, which shall use the contributions to fulfill its mission of honoring aerospace legends to inspire

future leaders. 48913

The registrar shall pay the contributions the registrar 48914
receives pursuant to section 4503.579 of the Revised Code to the 48915
national council of negro women, incorporated, which shall use the 48916
contributions for educational purposes. 48917

The registrar shall pay the contributions the registrar 48918
receives pursuant to section 4503.581 of the Revised Code to the 48919
Ohio sons of the American legion, which shall use the 48920
contributions to support the activities of the organization. 48921

The registrar shall pay to a sports commission created 48922
pursuant to section 4503.591 of the Revised Code each contribution 48923
the registrar receives under that section that an applicant pays 48924
to obtain license plates that bear the logo of a professional 48925
sports team located in the county of that sports commission and 48926
that is participating in the license plate program pursuant to 48927
division (E) of that section, irrespective of the county of 48928
residence of an applicant. 48929

The registrar shall pay to a community charity each 48930
contribution the registrar receives under section 4503.591 of the 48931
Revised Code that an applicant pays to obtain license plates that 48932
bear the logo of a professional sports team that is participating 48933
in the license plate program pursuant to division (G) of that 48934
section. 48935

The registrar shall pay the contributions the registrar 48936
receives pursuant to section 4503.592 of the Revised Code to 48937
pollinator partnership's monarch wings across Ohio program, which 48938
shall use the contributions for the protection and preservation of 48939
the monarch butterfly and pollinator corridor in Ohio and for 48940
educational programs. 48941

The registrar shall pay the contributions the registrar 48942
receives pursuant to section 4503.594 of the Revised Code to 48943

pelotonia, which shall use the contributions for the purpose of 48944
supporting cancer research. 48945

The registrar shall pay the contributions the registrar 48946
receives pursuant to section 4503.595 of the Revised Code to the 48947
Stan Hywet hall and gardens. 48948

The registrar shall pay the contributions the registrar 48949
receives pursuant to section 4503.596 of the Revised Code to the 48950
Cuyahoga valley scenic railroad. 48951

The registrar shall pay the contributions the registrar 48952
receives pursuant to section 4503.67 of the Revised Code to the 48953
Dan Beard council of the boy scouts of America. The council shall 48954
distribute all contributions in an equitable manner throughout the 48955
state to regional councils of the boy scouts. 48956

The registrar shall pay the contributions the registrar 48957
receives pursuant to section 4503.68 of the Revised Code to the 48958
girl scouts of Ohio's heartland. The girl scouts of Ohio's 48959
heartland shall distribute all contributions in an equitable 48960
manner throughout the state to regional councils of the girl 48961
scouts. 48962

The registrar shall pay the contributions the registrar 48963
receives pursuant to section 4503.69 of the Revised Code to the 48964
Dan Beard council of the boy scouts of America. The council shall 48965
distribute all contributions in an equitable manner throughout the 48966
state to regional councils of the boy scouts. 48967

The registrar shall pay the contributions the registrar 48968
receives pursuant to section 4503.70 of the Revised Code to the 48969
charitable foundation of the grand lodge of Ohio, f. & a. m., 48970
which shall use the contributions for scholarship purposes. 48971

The registrar shall pay the contributions the registrar 48972
receives pursuant to section 4503.701 of the Revised Code to the 48973
Prince Hall grand lodge of free and accepted masons of Ohio, which 48974

shall use the contributions for scholarship purposes. 48975

The registrar shall pay the contributions the registrar 48976
receives pursuant to section 4503.702 of the Revised Code to the 48977
Ohio Association of the Improved Benevolent and Protective Order 48978
of the Elks of the World, which shall use the funds for charitable 48979
purposes. 48980

The registrar shall pay the contributions the registrar 48981
receives pursuant to section 4503.71 of the Revised Code to the 48982
fraternal order of police of Ohio, incorporated, which shall 48983
deposit the fees into its general account to be used for purposes 48984
of the fraternal order of police of Ohio, incorporated. 48985

The registrar shall pay the contributions the registrar 48986
receives pursuant to section 4503.711 of the Revised Code to the 48987
fraternal order of police of Ohio, incorporated, which shall 48988
deposit the contributions into an account that it creates to be 48989
used for the purpose of advancing and protecting the law 48990
enforcement profession, promoting improved law enforcement 48991
methods, and teaching respect for law and order. 48992

The registrar shall pay the contributions received pursuant 48993
to section 4503.712 of the Revised Code to Ohio concerns of police 48994
survivors, which shall use those contributions to provide whatever 48995
assistance may be appropriate to the families of Ohio law 48996
enforcement officers who are killed in the line of duty. 48997

The registrar shall pay the contributions received pursuant 48998
to section 4503.713 of the Revised Code to the greater Cleveland 48999
peace officers memorial society, which shall use those 49000
contributions to honor law enforcement officers who have died in 49001
the line of duty and support its charitable purposes. 49002

The registrar shall pay the contributions received pursuant 49003
to section 4503.714 of the Revised Code to the Ohio association of 49004
chiefs of police. 49005

The registrar shall pay the contributions the registrar receives pursuant to section 4503.715 of the Revised Code to the fallen linemen organization, which shall use the contributions to recognize and memorialize fallen linemen and support their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.716 of the Revised Code to the fallen timbers battlefield preservation commission, which shall use the contributions to further the mission of the commission.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.72 of the Revised Code to the organization known on March 31, 2003, as the Ohio CASA/GAL association, a private, nonprofit corporation organized under Chapter 1702. of the Revised Code. The Ohio CASA/GAL association shall use these contributions to pay the expenses it incurs in administering a program to secure the proper representation in the courts of this state of abused, neglected, and dependent children, and for the training and supervision of persons participating in that program.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.722 of the Revised Code to the Down Syndrome Association of Central Ohio, which shall use the contributions for advocacy purposes throughout the state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.724 of the Revised Code to the Ohio Chapter of the American Foundation for Suicide Prevention, which shall use the contributions for programs, education, and advocacy purposes throughout the state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.725 of the Revised Code to the ALS association central & southern Ohio chapter, which shall split

the contributions between that chapter and the ALS association 49037
northern Ohio chapter in accordance with any agreement between the 49038
two associations. The contributions shall be used to discover 49039
treatments and a cure for ALS, and to serve, advocate for, and 49040
empower people affected by ALS to live their lives to the fullest. 49041

The registrar shall pay the contributions the registrar 49042
receives pursuant to section 4503.73 of the Revised Code to Wright 49043
B. Flyer, incorporated, which shall deposit the contributions into 49044
its general account to be used for purposes of Wright B. Flyer, 49045
incorporated. 49046

The registrar shall pay the contributions the registrar 49047
receives pursuant to section 4503.732 of the Revised Code to the 49048
Siegel Shuster society, a nonprofit organization dedicated to 49049
commemorating and celebrating the creation of Superman in 49050
Cleveland, Ohio. 49051

The registrar shall pay the contributions the registrar 49052
receives pursuant to section 4503.733 of the Revised Code to the 49053
central Ohio chapter of the juvenile diabetes research foundation, 49054
which shall distribute the contributions to the chapters of the 49055
juvenile diabetes research foundation in whose geographic 49056
territory the person who paid the contribution resides. 49057

The registrar shall pay the contributions the registrar 49058
receives pursuant to section 4503.734 of the Revised Code to the 49059
Ohio highway patrol auxiliary foundation, which shall use the 49060
contributions to fulfill the foundation's mission of supporting 49061
law enforcement education and assistance. 49062

The registrar shall pay the contributions the registrar 49063
receives pursuant to section 4503.74 of the Revised Code to the 49064
Columbus zoological park association, which shall disburse the 49065
moneys to Ohio's major metropolitan zoos, as defined in section 49066
4503.74 of the Revised Code, in accordance with a written 49067

agreement entered into by the major metropolitan zoos. 49068

The registrar shall pay the contributions the registrar 49069
receives pursuant to section 4503.75 of the Revised Code to the 49070
rotary foundation, located on March 31, 2003, in Evanston, 49071
Illinois, to be placed in a fund known as the permanent fund and 49072
used to endow educational and humanitarian programs of the rotary 49073
foundation. 49074

The registrar shall pay the contributions the registrar 49075
receives pursuant to section 4503.751 of the Revised Code to the 49076
Ohio association of realtors, which shall deposit the 49077
contributions into a property disaster relief fund maintained 49078
under the Ohio realtors charitable and education foundation. 49079

The registrar shall pay the contributions the registrar 49080
receives pursuant to section 4503.752 of the Revised Code to 49081
buckeye corvettes, incorporated, which shall use the contributions 49082
to pay for its charitable activities and programs. 49083

The registrar shall pay the contributions the registrar 49084
receives pursuant to section 4503.754 of the Revised Code to the 49085
municipal corporation of Twinsburg. 49086

The registrar shall pay the contributions the registrar 49087
receives pursuant to section 4503.763 of the Revised Code to the 49088
Ohio history connection to be used solely to build, support, and 49089
maintain the Ohio battleflag collection within the Ohio history 49090
connection. 49091

The registrar shall pay the contributions the registrar 49092
receives pursuant to section 4503.764 of the Revised Code to the 49093
Medina county historical society, which shall use those 49094
contributions to distribute between the various historical 49095
societies and museums in Medina county. 49096

The registrar shall pay the contributions the registrar 49097
receives pursuant to section 4503.765 of the Revised Code to the 49098

Amaranth grand chapter foundation, which shall use the 49099
contributions for communal outreach, charitable service, and 49100
scholarship purposes. 49101

The registrar shall pay the contributions the registrar 49102
receives pursuant to section 4503.767 of the Revised Code to folds 49103
of honor of central Ohio, which shall use the contributions to 49104
provide scholarships to spouses and children either of disabled 49105
veterans or of members of any branch of the armed forces who died 49106
during their service. 49107

The registrar shall pay the contributions the registrar 49108
receives pursuant to section 4503.85 of the Revised Code to the 49109
Ohio sea grant college program to be used for Lake Erie area 49110
research projects. 49111

The registrar shall pay the contributions the registrar 49112
receives pursuant to section 4503.86 of the Revised Code to the 49113
Ohio Lincoln highway historic byway, which shall use those 49114
contributions solely to promote and support the historical 49115
preservation and advertisement of the Lincoln highway in this 49116
state. 49117

The registrar shall pay the contributions the registrar 49118
receives pursuant to section 4503.87 of the Revised Code to the 49119
Grove City little league dream field fund, which shall use those 49120
contributions solely to build, maintain, and improve youth 49121
baseball fields within the municipal corporation of Grove City. 49122

The registrar shall pay the contributions the registrar 49123
receives pursuant to section 4503.871 of the Revised Code to the 49124
Solon city school district. The school district shall use the 49125
contributions it receives to pay the expenses it incurs in 49126
providing services to the school district's students that assist 49127
in developing or maintaining the mental and emotional well-being 49128
of the students. The services provided may include bereavement 49129

counseling, instruction in defensive driving techniques, 49130
sensitivity training, and the counseling and education of students 49131
regarding bullying, dating violence, drug abuse, suicide 49132
prevention, and human trafficking. The school district 49133
superintendent or, in the school district superintendent's 49134
discretion, the appropriate school principal or appropriate school 49135
counselors shall determine any charitable organizations that the 49136
school district hires to provide those services. The school 49137
district also may use the contributions it receives to pay for 49138
members of the faculty of the school district to receive training 49139
in providing such services to the students of the school district. 49140
The school district shall ensure that any charitable organization 49141
that is hired by the district is exempt from federal income 49142
taxation under subsection 501(c)(3) of the Internal Revenue Code. 49143
The school district shall not use the contributions it receives 49144
for any other purpose. 49145

The registrar shall pay the contributions the registrar 49146
receives pursuant to section 4503.872 of the Revised Code to the 49147
Canton city school district. The district may use the 49148
contributions for student welfare, but shall not use the 49149
contributions for any political purpose or to pay salaries of 49150
district employees. 49151

The registrar shall pay the contributions the registrar 49152
receives pursuant to section 4503.873 of the Revised Code to Padua 49153
Franciscan high school located in the municipal corporation of 49154
Parma. The school shall use fifty per cent of the contributions it 49155
receives to provide tuition assistance to its students. The school 49156
shall use the remaining fifty per cent to pay the expenses it 49157
incurs in providing services to the school's students that assist 49158
in developing or maintaining the mental and emotional well-being 49159
of the students. The services provided may include bereavement 49160
counseling, instruction in defensive driving techniques, 49161

sensitivity training, and the counseling and education of students 49162
regarding bullying, dating violence, drug abuse, suicide 49163
prevention, and human trafficking. As a part of providing such 49164
services, the school may pay for members of the faculty of the 49165
school to receive training in providing those services. The school 49166
principal or, in the school principal's discretion, appropriate 49167
school counselors shall determine any charitable organizations 49168
that the school hires to provide those services. The school shall 49169
ensure that any such charitable organization is exempt from 49170
federal income taxation under subsection 501(c)(3) of the Internal 49171
Revenue Code. The school shall not use the contributions it 49172
receives for any other purpose. 49173

The registrar shall pay the contributions the registrar 49174
receives pursuant to section 4503.874 of the Revised Code to St. 49175
Edward high school located in the municipal corporation of 49176
Lakewood. The school shall use fifty per cent of the contributions 49177
it receives to provide tuition assistance to its students. The 49178
school shall use the remaining fifty per cent to pay the expenses 49179
it incurs in providing services to the school's students that 49180
assist in developing or maintaining the mental and emotional 49181
well-being of the students. The services provided may include 49182
bereavement counseling, instruction in defensive driving 49183
techniques, sensitivity training, and the counseling and education 49184
of students regarding bullying, dating violence, drug abuse, 49185
suicide prevention, and human trafficking. As a part of providing 49186
such services, the school may pay for members of the faculty of 49187
the school to receive training in providing those services. The 49188
school principal or, in the school principal's discretion, 49189
appropriate school counselors shall determine any charitable 49190
organizations that the school hires to provide those services. The 49191
school shall ensure that any such charitable organization is 49192
exempt from federal income taxation under subsection 501(c)(3) of 49193
the Internal Revenue Code. The school shall not use the 49194

contributions it receives for any other purpose. 49195

The registrar shall pay the contributions the registrar 49196
receives pursuant to section 4503.875 of the Revised Code to Walsh 49197
Jesuit high school located in the municipal corporation of 49198
Cuyahoga Falls. The school shall use fifty per cent of the 49199
contributions it receives to provide tuition assistance to its 49200
students. The school shall use the remaining fifty per cent to pay 49201
the expenses it incurs in providing services to the school's 49202
students that assist in developing or maintaining the mental and 49203
emotional well-being of the students. The services provided may 49204
include bereavement counseling, instruction in defensive driving 49205
techniques, sensitivity training, and the counseling and education 49206
of students regarding bullying, dating violence, drug abuse, 49207
suicide prevention, and human trafficking. As a part of providing 49208
such services, the school may pay for members of the faculty of 49209
the school to receive training in providing those services. The 49210
school principal or, in the school principal's discretion, 49211
appropriate school counselors shall determine any charitable 49212
organizations that the school hires to provide those services. The 49213
school shall ensure that any such charitable organization is 49214
exempt from federal income taxation under subsection 501(c)(3) of 49215
the Internal Revenue Code. The school shall not use the 49216
contributions it receives for any other purpose. 49217

The registrar shall pay the contributions the registrar 49218
receives pursuant to section 4503.876 of the Revised Code to the 49219
North Royalton city school district. The school district shall use 49220
the contributions it receives to pay the expenses it incurs in 49221
providing services to the school district's students that assist 49222
in developing or maintaining the mental and emotional well-being 49223
of the students. The services provided may include bereavement 49224
counseling, instruction in defensive driving techniques, 49225
sensitivity training, and the counseling and education of students 49226

regarding bullying, dating violence, drug abuse, suicide 49227
prevention, and human trafficking. The school district 49228
superintendent or, in the school district superintendent's 49229
discretion, the appropriate school principal or appropriate school 49230
counselors shall determine any charitable organizations that the 49231
school district hires to provide those services. The school 49232
district also may use the contributions it receives to pay for 49233
members of the faculty of the school district to receive training 49234
in providing such services to the students of the school district. 49235
The school district shall ensure that any charitable organization 49236
that is hired by the district is exempt from federal income 49237
taxation under subsection 501(c)(3) of the Internal Revenue Code. 49238
The school district shall not use the contributions it receives 49239
for any other purpose. 49240

The registrar shall pay the contributions the registrar 49241
receives pursuant to section 4503.877 of the Revised Code to the 49242
Independence local school district. The school district shall use 49243
the contributions it receives to pay the expenses it incurs in 49244
providing services to the school district's students that assist 49245
in developing or maintaining the mental and emotional well-being 49246
of the students. The services provided may include bereavement 49247
counseling, instruction in defensive driving techniques, 49248
sensitivity training, and the counseling and education of students 49249
regarding bullying, dating violence, drug abuse, suicide 49250
prevention, and human trafficking. The school district 49251
superintendent or, in the school district superintendent's 49252
discretion, the appropriate school principal or appropriate school 49253
counselors shall determine any charitable organizations that the 49254
school district hires to provide those services. The school 49255
district also may use the contributions it receives to pay for 49256
members of the faculty of the school district to receive training 49257
in providing such services to the students of the school district. 49258
The school district shall ensure that any charitable organization 49259

that is hired by the district is exempt from federal income 49260
taxation under subsection 501(c)(3) of the Internal Revenue Code. 49261
The school district shall not use the contributions it receives 49262
for any other purpose. 49263

The registrar shall pay the contributions the registrar 49264
receives pursuant to section 4503.878 of the Revised Code to the 49265
Cuyahoga Heights local school district. The school district shall 49266
use the contributions it receives to pay the expenses it incurs in 49267
providing services to the school district's students that assist 49268
in developing or maintaining the mental and emotional well-being 49269
of the students. The services provided may include bereavement 49270
counseling, instruction in defensive driving techniques, 49271
sensitivity training, and the counseling and education of students 49272
regarding bullying, dating violence, drug abuse, suicide 49273
prevention, and human trafficking. The school district 49274
superintendent or, in the school district superintendent's 49275
discretion, the appropriate school principal or appropriate school 49276
counselors, shall determine any charitable organizations that the 49277
school district hires to provide those services. The school 49278
district also may use the contributions it receives to pay for 49279
members of the faculty of the school district to receive training 49280
in providing such services to the students of the school district. 49281
The school district shall ensure that any charitable organization 49282
that is hired by the district is exempt from federal income 49283
taxation under subsection 501(c)(3) of the Internal Revenue Code. 49284
The school district shall not use the contributions it receives 49285
for any other purpose. 49286

The registrar shall pay the contributions the registrar 49287
receives pursuant to section 4503.879 of the Revised Code to the 49288
west technical high school alumni association, which shall use the 49289
contributions for activities sponsored by the association. 49290

The registrar shall pay the contributions the registrar 49291

receives pursuant to section 4503.88 of the Revised Code to the 49292
Kenston local school district. The school district shall use the 49293
contributions it receives to pay the expenses it incurs in 49294
providing services that assist in developing or maintaining a 49295
culture of environmental responsibility and an innovative science, 49296
technology, engineering, art, and math (S.T.E.A.M.) curriculum to 49297
the school district's students. The school district shall not use 49298
the contributions it receives for any other purpose. 49299

The registrar shall pay the contributions the registrar 49300
receives pursuant to section 4503.881 of the Revised Code to La 49301
Salle high school in the municipal corporation of Cincinnati. The 49302
high school shall not use the contributions it receives for any 49303
political purpose. 49304

The registrar shall pay the contributions the registrar 49305
receives pursuant to section 4503.882 of the Revised Code to St. 49306
John's Jesuit high school and academy located in the municipal 49307
corporation of Toledo. The school shall use the contributions it 49308
receives to provide tuition assistance for students attending the 49309
school. 49310

The registrar shall pay the contributions the registrar 49311
receives pursuant to section 4503.883 of the Revised Code to St. 49312
Charles preparatory school located in the municipal corporation of 49313
Columbus, which shall use the contributions for the school's 49314
alumni association and the alumni association's purposes. 49315

The registrar shall pay the contributions the registrar 49316
receives pursuant to section 4503.884 of the Revised Code to 49317
Archbishop Moeller high school located in the municipal 49318
corporation of Cincinnati. The high school shall not use the 49319
contributions it receives for any political purpose. 49320

The registrar shall pay the contributions the registrar 49321
receives pursuant to section 4503.89 of the Revised Code to the 49322

American red cross of greater Columbus on behalf of the Ohio 49323
chapters of the American red cross, which shall use the 49324
contributions for disaster readiness, preparedness, and response 49325
programs on a statewide basis. 49326

The registrar shall pay the contributions the registrar 49327
receives pursuant to section 4503.891 of the Revised Code to the 49328
Ohio lions foundation. The foundation shall use the contributions 49329
for charitable and educational purposes. 49330

The registrar shall pay the contributions the registrar 49331
receives pursuant to section 4503.892 of the Revised Code to the 49332
Hudson city school district. The school district shall not use the 49333
contributions it receives for any political purpose. 49334

The registrar shall pay the contributions the registrar 49335
receives pursuant to section 4503.893 of the Revised Code to the 49336
Harrison Central jr./sr. high school located in the municipal 49337
corporation of Cadiz. 49338

The registrar shall pay the contributions the registrar 49339
receives pursuant to section 4503.899 of the Revised Code to the 49340
Cleveland clinic foundation, which shall use the contributions to 49341
support Cleveland clinic children's education, research, and 49342
patient services. 49343

The registrar shall pay the contributions the registrar 49344
receives pursuant to section 4503.90 of the Revised Code to the 49345
nationwide children's hospital foundation. 49346

The registrar shall pay the contributions the registrar 49347
receives pursuant to section 4503.901 of the Revised Code to the 49348
Ohio association for pupil transportation, which shall use the 49349
money to support transportation programs, provide training to 49350
school transportation professionals, and support other initiatives 49351
for school transportation safety. 49352

The registrar shall pay the contributions the registrar 49353

receives pursuant to section 4503.902 of the Revised Code to St. 49354
Ignatius high school located in the municipal corporation of 49355
Cleveland. The school shall use fifty per cent of the 49356
contributions it receives to provide tuition assistance to its 49357
students. The school shall use the remaining fifty per cent to pay 49358
the expenses it incurs in providing services to the school's 49359
students that assist in developing or maintaining the mental and 49360
emotional well-being of the students. The services provided may 49361
include bereavement counseling, instruction in defensive driving 49362
techniques, sensitivity training, and the counseling and education 49363
of students regarding bullying, dating violence, drug abuse, 49364
suicide prevention, and human trafficking. As a part of providing 49365
such services, the school may pay for members of the faculty of 49366
the school to receive training in providing those services. The 49367
school principal or, in the school principal's discretion, 49368
appropriate school counselors shall determine any charitable 49369
organizations that the school hires to provide those services. The 49370
school shall ensure that any such charitable organization is 49371
exempt from federal income taxation under subsection 501(c)(3) of 49372
the Internal Revenue Code. The school shall not use the 49373
contributions it receives for any other purpose. 49374

The registrar shall pay the contributions the registrar 49375
receives pursuant to section 4503.903 of the Revised Code to the 49376
Brecksville-Broadview Heights city school district. The school 49377
district shall use the contributions it receives to pay the 49378
expenses it incurs in providing services to the school district's 49379
students that assist in developing or maintaining the mental and 49380
emotional well-being of the students. The services provided may 49381
include bereavement counseling, instruction in defensive driving 49382
techniques, sensitivity training, and the counseling and education 49383
of students regarding bullying, dating violence, drug abuse, 49384
suicide prevention, and human trafficking. The school district 49385
superintendent or, in the school district superintendent's 49386

discretion, the appropriate school principal or appropriate school 49387
counselors shall determine any charitable organizations that the 49388
school district hires to provide those services. The school 49389
district also may use the contributions it receives to pay for 49390
members of the faculty of the school district to receive training 49391
in providing such services to the students of the school district. 49392
The school district shall ensure that any charitable organization 49393
that is hired by the district is exempt from federal income 49394
taxation under subsection 501(c)(3) of the Internal Revenue Code. 49395
The school district shall not use the contributions it receives 49396
for any other purpose. 49397

The registrar shall pay the contributions the registrar 49398
receives pursuant to section 4503.904 of the Revised Code to the 49399
Chagrin Falls exempted village school district. The school 49400
district shall use the contributions it receives to pay the 49401
expenses it incurs in providing services to the school district's 49402
students that assist in developing or maintaining the mental and 49403
emotional well-being of the students. The services provided may 49404
include bereavement counseling, instruction in defensive driving 49405
techniques, sensitivity training, and the counseling and education 49406
of students regarding bullying, dating violence, drug abuse, 49407
suicide prevention, and human trafficking. The school district 49408
superintendent or, in the school district superintendent's 49409
discretion, the appropriate school principal or appropriate school 49410
counselors shall determine any charitable organizations that the 49411
school district hires to provide those services. The school 49412
district also may use the contributions it receives to pay for 49413
members of the faculty of the school district to receive training 49414
in providing such services to the students of the school district. 49415
The school district shall ensure that any charitable organization 49416
that is hired by the district is exempt from federal income 49417
taxation under subsection 501(c)(3) of the Internal Revenue Code. 49418
The school district shall not use the contributions it receives 49419

for any other purpose. 49420

The registrar shall pay the contributions the registrar 49421
receives pursuant to section 4503.905 of the Revised Code to the 49422
Cuyahoga valley career center. The career center shall use the 49423
contributions it receives to pay the expenses it incurs in 49424
providing services to the career center's students that assist in 49425
developing or maintaining the mental and emotional well-being of 49426
the students. The services provided may include bereavement 49427
counseling, instruction in defensive driving techniques, 49428
sensitivity training, and the counseling and education of students 49429
regarding bullying, dating violence, drug abuse, suicide 49430
prevention, and human trafficking. The career center's 49431
superintendent or in the career center's superintendent's 49432
discretion, the school board or appropriate school counselors 49433
shall determine any charitable organizations that the career 49434
center hires to provide those services. The career center also may 49435
use the contributions it receives to pay for members of the 49436
faculty of the career center to receive training in providing such 49437
services to the students of the career center. The career center 49438
shall ensure that any charitable organization that is hired by the 49439
career center is exempt from federal income taxation under 49440
subsection 501(c)(3) of the Internal Revenue Code. The career 49441
center shall not use the contributions it receives for any other 49442
purpose. 49443

The registrar shall pay the contributions the registrar 49444
receives pursuant to section 4503.906 of the Revised Code to the 49445
Stow-Munroe Falls city school district. The school district shall 49446
not use the contributions it receives for any political purpose. 49447

The registrar shall pay the contributions the registrar 49448
receives pursuant to section 4503.907 of the Revised Code to the 49449
Twinsburg city school district. The school district shall not use 49450
the contributions it receives for any political purpose. 49451

The registrar shall pay the contributions the registrar receives pursuant to section 4503.908 of the Revised Code to St. Xavier high school located in Springfield township in Hamilton county. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.909 of the Revised Code to the Grandview Heights city school district, which shall use the contributions for its gifted programs and special education and related services.

The registrar shall pay the contributions received pursuant to section 4503.92 of the Revised Code to support our troops, incorporated, a national nonprofit corporation, which shall use those contributions in accordance with its articles of incorporation and for the benefit of servicemembers of the armed

forces of the United States and their families when they are in 49484
financial need. 49485

The registrar shall pay the contributions received pursuant 49486
to section 4503.931 of the Revised Code to healthy New Albany, 49487
which shall use the contributions for its community programs, 49488
events, and other activities. 49489

The registrar shall pay the contributions the registrar 49490
receives pursuant to section 4503.932 of the Revised Code to 49491
habitat for humanity of Ohio, inc., which shall use the 49492
contributions for its projects related to building affordable 49493
houses. 49494

The registrar shall pay the contributions the registrar 49495
receives pursuant to section 4503.94 of the Revised Code to the 49496
Michelle's leading star foundation, which shall use the money 49497
solely to fund the rental, lease, or purchase of the simulated 49498
driving curriculum of the Michelle's leading star foundation by 49499
boards of education of city, exempted village, local, and joint 49500
vocational school districts. 49501

The registrar shall pay the contributions the registrar 49502
receives pursuant to section 4503.941 of the Revised Code to the 49503
Ohio chapter international society of arboriculture, which shall 49504
use the money to increase consumer awareness on the importance of 49505
proper tree care and to raise funds for the chapter's educational 49506
efforts. 49507

The registrar shall pay the contributions received pursuant 49508
to section 4503.942 of the Revised Code to zero, the end of 49509
prostate cancer, incorporated, a nonprofit organization, which 49510
shall use those contributions to raise awareness of prostate 49511
cancer, to support research to end prostate cancer, and to support 49512
prostate cancer patients and their families. 49513

The registrar shall pay the contributions the registrar 49514

receives pursuant to section 4503.944 of the Revised Code to the eastern European congress of Ohio, which shall use the contributions for charitable and educational purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.945 of the Revised Code to the Summit metro parks foundation, which shall use the money in support of the Summit county metro parks.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.951 of the Revised Code to the Cincinnati city school district.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.952 of the Revised Code to Hawken school located in northeast Ohio. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.953 of the Revised Code to Gilmour academy located in the municipal corporation of Gates Mills. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.954 of the Revised Code to University school located in the suburban area near the municipal corporation of Cleveland. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education

of students regarding bullying, dating violence, drug abuse, 49580
suicide prevention, and human trafficking. As a part of providing 49581
such services, the school may pay for members of the faculty of 49582
the school to receive training in providing those services. The 49583
school principal or, in the school principal's discretion, 49584
appropriate school counselors shall determine any charitable 49585
organizations that the school hires to provide those services. The 49586
school shall ensure that any such charitable organization is 49587
exempt from federal income taxation under subsection 501(c)(3) of 49588
the Internal Revenue Code. The school shall not use the 49589
contributions it receives for any other purpose. 49590

The registrar shall pay the contributions the registrar 49591
receives pursuant to section 4503.955 of the Revised Code to Saint 49592
Albert the Great school located in North Royalton. The school 49593
shall use fifty per cent of the contributions it receives to 49594
provide tuition assistance to its students. The school shall use 49595
the remaining fifty per cent to pay the expenses it incurs in 49596
providing services to the school's students that assist in 49597
developing or maintaining the mental and emotional well-being of 49598
the students. The services provided may include bereavement 49599
counseling, instruction in defensive driving techniques, 49600
sensitivity training, and the counseling and education of students 49601
regarding bullying, dating violence, drug abuse, suicide 49602
prevention, and human trafficking. As a part of providing such 49603
services, the school may pay for members of the faculty of the 49604
school to receive training in providing those services. The school 49605
principal or, in the school principal's discretion, appropriate 49606
school counselors shall determine any charitable organizations 49607
that the school hires to provide those services. The school shall 49608
ensure that any such charitable organization is exempt from 49609
federal income taxation under subsection 501(c)(3) of the Internal 49610
Revenue Code. The school shall not use the contributions it 49611
receives for any other purpose. 49612

The registrar shall pay the contributions the registrar receives pursuant to section 4503.956 of the Revised Code to the Liberty Center local school district, which shall use the contributions for its gifted programs and special education and related services.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.957 of the Revised Code to John F. Kennedy Catholic school located in Warren. The school shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.958 of the Revised Code to Elder high school located in the municipal corporation of Cincinnati. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students, twenty-five per cent of the contributions to benefit arts and enrichment at the school, and twenty-five per cent of the contributions to benefit athletics at the school.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.961 of the Revised Code to Fairfield senior high school located in the municipal corporation of Fairfield. The high school shall not use the contributions for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.962 of the Revised Code to Hamilton high school located in the municipal corporation of Hamilton. The high school shall not use the contributions for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.963 of the Revised Code to Ross high school located in Ross township in Butler county. The high school shall not use the contributions for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.97 of the Revised Code to the friends of united Hatzalah of Israel, which shall use the money to support united Hatzalah of Israel, which provides free emergency medical first response throughout Israel.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.98 of the Revised Code to the Westerville parks foundation to support the programs and activities of the foundation and its mission of pursuing the city of Westerville's vision of becoming "A City Within A Park."

(C) All investment earnings of the license plate contribution fund shall be credited to the fund. Not later than the first day of May of every year, the registrar shall distribute to each entity described in division (B) of this section the investment income the fund earned the previous calendar year. The amount of such a distribution paid to an entity shall be proportionate to the amount of money the entity received from the fund during the previous calendar year.

Sec. 4503.066. (A)(1) To obtain a tax reduction under section 4503.065 of the Revised Code, the owner of the home shall file an application with the county auditor of the county in which the home is located. An application for reduction in taxes based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction in taxes based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state. The certificate shall attest to the fact that the applicant is permanently and totally disabled, shall be in a form that the department of taxation requires, and shall include the definition of totally and permanently disabled as set forth in section 4503.064 of the Revised Code. An application for reduction in

taxes based upon a disability certified as permanent and total by 49675
a state or federal agency having the function of so classifying 49676
persons shall be accompanied by a certificate from that agency. 49677

An application by a disabled veteran for the reduction under 49678
division (B) of section 4503.065 of the Revised Code shall be 49679
accompanied by a letter or other written confirmation from the 49680
United States department of veterans affairs, or its predecessor 49681
or successor agency, showing that the veteran qualifies as a 49682
disabled veteran. 49683

An application by the surviving spouse of a public service 49684
officer killed in the line of duty for the reduction under 49685
division (C) of section 4503.065 of the Revised Code shall be 49686
accompanied by a letter or other written confirmation from an 49687
officer or employee of the board of trustees of a retirement or 49688
pension fund in this state or another state or from the chief or 49689
other chief executive of the department, agency, or other employer 49690
for which the public service officer served when killed in the 49691
line of duty affirming that the public service officer was killed 49692
in the line of duty. 49693

(2) Each application shall constitute a continuing 49694
application for a reduction in taxes for each year in which the 49695
manufactured or mobile home is occupied by the applicant. Failure 49696
to receive a new application or notification under division (B) of 49697
this section after an application for reduction has been approved 49698
is prima-facie evidence that the original applicant is entitled to 49699
the reduction calculated on the basis of the information contained 49700
in the original application. The original application and any 49701
subsequent application shall be in the form of a signed statement 49702
and shall be filed on or before the thirty-first day of December 49703
of the year preceding the year for which the reduction is sought. 49704
The statement shall be on a form, devised and supplied by the tax 49705

commissioner, that shall require no more information than is 49706
necessary to establish the applicant's eligibility for the 49707
reduction in taxes and the amount of the reduction to which the 49708
applicant is entitled. The form shall contain a statement that 49709
signing such application constitutes a delegation of authority by 49710
the applicant to the tax commissioner or the county auditor, 49711
individually or in consultation with each other, to examine any 49712
tax or financial records that relate to the income of the 49713
applicant as stated on the application for the purpose of 49714
determining eligibility under, or possible violation of, division 49715
(C) or (D) of this section. The form also shall contain a 49716
statement that conviction of willfully falsifying information to 49717
obtain a reduction in taxes or failing to comply with division (B) 49718
of this section shall result in the revocation of the right to the 49719
reduction for a period of three years. 49720

(3) A late application for a reduction in taxes for the year 49721
preceding the year for which an original application is filed may 49722
be filed with an original application. If the auditor determines 49723
that the information contained in the late application is correct, 49724
the auditor shall determine both the amount of the reduction in 49725
taxes to which the applicant would have been entitled for the 49726
current tax year had the application been timely filed and 49727
approved in the preceding year, and the amount the taxes levied 49728
under section 4503.06 of the Revised Code for the current year 49729
would have been reduced as a result of the reduction. When an 49730
applicant is permanently and totally disabled on the first day of 49731
January of the year in which the applicant files a late 49732
application, the auditor, in making the determination of the 49733
amounts of the reduction in taxes under division (A)(3) of this 49734
section, is not required to determine that the applicant was 49735
permanently and totally disabled on the first day of January of 49736
the preceding year. 49737

The amount of the reduction in taxes pursuant to a late 49738
application shall be treated as an overpayment of taxes by the 49739
applicant. The auditor shall credit the amount of the overpayment 49740
against the amount of the taxes or penalties then due from the 49741
applicant, and, at the next succeeding settlement, the amount of 49742
the credit shall be deducted from the amount of any taxes or 49743
penalties distributable to the county or any taxing unit in the 49744
county that has received the benefit of the taxes or penalties 49745
previously overpaid, in proportion to the benefits previously 49746
received. If, after the credit has been made, there remains a 49747
balance of the overpayment, or if there are no taxes or penalties 49748
due from the applicant, the auditor shall refund that balance to 49749
the applicant by a warrant drawn on the county treasurer in favor 49750
of the applicant. The treasurer shall pay the warrant from the 49751
general fund of the county. If there is insufficient money in the 49752
general fund to make the payment, the treasurer shall pay the 49753
warrant out of any undivided manufactured or mobile home taxes 49754
subsequently received by the treasurer for distribution to the 49755
county or taxing district in the county that received the benefit 49756
of the overpaid taxes, in proportion to the benefits previously 49757
received, and the amount paid from the undivided funds shall be 49758
deducted from the money otherwise distributable to the county or 49759
taxing district in the county at the next or any succeeding 49760
distribution. At the next or any succeeding distribution after 49761
making the refund, the treasurer shall reimburse the general fund 49762
for any payment made from that fund by deducting the amount of 49763
that payment from the money distributable to the county or other 49764
taxing unit in the county that has received the benefit of the 49765
taxes, in proportion to the benefits previously received. On the 49766
second Monday in September of each year, the county auditor shall 49767
certify the total amount of the reductions in taxes made in the 49768
current year under division (A)(3) of this section to the tax 49769
commissioner who shall treat that amount as a reduction in taxes 49770

for the current tax year and shall make reimbursement to the 49771
county of that amount in the manner prescribed in section 4503.068 49772
of the Revised Code, from moneys appropriated for that purpose. 49773

~~(B)~~(B)(1) If in any year for which an application for 49774
reduction in taxes has been approved the owner no longer qualifies 49775
for the reduction, the owner shall notify the county auditor that 49776
the owner is not qualified for a reduction in taxes. 49777

(2) If the county auditor or county treasurer discovers that 49778
an owner not entitled to the reduction in manufactured home taxes 49779
under section 4503.065 of the Revised Code failed to notify the 49780
county auditor as required by division (B)(1) of this section, a 49781
charge shall be imposed against the manufactured or mobile home in 49782
the amount by which taxes were reduced under that section for each 49783
tax year the county auditor ascertains that the manufactured or 49784
mobile home was not entitled to the reduction and was owned by the 49785
current owner. Interest shall accrue in the manner prescribed by 49786
division (G)(2) of section 4503.06 of the Revised Code on the 49787
amount by which taxes were reduced for each such tax year as if 49788
the reduction became delinquent taxes at the close of the last day 49789
the second installment of taxes for that tax year could be paid 49790
without penalty. The county auditor shall notify the owner, by 49791
ordinary mail, of the charge, of the owner's right to appeal the 49792
charge, and of the manner in which the owner may appeal. The owner 49793
may appeal the imposition of the charge and interest by filing an 49794
appeal with the county board of revision not later than the last 49795
day prescribed for payment of manufactured home taxes under 49796
section 4503.06 of the Revised Code following receipt of the 49797
notice and occurring at least ninety days after receipt of the 49798
notice. The appeal shall be treated in the same manner as a 49799
complaint relating to the valuation or assessment of manufactured 49800
or mobile homes under section 5715.19 of the Revised Code. The 49801
charge and any interest shall be collected as other delinquent 49802

taxes. 49803

(3) During January of each year, the county auditor shall 49804
furnish each person whose application for reduction has been 49805
approved, by ordinary mail, a form on which to report any changes 49806
in total income, ownership, occupancy, disability, and other 49807
information earlier furnished the auditor relative to the 49808
application. The form shall be completed and returned to the 49809
auditor not later than the thirty-first day of December if the 49810
changes would affect the person's eligibility for the reduction. 49811

(C) No person shall knowingly make a false statement for the 49812
purpose of obtaining a reduction in taxes under section 4503.065 49813
of the Revised Code. 49814

(D) No person shall knowingly fail to notify the county 49815
auditor of any change required by division (B) of this section 49816
that has the effect of maintaining or securing a reduction in 49817
taxes under section 4503.065 of the Revised Code. 49818

(E) No person shall knowingly make a false statement or 49819
certification attesting to any person's physical or mental 49820
condition for purposes of qualifying such person for tax relief 49821
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 49822

(F) Whoever violates division (C), (D), or (E) of this 49823
section is guilty of a misdemeanor of the fourth degree. 49824

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 49825
shall charge and retain fees as follows: 49826

(a) Five dollars for each certificate of title that is not 49827
applied for within thirty days after the later of the assignment 49828
or delivery of the motor vehicle described in it. The entire fee 49829
shall be retained by the clerk. 49830

(b) Fifteen dollars for each certificate of title or 49831
duplicate certificate of title including the issuance of a 49832

memorandum certificate of title, or authorization to print a 49833
non-negotiable evidence of ownership described in division (G) of 49834
section 4505.08 of the Revised Code, non-negotiable evidence of 49835
ownership printed by the clerk under division (H) of that section, 49836
and notation of any lien on a certificate of title that is applied 49837
for at the same time as the certificate of title. The clerk shall 49838
retain eleven dollars and fifty cents of that fee for each 49839
certificate of title when there is a notation of a lien or 49840
security interest on the certificate of title, twelve dollars and 49841
twenty-five cents when there is no lien or security interest noted 49842
on the certificate of title, and eleven dollars and fifty cents 49843
for each duplicate certificate of title. 49844

(c) Four dollars and fifty cents for each certificate of 49845
title with no security interest noted that is issued to a licensed 49846
motor vehicle dealer for resale purposes and, in addition, a 49847
separate fee of fifty cents. The clerk shall retain two dollars 49848
and twenty-five cents of that fee. 49849

(d) Five dollars for each memorandum certificate of title or 49850
non-negotiable evidence of ownership that is applied for 49851
separately. The clerk shall retain that entire fee. 49852

(2) The fees that are not retained by the clerk shall be paid 49853
to the registrar of motor vehicles by monthly returns, which shall 49854
be forwarded to the registrar not later than the fifth day of the 49855
month next succeeding that in which the certificate is issued or 49856
that in which the registrar is notified of a lien or cancellation 49857
of a lien. 49858

(B)(1) The registrar shall pay twenty-five cents of the 49859
amount received for each certificate of title issued to a motor 49860
vehicle dealer for resale, one dollar for certificates of title 49861
issued with a lien or security interest noted on the certificate 49862
of title, and twenty-five cents for each certificate of title with 49863
no lien or security interest noted on the certificate of title 49864

into the public safety - highway purposes fund established in 49865
section 4501.06 of the Revised Code. 49866

(2) Fifty cents of the amount received for each certificate 49867
of title shall be paid by the registrar as follows: 49868

(a) Four cents shall be paid into the state treasury to the 49869
credit of the motor vehicle dealers board fund, which is hereby 49870
created. All investment earnings of the fund shall be credited to 49871
the fund. The moneys in the motor vehicle dealers board fund shall 49872
be used by the motor vehicle dealers board created under section 49873
4517.30 of the Revised Code, together with other moneys 49874
appropriated to it, in the exercise of its powers and the 49875
performance of its duties under Chapter 4517. of the Revised Code, 49876
except that the director of budget and management may transfer 49877
excess money from the motor vehicle dealers board fund to the 49878
public safety - highway purposes fund if the registrar determines 49879
that the amount of money in the motor vehicle dealers board fund, 49880
together with other moneys appropriated to the board, exceeds the 49881
amount required for the exercise of its powers and the performance 49882
of its duties under Chapter 4517. of the Revised Code and requests 49883
the director to make the transfer. 49884

(b) ~~Twenty-one~~ Thirty-one cents shall be paid into the 49885
highway operating fund created by section 5735.051 of the Revised 49886
Code. 49887

(c) ~~Twenty-five~~ Fifteen cents shall be paid into the state 49888
treasury to the credit of the motor vehicle sales audit fund, 49889
which is hereby created. The moneys in the fund shall be used by 49890
the tax commissioner together with other funds available to the 49891
commissioner to conduct a continuing investigation of sales and 49892
use tax returns filed for motor vehicles in order to determine if 49893
sales and use tax liability has been satisfied. The commissioner 49894
shall refer cases of apparent violations of section 2921.13 of the 49895
Revised Code made in connection with the titling or sale of a 49896

motor vehicle and cases of any other apparent violations of the 49897
sales or use tax law to the appropriate county prosecutor whenever 49898
the commissioner considers it advisable. 49899

(3) Two dollars of the amount received by the registrar under 49900
divisions (A)(1)(a), (b), and (d) of this section and one dollar 49901
and fifty cents of the amount received by the registrar under 49902
division (A)(1)(c) of this section for each certificate of title 49903
shall be paid into the state treasury to the credit of the 49904
automated title processing fund, which is hereby created and which 49905
shall consist of moneys collected under division (B)(3) of this 49906
section and under sections 1548.10 and 4519.59 of the Revised 49907
Code. All investment earnings of the fund shall be credited to the 49908
fund. The moneys in the fund shall be used as follows: 49909

(a) Except for moneys collected under section 1548.10 of the 49910
Revised Code, moneys collected under division (B)(3) of this 49911
section shall be used to implement and maintain an automated title 49912
processing system for the issuance of motor vehicle, off-highway 49913
motorcycle, and all-purpose vehicle certificates of title in the 49914
offices of the clerks of the courts of common pleas. Those moneys 49915
also shall be used to pay expenses that arise as a result of 49916
enabling electronic motor vehicle dealers to directly transfer 49917
applications for certificates of title under division (A)(3) of 49918
section 4505.06 of the Revised Code. 49919

(b) Moneys collected under section 1548.10 of the Revised 49920
Code shall be used to issue marine certificates of title in the 49921
offices of the clerks of the courts of common pleas as provided in 49922
Chapter 1548. of the Revised Code. 49923

49924

(4) The registrar shall pay the fifty-cent separate fee 49925
collected from a licensed motor vehicle dealer under division 49926
(A)(1)(c) of this section into the title defect recision fund 49927

created by section 1345.52 of the Revised Code. 49928

(C)(1) The automated title processing board is hereby created 49929
consisting of the registrar or the registrar's representative, a 49930
person selected by the registrar, the president of the Ohio clerks 49931
of court association or the president's representative, and two 49932
clerks of courts of common pleas appointed by the governor. The 49933
director of budget and management or the director's designee, the 49934
chief of the division of parks and watercraft in the department of 49935
natural resources or the chief's designee, and the tax 49936
commissioner or the commissioner's designee shall be nonvoting 49937
members of the board. The purpose of the board is to facilitate 49938
the operation and maintenance of an automated title processing 49939
system and approve the procurement of automated title processing 49940
system equipment and ribbons, cartridges, or other devices 49941
necessary for the operation of that equipment. Voting members of 49942
the board, excluding the registrar or the registrar's 49943
representative, shall serve without compensation, but shall be 49944
reimbursed for travel and other necessary expenses incurred in the 49945
conduct of their official duties. The registrar or the registrar's 49946
representative shall receive neither compensation nor 49947
reimbursement as a board member. 49948

(2) The automated title processing board shall determine each 49949
of the following: 49950

(a) The automated title processing equipment and certificates 49951
of title requirements for each county; 49952

(b) The payment of expenses that may be incurred by the 49953
counties in implementing an automated title processing system; 49954

(c) The repayment to the counties for existing title 49955
processing equipment; 49956

(d) With the approval of the director of public safety, the 49957
award of grants from the automated title processing fund to the 49958

clerk of courts of any county who employs a person who assists 49959
with the design of, updates to, tests of, installation of, or any 49960
other activity related to, an automated title processing system. 49961
Any grant awarded under division (C)(2)(d) of this section shall 49962
be deposited into the appropriate county certificate of title 49963
administration fund created under section 325.33 of the Revised 49964
Code and shall not be used to supplant any other funds. 49965

(3) The registrar shall purchase, lease, or otherwise acquire 49966
any automated title processing equipment and certificates of title 49967
that the board determines are necessary from moneys in the 49968
automated title processing fund established by division (B)(3) of 49969
this section. 49970

(D) All counties shall conform to the requirements of the 49971
registrar regarding the operation of their automated title 49972
processing system for motor vehicle titles, certificates of title 49973
for off-highway motorcycles and all-purpose vehicles, and 49974
certificates of title for watercraft and outboard motors. 49975

Sec. 4511.191. (A)(1) As used in this section: 49976

(a) "Physical control" has the same meaning as in section 49977
4511.194 of the Revised Code. 49978

(b) "Alcohol monitoring device" means any device that 49979
provides for continuous alcohol monitoring, any ignition interlock 49980
device, any immobilizing or disabling device other than an 49981
ignition interlock device that is constantly available to monitor 49982
the concentration of alcohol in a person's system, or any other 49983
device that provides for the automatic testing and periodic 49984
reporting of alcohol consumption by a person and that a court 49985
orders a person to use as a sanction imposed as a result of the 49986
person's conviction of or plea of guilty to an offense. 49987

(c) "Community addiction services provider" has the same 49988

meaning as in section 5119.01 of the Revised Code. 49989

(2) Any person who operates a vehicle, streetcar, or 49990
trackless trolley upon a highway or any public or private property 49991
used by the public for vehicular travel or parking within this 49992
state or who is in physical control of a vehicle, streetcar, or 49993
trackless trolley shall be deemed to have given consent to a 49994
chemical test or tests of the person's whole blood, blood serum or 49995
plasma, breath, or urine to determine the alcohol, drug of abuse, 49996
controlled substance, metabolite of a controlled substance, or 49997
combination content of the person's whole blood, blood serum or 49998
plasma, breath, or urine if arrested for a violation of division 49999
(A) or (B) of section 4511.19 of the Revised Code, section 50000
4511.194 of the Revised Code or a substantially equivalent 50001
municipal ordinance, or a municipal OVI ordinance. 50002

(3) The chemical test or tests under division (A)(2) of this 50003
section shall be administered at the request of a law enforcement 50004
officer having reasonable grounds to believe the person was 50005
operating or in physical control of a vehicle, streetcar, or 50006
trackless trolley in violation of a division, section, or 50007
ordinance identified in division (A)(2) of this section. The law 50008
enforcement agency by which the officer is employed shall 50009
designate which of the tests shall be administered. 50010

(4) Any person who is dead or unconscious, or who otherwise 50011
is in a condition rendering the person incapable of refusal, shall 50012
be deemed to have consented as provided in division (A)(2) of this 50013
section, and the test or tests may be administered, subject to 50014
sections 313.12 to 313.16 of the Revised Code. 50015

(5)(a) If a law enforcement officer arrests a person for a 50016
violation of division (A) or (B) of section 4511.19 of the Revised 50017
Code, section 4511.194 of the Revised Code or a substantially 50018
equivalent municipal ordinance, or a municipal OVI ordinance and 50019
if the person if convicted would be required to be sentenced under 50020

division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or

reckless manner. 50054

(B)(1) Upon receipt of the sworn report of a law enforcement 50055
officer who arrested a person for a violation of division (A) or 50056
(B) of section 4511.19 of the Revised Code, section 4511.194 of 50057
the Revised Code or a substantially equivalent municipal 50058
ordinance, or a municipal OVI ordinance that was completed and 50059
sent to the registrar of motor vehicles and a court pursuant to 50060
section 4511.192 of the Revised Code in regard to a person who 50061
refused to take the designated chemical test, the registrar shall 50062
enter into the registrar's records the fact that the person's 50063
driver's or commercial driver's license or permit or nonresident 50064
operating privilege was suspended by the arresting officer under 50065
this division and that section and the period of the suspension, 50066
as determined under this section. The suspension shall be subject 50067
to appeal as provided in section 4511.197 of the Revised Code. The 50068
suspension shall be for whichever of the following periods 50069
applies: 50070

(a) Except when division (B)(1)(b), (c), or (d) of this 50071
section applies and specifies a different class or length of 50072
suspension, the suspension shall be a class C suspension for the 50073
period of time specified in division (B)(3) of section 4510.02 of 50074
the Revised Code. 50075

(b) If the arrested person, within ten years of the date on 50076
which the person refused the request to consent to the chemical 50077
test, had refused one previous request to consent to a chemical 50078
test or had been convicted of or pleaded guilty to one violation 50079
of division (A) or (B) of section 4511.19 of the Revised Code or 50080
one other equivalent offense, the suspension shall be a class B 50081
suspension imposed for the period of time specified in division 50082
(B)(2) of section 4510.02 of the Revised Code. 50083

(c) If the arrested person, within ten years of the date on 50084
which the person refused the request to consent to the chemical 50085

test, had refused two previous requests to consent to a chemical 50086
test, had been convicted of or pleaded guilty to two violations of 50087
division (A) or (B) of section 4511.19 of the Revised Code or 50088
other equivalent offenses, or had refused one previous request to 50089
consent to a chemical test and also had been convicted of or 50090
pleaded guilty to one violation of division (A) or (B) of section 50091
4511.19 of the Revised Code or other equivalent offenses, which 50092
violation or offense arose from an incident other than the 50093
incident that led to the refusal, the suspension shall be a class 50094
A suspension imposed for the period of time specified in division 50095
(B)(1) of section 4510.02 of the Revised Code. 50096

(d) If the arrested person, within ten years of the date on 50097
which the person refused the request to consent to the chemical 50098
test, had refused three or more previous requests to consent to a 50099
chemical test, had been convicted of or pleaded guilty to three or 50100
more violations of division (A) or (B) of section 4511.19 of the 50101
Revised Code or other equivalent offenses, or had refused a number 50102
of previous requests to consent to a chemical test and also had 50103
been convicted of or pleaded guilty to a number of violations of 50104
division (A) or (B) of section 4511.19 of the Revised Code or 50105
other equivalent offenses that cumulatively total three or more 50106
such refusals, convictions, and guilty pleas, the suspension shall 50107
be for five years. 50108

(2) The registrar shall terminate a suspension of the 50109
driver's or commercial driver's license or permit of a resident or 50110
of the operating privilege of a nonresident, or a denial of a 50111
driver's or commercial driver's license or permit, imposed 50112
pursuant to division (B)(1) of this section upon receipt of notice 50113
that the person has entered a plea of guilty to, or that the 50114
person has been convicted after entering a plea of no contest to, 50115
operating a vehicle in violation of section 4511.19 of the Revised 50116
Code or in violation of a municipal OVI ordinance, if the offense 50117

for which the conviction is had or the plea is entered arose from 50118
the same incident that led to the suspension or denial. 50119

The registrar shall credit against any judicial suspension of 50120
a person's driver's or commercial driver's license or permit or 50121
nonresident operating privilege imposed pursuant to section 50122
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 50123
Revised Code for a violation of a municipal OVI ordinance, any 50124
time during which the person serves a related suspension imposed 50125
pursuant to division (B)(1) of this section. 50126

(C)(1) Upon receipt of the sworn report of the law 50127
enforcement officer who arrested a person for a violation of 50128
division (A) or (B) of section 4511.19 of the Revised Code or a 50129
municipal OVI ordinance that was completed and sent to the 50130
registrar and a court pursuant to section 4511.192 of the Revised 50131
Code in regard to a person whose test results indicate that the 50132
person's whole blood, blood serum or plasma, breath, or urine 50133
contained at least the concentration of alcohol specified in 50134
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 50135
Revised Code or at least the concentration of a listed controlled 50136
substance or a listed metabolite of a controlled substance 50137
specified in division (A)(1)(j) of section 4511.19 of the Revised 50138
Code, the registrar shall enter into the registrar's records the 50139
fact that the person's driver's or commercial driver's license or 50140
permit or nonresident operating privilege was suspended by the 50141
arresting officer under this division and section 4511.192 of the 50142
Revised Code and the period of the suspension, as determined under 50143
divisions (C)(1)(a) to (d) of this section. The suspension shall 50144
be subject to appeal as provided in section 4511.197 of the 50145
Revised Code. The suspension described in this division does not 50146
apply to, and shall not be imposed upon, a person arrested for a 50147
violation of section 4511.194 of the Revised Code or a 50148
substantially equivalent municipal ordinance who submits to a 50149

designated chemical test. The suspension shall be for whichever of 50150
the following periods applies: 50151

(a) Except when division (C)(1)(b), (c), or (d) of this 50152
section applies and specifies a different period, the suspension 50153
shall be a class E suspension imposed for the period of time 50154
specified in division (B)(5) of section 4510.02 of the Revised 50155
Code. 50156

(b) The suspension shall be a class C suspension for the 50157
period of time specified in division (B)(3) of section 4510.02 of 50158
the Revised Code if the person has been convicted of or pleaded 50159
guilty to, within ten years of the date the test was conducted, 50160
one violation of division (A) or (B) of section 4511.19 of the 50161
Revised Code or one other equivalent offense. 50162

(c) If, within ten years of the date the test was conducted, 50163
the person has been convicted of or pleaded guilty to two 50164
violations of a statute or ordinance described in division 50165
(C)(1)(b) of this section, the suspension shall be a class B 50166
suspension imposed for the period of time specified in division 50167
(B)(2) of section 4510.02 of the Revised Code. 50168

(d) If, within ten years of the date the test was conducted, 50169
the person has been convicted of or pleaded guilty to more than 50170
two violations of a statute or ordinance described in division 50171
(C)(1)(b) of this section, the suspension shall be a class A 50172
suspension imposed for the period of time specified in division 50173
(B)(1) of section 4510.02 of the Revised Code. 50174

(2) The registrar shall terminate a suspension of the 50175
driver's or commercial driver's license or permit of a resident or 50176
of the operating privilege of a nonresident, or a denial of a 50177
driver's or commercial driver's license or permit, imposed 50178
pursuant to division (C)(1) of this section upon receipt of notice 50179
that the person has entered a plea of guilty to, or that the 50180

person has been convicted after entering a plea of no contest to, 50181
operating a vehicle in violation of section 4511.19 of the Revised 50182
Code or in violation of a municipal OVI ordinance, if the offense 50183
for which the conviction is had or the plea is entered arose from 50184
the same incident that led to the suspension or denial. 50185

The registrar shall credit against any judicial suspension of 50186
a person's driver's or commercial driver's license or permit or 50187
nonresident operating privilege imposed pursuant to section 50188
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 50189
Revised Code for a violation of a municipal OVI ordinance, any 50190
time during which the person serves a related suspension imposed 50191
pursuant to division (C)(1) of this section. 50192

(D)(1) A suspension of a person's driver's or commercial 50193
driver's license or permit or nonresident operating privilege 50194
under this section for the time described in division (B) or (C) 50195
of this section is effective immediately from the time at which 50196
the arresting officer serves the notice of suspension upon the 50197
arrested person. Any subsequent finding that the person is not 50198
guilty of the charge that resulted in the person being requested 50199
to take the chemical test or tests under division (A) of this 50200
section does not affect the suspension. 50201

(2) If a person is arrested for operating a vehicle, 50202
streetcar, or trackless trolley in violation of division (A) or 50203
(B) of section 4511.19 of the Revised Code or a municipal OVI 50204
ordinance, or for being in physical control of a vehicle, 50205
streetcar, or trackless trolley in violation of section 4511.194 50206
of the Revised Code or a substantially equivalent municipal 50207
ordinance, regardless of whether the person's driver's or 50208
commercial driver's license or permit or nonresident operating 50209
privilege is or is not suspended under division (B) or (C) of this 50210
section or Chapter 4510. of the Revised Code, the person's initial 50211
appearance on the charge resulting from the arrest shall be held 50212

within five days of the person's arrest or the issuance of the 50213
citation to the person, subject to any continuance granted by the 50214
court pursuant to section 4511.197 of the Revised Code regarding 50215
the issues specified in that division. 50216

(E) When it finally has been determined under the procedures 50217
of this section and sections 4511.192 to 4511.197 of the Revised 50218
Code that a nonresident's privilege to operate a vehicle within 50219
this state has been suspended, the registrar shall give 50220
information in writing of the action taken to the motor vehicle 50221
administrator of the state of the person's residence and of any 50222
state in which the person has a license. 50223

(F) At the end of a suspension period under this section, 50224
under section 4511.194, section 4511.196, or division (G) of 50225
section 4511.19 of the Revised Code, or under section 4510.07 of 50226
the Revised Code for a violation of a municipal OVI ordinance and 50227
upon the request of the person whose driver's or commercial 50228
driver's license or permit was suspended and who is not otherwise 50229
subject to suspension, cancellation, or disqualification, the 50230
registrar shall return the driver's or commercial driver's license 50231
or permit to the person upon the occurrence of all of the 50232
conditions specified in divisions (F)(1) and (2) of this section: 50233

(1) A showing that the person has proof of financial 50234
responsibility, a policy of liability insurance in effect that 50235
meets the minimum standards set forth in section 4509.51 of the 50236
Revised Code, or proof, to the satisfaction of the registrar, that 50237
the person is able to respond in damages in an amount at least 50238
equal to the minimum amounts specified in section 4509.51 of the 50239
Revised Code. 50240

(2) Subject to the limitation contained in division (F)(3) of 50241
this section, payment by the person to the registrar or an 50242
eligible deputy registrar of a license reinstatement fee of four 50243
hundred seventy-five dollars, which fee shall be deposited in the 50244

state treasury and credited as follows: 50245

(a) One hundred twelve dollars and fifty cents shall be 50246
credited to the statewide treatment and prevention fund created by 50247
section 4301.30 of the Revised Code. Money credited to the fund 50248
under this section shall be used for purposes identified under 50249
section 5119.22 of the Revised Code. 50250

(b) Seventy-five dollars shall be credited to the reparations 50251
fund created by section 2743.191 of the Revised Code. 50252

(c) Thirty-seven dollars and fifty cents shall be credited to 50253
the indigent drivers alcohol treatment fund, which is hereby 50254
established in the state treasury. The department of mental health 50255
and addiction services shall distribute the moneys in that fund to 50256
the county indigent drivers alcohol treatment funds, the county 50257
juvenile indigent drivers alcohol treatment funds, and the 50258
municipal indigent drivers alcohol treatment funds that are 50259
required to be established by counties and municipal corporations 50260
pursuant to division (H) of this section to be used only as 50261
provided in division (H)(3) of this section. Moneys in the fund 50262
that are not distributed to a county indigent drivers alcohol 50263
treatment fund, a county juvenile indigent drivers alcohol 50264
treatment fund, or a municipal indigent drivers alcohol treatment 50265
fund under division (H) of this section because the director of 50266
mental health and addiction services does not have the information 50267
necessary to identify the county or municipal corporation where 50268
the offender or juvenile offender was arrested may be transferred 50269
by the director of budget and management to the statewide 50270
treatment and prevention fund created by section 4301.30 of the 50271
Revised Code, upon certification of the amount by the director of 50272
mental health and addiction services. 50273

(d) Seventy-five dollars shall be credited to the 50274
opportunities for Ohioans with disabilities agency established by 50275
section 3304.15 of the Revised Code, to the services for 50276

rehabilitation fund, which is hereby established. The fund shall 50277
be used to match available federal matching funds where 50278
appropriate, and for any other purpose or program of the agency to 50279
rehabilitate persons with disabilities to help them become 50280
employed and independent. 50281

(e) Seventy-five dollars shall be deposited into the state 50282
treasury and credited to the drug abuse resistance education 50283
programs fund, which is hereby established, to be used by the 50284
attorney general for the purposes specified in division (F)(4) of 50285
this section. 50286

(f) Thirty dollars shall be credited to the public safety - 50287
highway purposes fund created by section 4501.06 of the Revised 50288
Code. 50289

(g) Twenty dollars shall be credited to the trauma and 50290
emergency medical services fund created by section 4513.263 of the 50291
Revised Code. 50292

(h) Fifty dollars shall be credited to the indigent drivers 50293
interlock and alcohol monitoring fund, which is hereby established 50294
in the state treasury. Moneys in the fund shall be distributed by 50295
the department of public safety to the county indigent drivers 50296
interlock and alcohol monitoring funds, the county juvenile 50297
indigent drivers interlock and alcohol monitoring funds, and the 50298
municipal indigent drivers interlock and alcohol monitoring funds 50299
that are required to be established by counties and municipal 50300
corporations pursuant to this section, and shall be used only to 50301
pay the cost of an immobilizing or disabling device, including a 50302
certified ignition interlock device, or an alcohol monitoring 50303
device used by an offender or juvenile offender who is ordered to 50304
use the device by a county, juvenile, or municipal court judge and 50305
who is determined by the county, juvenile, or municipal court 50306
judge not to have the means to pay for the person's use of the 50307
device. 50308

(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the registrar or an eligible deputy registrar, only one reinstatement fee of four hundred seventy-five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (F)(2) of this section.

(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section,

if the person pays the reinstatement fee to a deputy registrar, 50341
the deputy registrar shall collect a service fee of ten dollars to 50342
compensate the deputy registrar for services performed under this 50343
section. The deputy registrar shall retain eight dollars of the 50344
service fee and shall transmit the reinstatement fee, plus two 50345
dollars of the service fee, to the registrar in the manner the 50346
registrar shall determine. 50347

(G) Suspension of a commercial driver's license under 50348
division (B) or (C) of this section shall be concurrent with any 50349
period of disqualification under section 3123.611 or 4506.16 of 50350
the Revised Code or any period of suspension under section 3123.58 50351
of the Revised Code. No person who is disqualified for life from 50352
holding a commercial driver's license under section 4506.16 of the 50353
Revised Code shall be issued a driver's license under Chapter 50354
4507. of the Revised Code during the period for which the 50355
commercial driver's license was suspended under division (B) or 50356
(C) of this section. No person whose commercial driver's license 50357
is suspended under division (B) or (C) of this section shall be 50358
issued a driver's license under Chapter 4507. of the Revised Code 50359
during the period of the suspension. 50360

(H)(1) Each county shall establish an indigent drivers 50361
alcohol treatment fund and a juvenile indigent drivers alcohol 50362
treatment fund. Each municipal corporation in which there is a 50363
municipal court shall establish an indigent drivers alcohol 50364
treatment fund. All revenue that the general assembly appropriates 50365
to the indigent drivers alcohol treatment fund for transfer to a 50366
county indigent drivers alcohol treatment fund, a county juvenile 50367
indigent drivers alcohol treatment fund, or a municipal indigent 50368
drivers alcohol treatment fund, all portions of fees that are paid 50369
under division (F) of this section and that are credited under 50370
that division to the indigent drivers alcohol treatment fund in 50371
the state treasury for a county indigent drivers alcohol treatment 50372

fund, a county juvenile indigent drivers alcohol treatment fund, 50373
or a municipal indigent drivers alcohol treatment fund, all 50374
portions of additional costs imposed under section 2949.094 of the 50375
Revised Code that are specified for deposit into a county, county 50376
juvenile, or municipal indigent drivers alcohol treatment fund by 50377
that section, and all portions of fines that are specified for 50378
deposit into a county or municipal indigent drivers alcohol 50379
treatment fund by section 4511.193 of the Revised Code shall be 50380
deposited into that county indigent drivers alcohol treatment 50381
fund, county juvenile indigent drivers alcohol treatment fund, or 50382
municipal indigent drivers alcohol treatment fund. The portions of 50383
the fees paid under division (F) of this section that are to be so 50384
deposited shall be determined in accordance with division (H)(2) 50385
of this section. Additionally, all portions of fines that are paid 50386
for a violation of section 4511.19 of the Revised Code or of any 50387
prohibition contained in Chapter 4510. of the Revised Code, and 50388
that are required under section 4511.19 or any provision of 50389
Chapter 4510. of the Revised Code to be deposited into a county 50390
indigent drivers alcohol treatment fund or municipal indigent 50391
drivers alcohol treatment fund shall be deposited into the 50392
appropriate fund in accordance with the applicable division of the 50393
section or provision. 50394

(2) That portion of the license reinstatement fee that is 50395
paid under division (F) of this section and that is credited under 50396
that division to the indigent drivers alcohol treatment fund shall 50397
be deposited into a county indigent drivers alcohol treatment 50398
fund, a county juvenile indigent drivers alcohol treatment fund, 50399
or a municipal indigent drivers alcohol treatment fund as follows: 50400

(a) Regarding a suspension imposed under this section, that 50401
portion of the fee shall be deposited as follows: 50402

(i) If the fee is paid by a person who was charged in a 50403
county court with the violation that resulted in the suspension or 50404

in the imposition of the court costs, the portion shall be 50405
deposited into the county indigent drivers alcohol treatment fund 50406
under the control of that court; 50407

(ii) If the fee is paid by a person who was charged in a 50408
juvenile court with the violation that resulted in the suspension 50409
or in the imposition of the court costs, the portion shall be 50410
deposited into the county juvenile indigent drivers alcohol 50411
treatment fund established in the county served by the court; 50412

(iii) If the fee is paid by a person who was charged in a 50413
municipal court with the violation that resulted in the suspension 50414
or in the imposition of the court costs, the portion shall be 50415
deposited into the municipal indigent drivers alcohol treatment 50416
fund under the control of that court. 50417

(b) Regarding a suspension imposed under section 4511.19 of 50418
the Revised Code or under section 4510.07 of the Revised Code for 50419
a violation of a municipal OVI ordinance, that portion of the fee 50420
shall be deposited as follows: 50421

(i) If the fee is paid by a person whose license or permit 50422
was suspended by a county court, the portion shall be deposited 50423
into the county indigent drivers alcohol treatment fund under the 50424
control of that court; 50425

(ii) If the fee is paid by a person whose license or permit 50426
was suspended by a municipal court, the portion shall be deposited 50427
into the municipal indigent drivers alcohol treatment fund under 50428
the control of that court. 50429

(3)(a) As used in division (H)(3) of this section, "indigent 50430
person" means a person who is convicted of a violation of division 50431
(A) or (B) of section 4511.19 of the Revised Code or a 50432
substantially similar municipal ordinance or found to be a 50433
juvenile traffic offender by reason of a violation of division (A) 50434
or (B) of section 4511.19 of the Revised Code or a substantially 50435

similar municipal ordinance, who is ordered by the court to attend 50436
an alcohol and drug addiction treatment program, and who is 50437
determined by the court under division (H)(5) of this section to 50438
be unable to pay the cost of the assessment or the cost of 50439
attendance at the treatment program. 50440

(b) A county, juvenile, or municipal court judge, by order, 50441
may make expenditures from a county indigent drivers alcohol 50442
treatment fund, a county juvenile indigent drivers alcohol 50443
treatment fund, or a municipal indigent drivers alcohol treatment 50444
fund with respect to an indigent person for any of the following: 50445

(i) To pay the cost of an assessment that is conducted by an 50446
appropriately licensed clinician at either a driver intervention 50447
program that is certified under section 5119.38 of the Revised 50448
Code or at a community addiction services provider whose alcohol 50449
and drug addiction services are certified under section 5119.36 of 50450
the Revised Code; 50451

(ii) To pay the cost of alcohol addiction services, drug 50452
addiction services, or integrated alcohol and drug addiction 50453
services at a community addiction services provider whose alcohol 50454
and drug addiction services are certified under section 5119.36 of 50455
the Revised Code; 50456

(iii) To pay the cost of transportation to attend an 50457
assessment as provided under division (H)(3)(b)(i) of this section 50458
or addiction services as provided under division (H)(3)(b)(ii) of 50459
this section. 50460

The alcohol and drug addiction services board or the board of 50461
alcohol, drug addiction, and mental health services established 50462
pursuant to section 340.02 or 340.021 of the Revised Code and 50463
serving the alcohol, drug addiction, and mental health service 50464
district in which the court is located shall administer the 50465
indigent drivers alcohol treatment program of the court. When a 50466

court orders an offender or juvenile traffic offender to obtain an assessment or attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund serving every court whose program is administered by that board shall be paid to the board to cover the costs it incurs in administering those indigent drivers alcohol treatment programs.

(c) Upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device, a county, juvenile, or municipal court judge may use moneys in the county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund in either of the following manners:

(i) If the source of the moneys was an appropriation of the general assembly, a portion of a fee that was paid under division (F) of this section, a portion of a fine that was specified for deposit into the fund by section 4511.193 of the Revised Code, or a portion of a fine that was paid for a violation of section 4511.19 of the Revised Code or of a provision contained in Chapter 4510. of the Revised Code that was required to be deposited into the fund, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender, in conjunction with a treatment program approved by the department of mental health and addiction services, when such use is determined

clinically necessary by the treatment program and when the court 50499
determines that the offender or juvenile traffic offender is 50500
unable to pay all or part of the daily monitoring or cost of the 50501
device; 50502

(ii) If the source of the moneys was a portion of an 50503
additional court cost imposed under section 2949.094 of the 50504
Revised Code, to pay for the continued use of an alcohol 50505
monitoring device by an offender or juvenile traffic offender when 50506
the court determines that the offender or juvenile traffic 50507
offender is unable to pay all or part of the daily monitoring or 50508
cost of the device. The moneys may be used for a device as 50509
described in this division if the use of the device is in 50510
conjunction with a treatment program approved by the department of 50511
mental health and addiction services, when the use of the device 50512
is determined clinically necessary by the treatment program, but 50513
the use of a device is not required to be in conjunction with a 50514
treatment program approved by the department in order for the 50515
moneys to be used for the device as described in this division. 50516

(4) If a county, juvenile, or municipal court determines, in 50517
consultation with the alcohol and drug addiction services board or 50518
the board of alcohol, drug addiction, and mental health services 50519
established pursuant to section 340.02 or 340.021 of the Revised 50520
Code and serving the alcohol, drug addiction, and mental health 50521
district in which the court is located, that the funds in the 50522
county indigent drivers alcohol treatment fund, the county 50523
juvenile indigent drivers alcohol treatment fund, or the municipal 50524
indigent drivers alcohol treatment fund under the control of the 50525
court are more than sufficient to satisfy the purpose for which 50526
the fund was established, as specified in divisions (H)(1) to (3) 50527
of this section, the court may declare a surplus in the fund. If 50528
the court declares a surplus in the fund, the court may take ~~any~~ 50529
one or more of the following actions with regard to the amount of 50530

the surplus in the fund: 50531

(a) Expend any of the surplus amount for alcohol and drug 50532
abuse assessment and treatment, and for the cost of transportation 50533
related to assessment and treatment, of persons who are charged in 50534
the court with committing a criminal offense or with being a 50535
delinquent child or juvenile traffic offender and in relation to 50536
whom both of the following apply: 50537

(i) The court determines that substance abuse was a 50538
contributing factor leading to the criminal or delinquent activity 50539
or the juvenile traffic offense with which the person is charged. 50540

(ii) The court determines that the person is unable to pay 50541
the cost of the alcohol and drug abuse assessment and treatment 50542
for which the surplus money will be used. 50543

(b) Expend any of the surplus amount to pay all or part of 50544
the cost of purchasing alcohol monitoring devices to be used in 50545
conjunction with division (H)(3)(c) of this section, upon 50546
exhaustion of moneys in the indigent drivers interlock and alcohol 50547
monitoring fund for the use of an alcohol monitoring device. 50548

(c) Transfer to another court in the same county any of the 50549
surplus amount to be utilized in a manner consistent with division 50550
(H)(3) of this section. If surplus funds are transferred to 50551
another court, the court that transfers the funds shall notify the 50552
alcohol and drug addiction services board or the board of alcohol, 50553
drug addiction, and mental health services that serves the 50554
alcohol, drug addiction, and mental health service district in 50555
which that court is located. 50556

(d) Transfer to the alcohol and drug addiction services board 50557
or the board of alcohol, drug addiction, and mental health 50558
services that serves the alcohol, drug addiction, and mental 50559
health service district in which the court is located any of the 50560
surplus amount to be utilized in a manner consistent with division 50561

(H)(3) of this section or for board contracted recovery support services. 50562
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(e) Expend any of the surplus amount for the cost of staffing, equipment, training, drug testing, supplies, and other expenses of any specialized docket program established within the court and certified by the supreme court. 50564
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(5) In order to determine if an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program for purposes of division (H)(3) of this section or if an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination. 50568
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(6) The court shall identify and refer any community addiction services provider that intends to provide alcohol and drug addiction services and has not had its alcohol and drug addiction services certified under section 5119.36 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of mental health and addiction services in order for the community addiction services provider to have its alcohol and drug addiction services certified by the department. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a community addiction services provider interested in having its alcohol and drug addiction services certified makes an application pursuant to section 5119.36 of the Revised Code, the community addiction services provider is eligible to receive surplus funds as long as the application is pending with the department. The department of mental health and addiction services must offer technical 50576
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assistance to the applicant. If the interested community addiction 50594
services provider withdraws the certification application, the 50595
department must notify the court, and the court shall not provide 50596
the interested community addiction services provider with any 50597
further surplus funds. 50598

(7)(a) Each alcohol and drug addiction services board and 50599
board of alcohol, drug addiction, and mental health services 50600
established pursuant to section 340.02 or 340.021 of the Revised 50601
Code shall submit to the department of mental health and addiction 50602
services an annual report for each indigent drivers alcohol 50603
treatment fund in that board's area. 50604

(b) The report, which shall be submitted not later than sixty 50605
days after the end of the state fiscal year, shall provide the 50606
total payment that was made from the fund, including the number of 50607
indigent consumers that received treatment services and the number 50608
of indigent consumers that received an alcohol monitoring device. 50609
The report shall identify the treatment program and expenditure 50610
for an alcohol monitoring device for which that payment was made. 50611
The report shall include the fiscal year balance of each indigent 50612
drivers alcohol treatment fund located in that board's area. In 50613
the event that a surplus is declared in the fund pursuant to 50614
division (H)(4) of this section, the report also shall provide the 50615
total payment that was made from the surplus moneys and identify 50616
the authorized purpose for which that payment was made. 50617

(c) If a board is unable to obtain adequate information to 50618
develop the report to submit to the department for a particular 50619
indigent drivers alcohol treatment fund, the board shall submit a 50620
report detailing the effort made in obtaining the information. 50621

(I)(1) Each county shall establish an indigent drivers 50622
interlock and alcohol monitoring fund and a juvenile indigent 50623
drivers interlock and alcohol treatment fund. Each municipal 50624
corporation in which there is a municipal court shall establish an 50625

indigent drivers interlock and alcohol monitoring fund. All 50626
revenue that the general assembly appropriates to the indigent 50627
drivers interlock and alcohol monitoring fund for transfer to a 50628
county indigent drivers interlock and alcohol monitoring fund, a 50629
county juvenile indigent drivers interlock and alcohol monitoring 50630
fund, or a municipal indigent drivers interlock and alcohol 50631
monitoring fund, all portions of license reinstatement fees that 50632
are paid under division (F)(2) of this section and that are 50633
credited under that division to the indigent drivers interlock and 50634
alcohol monitoring fund in the state treasury, and all portions of 50635
fines that are paid under division (G) of section 4511.19 of the 50636
Revised Code and that are credited by division (G)(5)(e) of that 50637
section to the indigent drivers interlock and alcohol monitoring 50638
fund in the state treasury shall be deposited in the appropriate 50639
fund in accordance with division (I)(2) of this section. 50640

(2) That portion of the license reinstatement fee that is 50641
paid under division (F) of this section and that portion of the 50642
fine paid under division (G) of section 4511.19 of the Revised 50643
Code and that is credited under either division to the indigent 50644
drivers interlock and alcohol monitoring fund shall be deposited 50645
into a county indigent drivers interlock and alcohol monitoring 50646
fund, a county juvenile indigent drivers interlock and alcohol 50647
monitoring fund, or a municipal indigent drivers interlock and 50648
alcohol monitoring fund as follows: 50649

(a) If the fee or fine is paid by a person who was charged in 50650
a county court with the violation that resulted in the suspension 50651
or fine, the portion shall be deposited into the county indigent 50652
drivers interlock and alcohol monitoring fund under the control of 50653
that court. 50654

(b) If the fee or fine is paid by a person who was charged in 50655
a juvenile court with the violation that resulted in the 50656
suspension or fine, the portion shall be deposited into the county 50657

juvenile indigent drivers interlock and alcohol monitoring fund 50658
established in the county served by the court. 50659

(c) If the fee or fine is paid by a person who was charged in 50660
a municipal court with the violation that resulted in the 50661
suspension, the portion shall be deposited into the municipal 50662
indigent drivers interlock and alcohol monitoring fund under the 50663
control of that court. 50664

(3) If a county, juvenile, or municipal court determines that 50665
the funds in the county indigent drivers interlock and alcohol 50666
monitoring fund, the county juvenile indigent drivers interlock 50667
and alcohol monitoring fund, or the municipal indigent drivers 50668
interlock and alcohol monitoring fund under the control of that 50669
court are more than sufficient to satisfy the purpose for which 50670
the fund was established as specified in division (F)(2)(h) of 50671
this section, the court may declare a surplus in the fund. The 50672
court then may order the transfer of a specified amount into the 50673
county indigent drivers alcohol treatment fund, the county 50674
juvenile indigent drivers alcohol treatment fund, or the municipal 50675
indigent drivers alcohol treatment fund under the control of that 50676
court to be utilized in accordance with division (H) of this 50677
section. 50678

Sec. 4709.10. (A) Each person who desires to obtain a license 50679
to operate a barber school shall apply to the state cosmetology 50680
and barber board, on forms provided by the board. The board shall 50681
issue a barber school license to a person if the board determines 50682
that the person meets and will comply with all of the requirements 50683
of division (B) of this section and pays the required licensure 50684
and inspection fees. 50685

(B) In order for a person to qualify for a license to operate 50686
a barber school, the barber school to be operated by the person 50687
must meet all of the following requirements: 50688

(1) Have a training facility sufficient to meet the required 50689
educational curriculum established by the board, including enough 50690
space to accommodate all the facilities and equipment required by 50691
rule by the board; 50692

(2) Provide sufficient licensed teaching personnel to meet 50693
the minimum pupil-teacher ratio established by rule of the board; 50694

(3) Have established and provide to the board proof that it 50695
has met all of the board requirements to operate a barber school, 50696
as adopted by rule of the board; 50697

(4) File with the board a program of its curriculum, 50698
accounting for not less than one thousand eight hundred hours of 50699
instruction in the courses of theory and practical demonstration 50700
required by rule of the board; 50701

(5) File with the board a surety bond in the amount of ten 50702
thousand dollars issued by a bonding company licensed to do 50703
business in this state. The bond shall be in the form prescribed 50704
by the board and conditioned upon the barber school's continued 50705
instruction in the theory and practice of barbering. The bond 50706
shall continue in effect until notice of its termination is 50707
provided to the board. In no event, however, shall the bond be 50708
terminated while the barber school is in operation. Any student 50709
who is injured or damaged by reason of a barber school's failure 50710
to continue instruction in the theory and practice of barbering 50711
may maintain an action on the bond against the barber school or 50712
the surety, or both, for the recovery of any money or tuition paid 50713
in advance for instruction in the theory and practice of barbering 50714
which was not received. The aggregate liability of the surety to 50715
all students shall not exceed the sum of the bond. 50716

(6) Maintain adequate record keeping to ensure that it has 50717
met the requirements for records of student progress as required 50718
by board rule; 50719

- (7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following:
- (a) Be at least seventeen years of age;
 - (b) Have an eighth grade education, or an equivalent education as determined by the state board of education;
 - (c) Submit two signed current photographs of the applicant, in the size determined by the board.
- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;
- (9) Operate in a manner which reflects credit upon the barbering profession;
- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;
- (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.
- (C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:
- (1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber

teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;

(2) Meets such other requirements as adopted by rule by the board;

(3) Passes the required examination; and

(4) Pays the required fees. ~~If an applicant fails to pass the examination, the applicant may reapply for the examination and licensure no earlier than one year after the failure to pass and provided that during that period, the applicant remains employed as an assistant barber teacher.~~

The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.

(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications.

Sec. 4713.02. (A) There is hereby created the state cosmetology and barber board, consisting of all of the following members appointed by the governor, with the advice and consent of the senate:

(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment;

(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment;

(3) One individual who holds a current, valid independent

contractor license at the time of appointment and practices a 50780
branch of cosmetology; 50781

(4) One individual who represents individuals who teach the 50782
theory and practice of a branch of cosmetology at a vocational or 50783
career-technical school; 50784

(5) One owner or executive actively engaged in the daily 50785
operations of a licensed school of cosmetology; 50786

(6) One owner of at least five licensed salons; 50787

(7) One individual who is either a certified nurse 50788
practitioner or clinical nurse specialist holding a current, valid 50789
license to practice nursing as an advanced practice registered 50790
nurse issued under Chapter 4723. of the Revised Code or a 50791
physician authorized under Chapter 4731. of the Revised Code to 50792
practice medicine and surgery or osteopathic medicine and surgery; 50793

(8) One individual representing the general public; 50794

(9) One individual who holds a current, valid tanning permit 50795
and who has owned or managed a tanning facility for at least five 50796
years immediately preceding the individual's appointment; 50797

(10) One individual who holds a current, valid esthetician 50798
license and who has been actively practicing esthetics for a 50799
period of not less than five years immediately preceding the 50800
individual's appointment; 50801

(11) ~~Two barbers, one of whom~~ One individual who is an 50802
employer barber and ~~one of whom is employed as a barber, both of~~ 50803
~~whom have~~ who has been licensed as ~~barbers~~ a barber in this state 50804
for at least five years immediately preceding ~~their~~ the 50805
individual's appointment; 50806

(12) One individual who holds a current, valid barber or 50807
barber teacher license at the time of appointment and who has been 50808
licensed as a barber or barber teacher in this state for at least 50809

five years immediately preceding the individual's appointment. 50810

(B) The superintendent of public instruction shall nominate 50811
three individuals for the governor to choose from when making an 50812
appointment under division (A)(4) of this section. 50813

(C) All members shall be at least twenty-five years of age, 50814
residents of the state, and citizens of the United States. No more 50815
than two members, at any time, shall be graduates of the same 50816
school of cosmetology. Not more than one member shall have a 50817
common financial connection with any school of cosmetology, salon, 50818
barber school, or barber shop. 50819

Terms of office are for five years. Terms shall commence on 50820
the first day of November and end on the thirty-first day of 50821
October. Each member shall hold office from the date of 50822
appointment until the end of the term for which appointed. In case 50823
of a vacancy occurring on the board, the governor shall, in the 50824
same manner prescribed for the regular appointment to the board, 50825
fill the vacancy by appointing a member. Any member appointed to 50826
fill a vacancy occurring prior to the expiration of the term for 50827
which the member's predecessor was appointed shall hold office for 50828
the remainder of such term. Any member shall continue in office 50829
subsequent to the expiration date of the member's term until the 50830
member's successor takes office, or until a period of sixty days 50831
has elapsed, whichever occurs first. Before entering upon the 50832
discharge of the duties of the office of member, each member shall 50833
take, and file with the secretary of state, the oath of office 50834
required by Section 7 of Article XV, Ohio Constitution. 50835

The members of the board shall receive an amount fixed 50836
pursuant to Chapter 124. of the Revised Code per diem for every 50837
meeting of the board which they attend, together with their 50838
necessary expenses, and mileage for each mile necessarily 50839
traveled. 50840

The members of the board shall annually elect, from among
their number, a chairperson and a vice-chairperson. The executive
director appointed pursuant to section 4713.06 of the Revised Code
shall serve as the board's secretary.

(D) The board shall prescribe the duties of its officers and
establish an office within Franklin county. The board shall keep
all records and files at the office and have the records and files
at all reasonable hours open to public inspection in accordance
with section 149.43 of the Revised Code and any rules adopted by
the board in compliance with this state's record retention policy.
The board also shall adopt a seal for the authentication of its
orders, communications, and records.

(E) The governor may remove any member for cause prior to the
expiration of the member's term of office.

(F) Whenever the term "state board of cosmetology" is used,
referred to, or designated in statute, rule, contract, grant, or
other document, the use, reference, or designation shall be deemed
to mean the "state cosmetology and barber board" or the executive
director of the state cosmetology and barber board, whichever is
appropriate in context. Whenever the term "barber board" is used,
referred to, or designated in statute, rule, contract, grant, or
other document, the use, reference, or designation shall be deemed
to mean the "state cosmetology and barber board" or the executive
director of the state cosmetology and barber board, whichever is
appropriate in context.

Sec. 4713.351. (A) For purposes of this section, a "limited
event" includes, but is not limited to, the following:

(1) A charity event;

(2) On-location wedding or event preparation;

(3) A bridal or hair show;

(4) An on-location spa event; 50871

(5) An on-location event at a location such as a nursing home, hospital, or other care facility that lacks an on-site salon or barber shop; 50872
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(6) An on-location event at the private residence of an individual who is unable to visit a fixed location salon or barber shop. 50875
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(B) Notwithstanding any provision of this chapter or Chapter 4709. of the Revised Code, or the rules adopted under either chapter, to the contrary, an individual who is licensed to provide services under Chapter 4709. or 4713. of the Revised Code may provide those services on premises other than a salon or a barber shop licensed under Chapter 4709., as applicable, for limited events only if the services provided are incidental to the licensee's practice in a salon or barber shop. 50878
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(C) The state cosmetology and barber board shall not require an individual who provides incidental services as described in this section to obtain an additional license or permit to provide those services. 50886
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Sec. 4729.284. (A) As used in this section, "nicotine replacement therapy" means a drug, including a dangerous drug, that delivers small doses of nicotine to an individual for the purpose of aiding in tobacco cessation or smoking cessation. 50890
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(B) Subject to division (C) of this section, if use of a protocol that has been developed under this section has been authorized under section 4731.90 of the Revised Code, a pharmacist may dispense nicotine replacement therapy in accordance with that protocol to individuals who are eighteen years old or older and seeking to quit using tobacco-containing products. 50894
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(C) For a pharmacist to be authorized to dispense nicotine 50900

replacement therapy under this section, the pharmacist shall do 50901
both of the following: 50902

(1) Successfully complete a course on nicotine replacement 50903
therapy that is taught by a provider that is accredited by the 50904
accreditation council for pharmacy education, or another provider 50905
approved by the state board of pharmacy, and that meets 50906
requirements established in rules adopted under this section; 50907

(2) Practice in accordance with a protocol that meets the 50908
requirements of division (D) of this section. 50909

(D) All of the following apply with respect to the protocol 50910
required by this section: 50911

(1) The protocol shall be established by a physician 50912
authorized under Chapter 4731. of the Revised Code to practice 50913
medicine and surgery or osteopathic medicine and surgery. 50914

(2) The protocol shall specify a definitive set of treatment 50915
guidelines and the locations at which a pharmacist may dispense 50916
nicotine replacement therapy under this section. 50917

(3) The protocol shall include provisions for implementation 50918
of the following requirements: 50919

(a) Use by the pharmacist of a screening procedure, 50920
recommended by the United States centers for disease control and 50921
prevention or another organization approved by the board, to 50922
determine if an individual is a good candidate to receive nicotine 50923
replacement therapy dispensed as authorized by this section; 50924

(b) A requirement that the pharmacist refer high-risk 50925
individuals or individuals with contraindications to a primary 50926
care provider or, as appropriate, to another type of provider; 50927

(c) A requirement that the pharmacist develop and implement a 50928
follow-up care plan in accordance with guidelines specified in 50929
rules adopted under this section, including a recommendation by 50930

the pharmacist that the individual seek additional assistance with 50931
behavior change, including assistance from the Ohio tobacco quit 50932
line made available by the department of health. 50933

(4) The protocol shall satisfy any additional requirements 50934
established in rules adopted under this section. 50935

(E)(1) Documentation related to screening, dispensing, and 50936
follow-up care plans shall be maintained in the records of the 50937
pharmacy where the pharmacist practices for at least three years. 50938
Dispensing of nicotine replacement therapy may be documented on a 50939
prescription form, and the form may be assigned a number for 50940
recordkeeping purposes. 50941

(2) Not later than seventy-two hours after a screening is 50942
conducted under this section, the pharmacist shall provide notice 50943
to the individual's primary care provider, if known, or to the 50944
individual if the primary care provider is unknown. The notice 50945
shall include results of the screening, and if applicable, the 50946
dispensing record and follow-up care plan. 50947

A copy of the documentation identified in division (E)(1) of 50948
this section shall also be provided to the individual or the 50949
individual's primary care provider on request. 50950

(F) This section does not affect the authority of a 50951
pharmacist to do any of the following: 50952

(1) Fill or refill prescriptions for nicotine replacement 50953
therapy; 50954

(2) Sell nicotine replacement therapy that does not require a 50955
prescription. 50956

(G) No pharmacist shall do either of the following: 50957

(1) Dispense nicotine replacement therapy in accordance with 50958
a protocol unless the requirements of division (C) of this section 50959
have been met; 50960

(2) Delegate to any person the pharmacist's authority to engage in or supervise the dispensing of nicotine replacement therapy. 50961
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(H)(1) The board shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall include all of the following: 50964
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(a) Provisions specifying the nicotine replacement therapy that may be dispensed in accordance with a protocol; 50967
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(b) Requirements for courses on nicotine replacement therapy including requirements that are consistent with any standards established for such courses by the United States centers for disease control and prevention; 50969
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(c) Requirements for protocols to be followed by pharmacists in dispensing nicotine replacement therapy; 50973
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(d) Guidelines for follow-up care plans. 50975

(2) Prior to adopting rules regarding requirements for protocols to be followed by pharmacists in dispensing of nicotine replacement therapy, the state board of pharmacy shall consult with the state medical board and the department of health. 50976
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(I) A physician who in good faith authorizes a pharmacist to dispense nicotine replacement therapy in accordance with a protocol developed pursuant to rules adopted under division (H) of this section is not liable for or subject to any of the following for any action or omission of the individual to whom the nicotine replacement therapy is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 50980
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Sec. 4730.43. (A) A physician assistant who holds a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may personally 50988
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furnish to a patient samples of drugs and therapeutic devices that 50991
are included in the physician assistant's physician-delegated 50992
prescriptive authority, subject to all of the following: 50993

(1) The amount of the sample furnished shall not exceed a 50994
seventy-two-hour supply, except when the minimum available 50995
quantity of the sample is packaged in an amount that is greater 50996
than a seventy-two-hour supply, in which case the physician 50997
assistant may furnish the sample in the package amount. 50998

(2) No charge may be imposed for the sample or for furnishing 50999
it. 51000

(3) Samples of controlled substances may not be personally 51001
furnished. 51002

(B) A physician assistant who holds a valid prescriber number 51003
issued by the state medical board and has been granted 51004
physician-delegated prescriptive authority may personally furnish 51005
to a patient a complete or partial supply of the drugs and 51006
therapeutic devices that are included in the physician assistant's 51007
physician-delegated prescriptive authority, subject to all of the 51008
following: 51009

(1) The physician assistant shall personally furnish only 51010
antibiotics, antifungals, scabicides, contraceptives, prenatal 51011
vitamins, antihypertensives, drugs and devices used in the 51012
treatment of diabetes, drugs and devices used in the treatment of 51013
asthma, and drugs used in the treatment of dyslipidemia. 51014

(2) The physician assistant shall not furnish the drugs and 51015
devices in locations other than at the following: 51016

(a) A health department operated by the board of health of a 51017
city or general health district or the authority having the duties 51018
of a board of health under section 3709.05 of the Revised Code, ~~or~~ 51019

(b) A federally funded comprehensive primary care clinic, ~~or~~ 51020

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<u>(c) A nonprofit health care clinic or program;</u>	51022
<u>(d) An employer-based clinic that provides health care services to the employer's employees.</u>	51023 51024
(3) The physician assistant shall comply with all standards and procedures for personally furnishing supplies of drugs and devices, as established in rules adopted under section 4730.39 of the Revised Code.	51025 51026 51027 51028
Sec. 4731.251. (A) As used in this section and in sections 4731.252 and 4731.253 <u>to 4731.254</u> of the Revised Code:	51029 51030
(1) "Impaired" or "impairment" has the same meaning as in division (B)(5) of section 4730.25, division (B)(26) of section 4731.22, division (A)(18) of section 4759.07, division (B)(6) of section 4760.13, division (A)(18) of section 4761.09, division (B)(6) of section 4762.13, division (B)(6) of section 4774.13, or division (B)(6) of section 4778.14 of the Revised Code.	51031 51032 51033 51034 51035 51036
(2) "Practitioner" means any of the following:	51037
(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine;	51038 51039 51040
(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;	51041 51042
(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;	51043 51044
(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;	51045 51046
(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care;	51047 51048
(f) An individual authorized under Chapter 4762. of the	51049

Revised Code to practice as an acupuncturist or oriental medicine practitioner; 51050
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(g) An individual authorized under Chapter 4774. of the Revised Code to practice as a radiologist assistant; 51052
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(h) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor. 51054
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(B) The state medical board shall establish a confidential program for the treatment of impaired practitioners, which shall be known as the one-bite program. The board shall contract with one organization to conduct the program and perform monitoring services. 51056
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To be qualified to contract with the board under this section, an organization must meet all of the following requirements: 51061
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(1) Be sponsored by one or more professional associations or societies of practitioners; 51064
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(2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code; 51066
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(3) Contract with or employ to serve as the organization's medical director an individual who is authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine; 51069
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(4) Contract with or employ one or more of the following as necessary for the organization's operation: 51074
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(a) An individual licensed under Chapter 4758. of the Revised Code as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II; 51076
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(b) An individual licensed under Chapter 4757. of the Revised Code as an independent social worker, social worker, licensed professional clinical counselor, or licensed professional counselor; 51080
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(c) An individual licensed under Chapter 4732. of the Revised Code as a psychologist. 51084
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(C) The monitoring organization shall do all of the following pursuant to the contract: 51086
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(1) Receive any report of suspected impairment, including a report made under division (B)(2) of section 4730.32, division (B)(2) of section 4731.224, section 4759.13, division (B)(2) of section 4760.16, section 4761.19, division (B)(2) of section 4762.16, division (B)(2) of section 4774.16, or section 4778.17 of the Revised Code; 51088
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(2) Notify a practitioner who is the subject of a report received under division (C)(1) of this section that the report has been made and that the practitioner may be eligible to participate in the program conducted under this section; 51094
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(3) Determine whether a practitioner reported to the monitoring organization is eligible to participate in the program and notify the practitioner of the determination; 51098
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(4) In the case of a practitioner reported by a treatment provider, notify the treatment provider of the eligibility determination; 51101
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(5) Report to the board any practitioner who is determined ineligible to participate in the program; 51104
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(6) Refer an eligible practitioner who chooses to participate in the program for evaluation by a treatment provider approved by the board under section 4731.25 of the Revised Code, unless the report received by the monitoring organization was made by an 51106
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approved treatment provider and the practitioner has already been	51110
evaluated by the treatment provider;	51111
(7) Monitor the evaluation of an eligible practitioner;	51112
(8) Refer an eligible practitioner who chooses to participate	51113
in the program to a treatment provider approved by the board under	51114
section 4731.25 of the Revised Code;	51115
(9) Establish, in consultation with the treatment provider to	51116
which a practitioner is referred, the terms and conditions with	51117
which the practitioner must comply for continued participation in	51118
and successful completion of the program;	51119
(10) Report to the board any practitioner who does not	51120
complete evaluation or treatment or does not comply with any of	51121
the terms and conditions established by the monitoring	51122
organization and the treatment provider;	51123
(11) Perform any other activities specified in the contract	51124
with the board or that the monitoring organization considers	51125
necessary to comply with this section and sections 4731.252 and	51126
4731.253 of the Revised Code.	51127
(D) The monitoring organization shall not disclose to the	51128
board the name of a practitioner or any records relating to a	51129
practitioner, unless any of the following occurs:	51130
(1) The practitioner is determined to be ineligible to	51131
participate in the program.	51132
(2) The practitioner requests the disclosure.	51133
(3) The practitioner is unwilling or unable to complete or	51134
comply with any part of the program, including evaluation,	51135
treatment, or monitoring.	51136
(4) The practitioner presents an imminent danger to the	51137
public or to the practitioner, as a result of the practitioner's	51138
impairment.	51139

(5) The practitioner has relapsed or the practitioner's impairment has not been substantially alleviated by participation in the program.	51140 51141 51142
(E)(1) The monitoring organization shall develop procedures governing each of the following:	51143 51144
(a) Receiving reports of practitioner impairment;	51145
(b) Notifying practitioners of reports and eligibility determinations;	51146 51147
(c) Referring eligible practitioners for evaluation or treatment;	51148 51149
(d) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	51150 51151
(e) Establishing individualized terms and conditions with which eligible practitioners must comply for continued participation in and successful completion of the program.	51152 51153 51154
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	51155 51156
(a) Providing reports to the board on a periodic basis on the total number of practitioners participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;	51157 51158 51159 51160 51161
(b) Reporting to the board any practitioner who due to impairment presents an imminent danger to the public or to the practitioner;	51162 51163 51164
(c) Reporting to the board any practitioner who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring;	51165 51166 51167
(d) Reporting to the board any practitioner whose impairment was not substantially alleviated by participation in the program	51168 51169

or who has relapsed. 51170

(F) The board may adopt any rules it considers necessary to 51171
implement this section and sections 4731.252 and 4731.253 of the 51172
Revised Code, including rules regarding the monitoring 51173
organization and treatment providers that provide treatment to 51174
practitioners referred by the monitoring organization. Any such 51175
rules shall be adopted in accordance with Chapter 119. of the 51176
Revised Code. 51177

Sec. 4731.254. (A) Subject to division (B) of this section, 51178
the state medical board shall not limit, revoke, or suspend a 51179
license or certificate, refuse to issue a license or certificate, 51180
refuse to renew a license or certificate, refuse to reinstate a 51181
license or certificate, or reprimand or place on probation a 51182
practitioner or applicant solely on the grounds of impairment 51183
occurring prior to the practitioner or applicant seeking authority 51184
to practice in this state. 51185

(B)(1) A practitioner or applicant who was authorized to 51186
practice in another jurisdiction before seeking authority to 51187
practice in this state is not subject to disciplinary action, as 51188
provided by division (A) of this section, only if all of the 51189
following are the case: 51190

(a) As part of the process of applying for authority to 51191
practice in this state, the practitioner or applicant disclosed to 51192
the board impairment that occurred while practicing in the other 51193
jurisdiction. 51194

(b) In the other jurisdiction, the practitioner or applicant 51195
participated in a confidential treatment and monitoring program 51196
for impairment. 51197

(c) The practitioner or applicant remained in good standing 51198
with the other jurisdiction's confidential treatment and 51199

monitoring program. 51200

(2) A practitioner or applicant who was not authorized to practice in any jurisdiction before seeking authority to practice in this state is not subject to disciplinary action, as provided by division (A) of this section, only if all of the following are the case: 51201
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(a) As part of the process of applying for authority to practice in this state, the practitioner or applicant disclosed to the board impairment that occurred before applying for authority to practice. 51206
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(b) The practitioner or applicant participated in and successfully completed a treatment program for impairment. 51210
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(c) The practitioner or applicant provides to the board evidence of the practitioner's or applicant's participation and successful completion of treatment and any terms of aftercare. 51212
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(C) If the board grants a practitioner or applicant described in this section authority to practice in this state, the board shall refer the practitioner or applicant to the monitoring organization conducting the program established by the board under section 4731.251 of the Revised Code. 51215
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Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs. 51220
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Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following: 51224
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(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration of the United States or the United States public health service in the discharge of the officer's or employee's professional duties; 51226
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(2) A dentist authorized under Chapter 4715. of the Revised Code to practice dentistry when engaged exclusively in the practice of dentistry or when administering anesthetics in the practice of dentistry;

(3) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein when providing consultation to an individual holding a license to practice issued under this chapter ~~who is responsible for the examination, diagnosis, and treatment of the patient who is the subject of the consultation,~~ if one of the following applies:

(a) The physician or surgeon does not provide consultation in this state on a regular or frequent basis.

(b) The physician or surgeon provides the consultation without compensation of any kind, direct or indirect, for the consultation.

(c) The consultation is part of the curriculum of a medical school or osteopathic medical school of this state or a program described in division (A)(2) of section 4731.291 of the Revised Code.

(4) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein and provided services to a patient in that state or territory, when providing, not later than one year after the last date services were provided in another state or territory, follow-up services in person or through the use of any communication, including oral, written, or electronic communication, in this state to the patient for the same condition;

(5) A physician or surgeon residing on the border of a contiguous state and authorized under the laws thereof to practice medicine and surgery therein, whose practice extends within the limits of this state. Such practitioner shall not either in person

or through the use of any communication, including oral, written, 51261
or electronic communication, open an office or appoint a place to 51262
see patients or receive calls within the limits of this state. 51263

(6) A board, committee, or corporation engaged in the conduct 51264
described in division (A) of section 2305.251 of the Revised Code 51265
when acting within the scope of the functions of the board, 51266
committee, or corporation; 51267

(7) The conduct of an independent review organization 51268
accredited by the superintendent of insurance under section 51269
3922.13 of the Revised Code for the purpose of external reviews 51270
conducted under Chapter 3922. of the Revised Code. 51271

As used in division (A)(1) of this section, "armed forces of 51272
the United States" means the army, air force, navy, marine corps, 51273
coast guard, and any other military service branch that is 51274
designated by congress as a part of the armed forces of the United 51275
States. 51276

(B)(1) Subject to division (B)(2) of this section, this 51277
chapter does not apply to a person who holds a current, 51278
unrestricted license to practice medicine and surgery or 51279
osteopathic medicine and surgery in another state when the person, 51280
pursuant to a written agreement with an athletic team located in 51281
the state in which the person holds the license, provides medical 51282
services to any of the following while the team is traveling to or 51283
from or participating in a sporting event in this state: 51284

(a) A member of the athletic team; 51285

(b) A member of the athletic team's coaching, communications, 51286
equipment, or sports medicine staff; 51287

(c) A member of a band or cheerleading squad accompanying the 51288
athletic team; 51289

(d) The athletic team's mascot. 51290

(2) In providing medical services pursuant to division (B)(1) 51291
of this section, the person shall not provide medical services at 51292
a health care facility, including a hospital, an ambulatory 51293
surgical facility, or any other facility in which medical care, 51294
diagnosis, or treatment is provided on an inpatient or outpatient 51295
basis. 51296

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 51297
apply to any graduate of a podiatric school or college while 51298
performing those acts that may be prescribed by or incidental to 51299
participation in an accredited podiatric internship, residency, or 51300
fellowship program situated in this state approved by the state 51301
medical board. 51302

(D) This chapter does not apply to an individual engaged in 51303
the practice of oriental medicine, or to an acupuncturist who 51304
complies with Chapter 4762. of the Revised Code. 51305

(E) This chapter does not prohibit the administration of 51306
drugs by any of the following: 51307

(1) An individual who is licensed or otherwise specifically 51308
authorized by the Revised Code to administer drugs; 51309

(2) An individual who is not licensed or otherwise 51310
specifically authorized by the Revised Code to administer drugs, 51311
but is acting pursuant to the rules for delegation of medical 51312
tasks adopted under section 4731.053 of the Revised Code; 51313

(3) An individual specifically authorized to administer drugs 51314
pursuant to a rule adopted under the Revised Code that is in 51315
effect on April 10, 2001, as long as the rule remains in effect, 51316
specifically authorizing an individual to administer drugs. 51317

(F) The exemptions described in divisions (A)(3), (4), and 51318
(5) of this section do not apply to a physician or surgeon whose 51319
license to practice issued under this chapter is under suspension 51320
or has been revoked or permanently revoked by action of the state 51321

medical board. 51322

Sec. 4731.90. A physician who has established a protocol that 51323
meets the requirements of section 4729.284 of the Revised Code and 51324
the rules adopted under that section may authorize one or more 51325
pharmacists to use the protocol for the purpose of dispensing 51326
nicotine replacement therapy under section 4729.284 of the Revised 51327
Code. 51328

Sec. 4735.05. (A) The Ohio real estate commission is a part 51329
of the department of commerce for administrative purposes. The 51330
director of commerce is ex officio the executive officer of the 51331
commission, or the director may designate any employee of the 51332
department as superintendent of real estate and professional 51333
licensing to act as executive officer of the commission. 51334

The commission and the real estate appraiser board created 51335
pursuant to section 4763.02 of the Revised Code shall each submit 51336
to the director a list of three persons whom the commission and 51337
the board consider qualified to be superintendent within sixty 51338
days after the office of superintendent becomes vacant. The 51339
director shall appoint a superintendent from the lists submitted 51340
by the commission and the board, and the superintendent shall 51341
serve at the pleasure of the director. 51342

(B) The superintendent, except as otherwise provided, shall 51343
do all of the following in regard to this chapter: 51344

(1) Administer this chapter; 51345

(2) Issue all orders necessary to implement this chapter; 51346

(3) Investigate complaints concerning the violation of this 51347
chapter or the conduct of any licensee; 51348

(4) Establish and maintain an investigation and audit section 51349
to investigate complaints and conduct inspections, audits, and 51350

other inquiries as in the judgment of the superintendent are 51351
appropriate to enforce this chapter. The investigators or auditors 51352
have the right to review and audit the business records of 51353
licensees and continuing education course providers during normal 51354
business hours. 51355

(5) Appoint a hearing examiner for any proceeding involving 51356
disciplinary action under section 3123.47, 4735.052, or 4735.18 of 51357
the Revised Code; 51358

(6) Administer the real estate recovery fund. 51359

(C) The superintendent may do all of the following: 51360

(1) In connection with investigations and audits under 51361
division (B) of this section, subpoena witnesses as provided in 51362
section 4735.04 of the Revised Code; 51363

(2) Apply to the appropriate court to enjoin any violation of 51364
this chapter. Upon a showing by the superintendent that any person 51365
has violated or is about to violate any provision of this chapter, 51366
the court shall grant an injunction, restraining order, or other 51367
appropriate order. 51368

(3) ~~Upon~~ Recommend the appointment of an ancillary trustee 51369
who is qualified as determined by the superintendent in any of the 51370
following instances: 51371

(a) Upon the death of a licensed broker ~~or the revocation or~~ 51372
~~suspension of the broker's license~~, if there is no other licensed 51373
broker within the ~~business entity of the broker~~ brokerage, ~~appoint~~ 51374
upon application by any interested party, ~~or, in the case of a~~ 51375
~~deceased broker~~, subject to the approval by the appropriate 51376
probate court, ~~recommend the appointment of, an ancillary trustee~~ 51377
~~who is qualified as determined by the superintendent~~ to conclude 51378
the business transactions of the deceased, ~~revoked, or suspended~~ 51379
broker; 51380

(b) Upon the revocation of a licensed broker, if there is no other licensed broker within the brokerage, to conclude the business transactions of the revoked broker; 51381
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(c) Upon the incapacitation, suspension, or incarceration of a licensed broker, if there is no other licensed broker within the brokerage, to continue the business transactions of the brokerage for a period of time not to exceed the period of incapacitation, suspension, or incarceration. 51384
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(4) In conjunction with the enforcement of this chapter, when the superintendent of real estate has reasonable cause to believe that an applicant or licensee has committed a criminal offense, the superintendent of real estate may request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant or licensee. The superintendent of the bureau of criminal identification and investigation shall obtain information from the federal bureau of investigation as part of the criminal records check of the applicant or licensee. The superintendent of real estate may assess the applicant or licensee a fee equal to the fee assessed for the criminal records check. 51389
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(5) In conjunction with the enforcement of this chapter, issue advisory letters in lieu of initiating disciplinary action under section 4735.051 or 4735.052 of the Revised Code or issuing a citation under section 4735.16 or 4735.181 of the Revised Code. 51401
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(D) All information that is obtained by investigators and auditors performing investigations or conducting inspections, audits, and other inquiries pursuant to division (B)(4) of this section, from licensees, complainants, or other persons, and all reports, documents, and other work products that arise from that information and that are prepared by the investigators, auditors, or other personnel of the department, shall be held in confidence by the superintendent, the investigators and auditors, and other 51405
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personnel of the department. Notwithstanding division (D) of 51413
section 2317.023 of the Revised Code, all information obtained by 51414
investigators or auditors from an informal mediation meeting held 51415
pursuant to section 4735.051 of the Revised Code, including but 51416
not limited to the agreement to mediate and the accommodation 51417
agreement, shall be held in confidence by the superintendent, 51418
investigators, auditors, and other personnel of the department. 51419

(E) This section does not prevent the division of real estate 51420
and professional licensing from releasing information relating to 51421
licensees to the superintendent of financial institutions for 51422
purposes relating to the administration of Chapter 1322. of the 51423
Revised Code, to the superintendent of insurance for purposes 51424
relating to the administration of Chapter 3953. of the Revised 51425
Code, to the attorney general, or to local law enforcement 51426
agencies and local prosecutors. Information released by the 51427
division pursuant to this section remains confidential. 51428

Sec. 4735.14. (A) Each license issued under this chapter, 51429
shall be valid without further recommendation or examination until 51430
it is placed in an inactive or resigned status, is revoked or 51431
suspended, or such license expires by operation of law. 51432

(B) Except for a licensee who has placed the licensee's 51433
license in resigned status pursuant to section 4735.142 of the 51434
Revised Code, each licensed broker, brokerage, or salesperson 51435
shall file, on or before the date the Ohio real estate commission 51436
has adopted by rule for that licensee in accordance with division 51437
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 51438
renewal on a form prescribed by the superintendent of real estate. 51439
The notice of renewal shall be mailed by the superintendent two 51440
months prior to the filing deadline to the personal residence 51441
address of each broker or salesperson that is on file with the 51442
division. If the licensee is a partnership, association, limited 51443

liability company, limited liability partnership, or corporation, 51444
the notice of renewal shall be mailed by the superintendent two 51445
months prior to the filing deadline to the brokerage's business 51446
address on file with the division. A licensee shall not renew the 51447
licensee's license any earlier than two months prior to the filing 51448
deadline. 51449

(C) Except as otherwise provided in division (B) of this 51450
section, the license of any real estate broker, brokerage, or 51451
salesperson that fails to file a notice of renewal on or before 51452
the filing deadline of each ensuing year shall be suspended 51453
automatically without the taking of any action by the 51454
superintendent. A suspended license may be reactivated within 51455
twelve months of the date of suspension, provided that the renewal 51456
fee plus a penalty fee of fifty per cent of the renewal fee is 51457
paid to the superintendent. Failure to reactivate the license as 51458
provided in this division shall result in automatic revocation of 51459
the license without the taking of any action by the 51460
superintendent. No person, partnership, association, corporation, 51461
limited liability company, or limited partnership shall engage in 51462
any act or acts for which a real estate license is required while 51463
that entity's license is placed in an inactive or resigned status, 51464
or is suspended, or revoked. The commission shall adopt rules in 51465
accordance with Chapter 119. of the Revised Code to provide to 51466
licensees notice of suspension or revocation or both. 51467

(D) Each licensee shall notify the superintendent of a change 51468
in personal residence address within thirty days after the change 51469
of location. A licensee's failure to notify the superintendent of 51470
a change in personal residence address does not negate the 51471
requirement to file the license renewal by the required deadline 51472
established by the commission by rule under division (A)(2)(f) of 51473
section 4735.10 of the Revised Code. Each licensee shall maintain 51474
a valid electronic mail address on file with the division and 51475

notify the superintendent of any change in electronic mail address 51476
within thirty days after the change. 51477

(E) The superintendent shall not renew a license if the 51478
licensee fails to comply with section 4735.141 of the Revised Code 51479
or is otherwise not in compliance with this chapter. 51480

(F) The superintendent shall make notice of successful 51481
renewal available electronically to licensees as soon as 51482
practicable, but not later than thirty days after receipt by the 51483
division of a complete application and renewal fee. This notice 51484
shall serve as a notice of renewal for purposes of section 4745.02 51485
of the Revised Code. 51486

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 51487
transfer of a license shall be as follows: 51488

(1) Reactivation or transfer of a broker's license into or 51489
out of a partnership, association, limited liability company, 51490
limited liability partnership, or corporation or from one 51491
partnership, association, limited liability company, limited 51492
liability partnership, or corporation to another partnership, 51493
association, limited liability company, limited liability 51494
partnership, or corporation, thirty-four dollars. An application 51495
for such transfer shall be made to the superintendent of real 51496
estate on forms provided by the superintendent. 51497

(2) Reactivation or transfer of a license by a real estate 51498
salesperson, thirty-four dollars. 51499

(B) Except as may otherwise be specified pursuant to division 51500
(F) of this section or any rules adopted by the Ohio real estate 51501
commission pursuant to division (A)(2)(b) of section 4735.10 of 51502
the Revised Code, the nonrefundable fees are as follows for each 51503
licensing period: 51504

(1) Branch office license, twenty dollars; 51505

(2) Renewal of a three-year real estate broker's license, two 51506
hundred forty-three dollars. If the licensee is a partnership, 51507
association, limited liability company, limited liability 51508
partnership, or corporation, the full broker's renewal fee shall 51509
be required for each member of such partnership, association, 51510
limited liability company, limited liability partnership, or 51511
corporation that is a real estate broker. If the real estate 51512
broker has not less than eleven nor more than twenty real estate 51513
salespersons associated with the broker, an additional fee of 51514
sixty-four dollars shall be assessed to the brokerage. For every 51515
additional ten real estate salespersons or fraction of that 51516
number, the brokerage assessment fee shall be increased in the 51517
amount of thirty-seven dollars. 51518

(3) Renewal of a three-year real estate salesperson's 51519
license, one hundred eighty-two dollars; 51520

(4) Renewal of a real estate broker's or salesperson's 51521
license filed within twelve months after the licensee's renewal 51522
date, an additional late filing penalty of fifty per cent of the 51523
required three-year fee; 51524

(5) Foreign real estate dealer's license and each renewal of 51525
the license, thirty dollars per salesperson employed by the 51526
dealer, but not less than two hundred three dollars; 51527

(6) Foreign real estate salesperson's license and each 51528
renewal of the license, sixty-eight dollars. 51529

(C) All fees collected under this section shall be paid to 51530
the treasurer of state. One dollar of each such fee shall be 51531
credited to the real estate education and research fund, except 51532
that for fees that are assessed only once every three years, ~~three~~ 51533
~~dollars~~ one dollar and fifty cents of each triennial fee shall be 51534
credited to the real estate education and research fund. 51535

(D) In all cases, the fee and any penalty shall accompany the 51536

application for the license, license transfer, or license 51537
reactivation or shall accompany the filing of the renewal. 51538

(E) The commission may establish by rule reasonable fees for 51539
services not otherwise established by this chapter. 51540

(F) The commission may adopt rules that provide for a 51541
reduction in the fees established in divisions (B)(2) and (3) of 51542
this section. 51543

Sec. 4735.211. All fines imposed under section 4735.051 of 51544
the Revised Code, and all fees and charges collected under 51545
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 51546
4735.28, and 4735.29 of the Revised Code, except such fees as are 51547
paid to the real estate education and research fund and real 51548
estate recovery fund as provided in this chapter, shall be paid 51549
into the state treasury to the credit of the division of real 51550
estate operating fund, which is hereby created. All operating 51551
expenses of the division of real estate shall be paid from the 51552
division of real estate operating fund. 51553

The division of real estate operating fund shall be assessed 51554
a proportionate share of the administrative costs of the 51555
department of commerce in accordance with procedures prescribed by 51556
the director of commerce ~~and approved by the director of budget~~ 51557
~~and management~~. Such assessments shall be paid from the division 51558
of real estate operating fund to the division of administration 51559
fund. 51560

If funds in the division of real estate operating fund are 51561
determined by the director of commerce to be in excess of those 51562
necessary to fund all the expenses of the division in any 51563
biennium, the director may pay the excess funds to the real estate 51564
education and research fund. 51565

Sec. 4755.01. (A) There is hereby created the Ohio 51566

occupational therapy, physical therapy, and athletic trainers 51567
board consisting of sixteen residents of this state, who shall be 51568
appointed by the governor with the advice and consent of the 51569
senate. The board shall be composed of a physical therapy section, 51570
an occupational therapy section, and an athletic trainers section. 51571
51572

(1) Five members of the board shall be physical therapists 51573
who are licensed to practice physical therapy and who have been 51574
engaged in or actively associated with the practice of physical 51575
therapy in this state for at least five years immediately 51576
preceding appointment. Such members of the board shall sit on the 51577
physical therapy section. The physical therapy section also shall 51578
consist of four additional members, appointed by the governor with 51579
the advice and consent of the senate, who satisfy the same 51580
qualifications as the members of the board sitting on the physical 51581
therapy section, but who are not members of the board. Of the 51582
additional physical therapy section members whose terms commence 51583
on August 28, 2007, one shall be for a term of one year, one for a 51584
term of two years, one for a term of three years, and one for a 51585
term of four years. Such additional members of the physical 51586
therapy section are vested with only such powers and shall perform 51587
only such duties as relate to the affairs of that section. 51588

(2) Four members of the board shall be occupational 51589
therapists and one member shall be a licensed occupational therapy 51590
assistant, all of whom have been engaged in or actively associated 51591
with the practice of occupational therapy or practice as an 51592
occupational therapy assistant in this state for at least five 51593
years immediately preceding appointment. Such members of the board 51594
shall sit on the occupational therapy section. 51595

(3) Four members of the board shall be athletic trainers who 51596
have been engaged in the practice of athletic training in Ohio for 51597
at least five years immediately preceding appointment. One member 51598

of the board shall be a physician licensed to practice medicine 51599
and surgery in this state. Such members of the board shall sit on 51600
the athletic trainers section. 51601

(4) One member of the board shall represent the public. This 51602
member shall sit on the board and shall attend each year at least 51603
three meetings of the physical therapy section, three meetings of 51604
the occupational therapy section, and three meetings of the 51605
athletic trainers section. 51606

(B) Except for the terms of office specified in division 51607
(A)(1) of this section for the additional members of the physical 51608
therapy section commencing on August 28, 2007, terms for the 51609
members of the board and the additional members of the physical 51610
therapy section are for three years. Each member's term shall 51611
commence on the twenty-eighth day of August and end on the 51612
twenty-seventh day of August. Each member shall serve subsequent 51613
to the expiration of the member's term until the member's 51614
successor is appointed and qualifies, or until a period of ~~sixty~~ 51615
ninety days has elapsed, whichever occurs first. A member shall 51616
not serve for more than three consecutive terms. All vacancies 51617
shall be filled in the manner prescribed for the regular 51618
appointments and are limited to the unexpired terms. 51619

(C) Each member of the board and each additional member of 51620
the physical therapy section, before entering upon the official 51621
duties of office, shall do both of the following: 51622

(1) Subscribe to and file with the secretary of state the 51623
constitutional oath of office; 51624

(2) Sign and file with the executive director of the board a 51625
notarized statement that the member has read and understands 51626
sections 121.22 and 149.43 of the Revised Code and the provisions 51627
of Chapter 119. of the Revised Code that are applicable to the 51628
duties of the board. 51629

(D) Annually, upon the qualification of the member or members 51630
appointed in that year, the board shall organize by selecting from 51631
its members a president and secretary. Each section of the board 51632
shall independently organize by selecting from its members a 51633
chairperson and secretary. 51634

(E) A majority of the members of the board constitutes a 51635
quorum to transact and vote on the business of the board. A 51636
majority of the members of each section constitutes a quorum to 51637
transact and vote on the affairs of that section. 51638

(F) Each member of the board and each additional member of 51639
the physical therapy section shall receive an amount fixed 51640
pursuant to division (J) of section 124.15 of the Revised Code for 51641
each day employed in the discharge of official duties. In 51642
addition, each member of the board and each additional member of 51643
the physical therapy section shall receive the member's actual and 51644
necessary expenses incurred in the performance of official duties. 51645

(G) The board of trustees of the Ohio occupational therapy 51646
association may recommend, after any term expires or vacancy 51647
occurs in an occupational therapy position, at least three persons 51648
to fill each such position or vacancy on the board, and the 51649
governor may make the appointment from the persons so recommended. 51650
The executive board of the Ohio chapter of the American physical 51651
therapy association may recommend, after any term expires or 51652
vacancy occurs in a physical therapy position, at least three 51653
persons to fill each such vacancy on the board, and the governor 51654
may make appointments from the persons so recommended. The Ohio 51655
athletic trainers association shall recommend to the governor at 51656
least three persons when any term expires or any vacancy occurs in 51657
an athletic trainer position. The governor may select one of the 51658
association's recommendations in making such an appointment. 51659

(H) The board shall meet as a whole to determine all 51660
administrative, personnel, and budgetary matters. The executive 51661

director of the board appointed by the board shall not be a 51662
physical therapist, an occupational therapist, or an athletic 51663
trainer who has been licensed to practice physical therapy, 51664
occupational therapy, or as an athletic trainer in this state 51665
within three years immediately preceding appointment. The 51666
executive director shall execute, under the direction of the 51667
board, the policies, orders, directives, and administrative 51668
functions of the board and shall direct, under rules adopted by 51669
the board, the work of all persons employed by the board. Upon the 51670
request of the board, the executive director shall report to the 51671
board on any matter. The executive director shall serve at the 51672
pleasure of the board. 51673

(I) The occupational therapy section of the board shall have 51674
the authority to act on behalf of the board on matters concerning 51675
the practice of occupational therapy and, in particular, the 51676
examination of applicants, the issuance of licenses ~~and limited~~ 51677
~~permits~~, and the suspension or revocation of licenses ~~and limited~~ 51678
~~permits~~ to practice as an occupational therapist or occupational 51679
therapy assistant. The physical therapy section of the board shall 51680
have the authority to act on behalf of the board on matters 51681
concerning the practice of physical therapy and, in particular, 51682
the examination, licensure, and suspension or revocation of 51683
licensure of applicants, physical therapists, and physical 51684
therapist assistants. The athletic trainers section of the board 51685
shall have the authority to act on behalf of the board on matters 51686
concerning the practice of athletic training and, in particular, 51687
the examination, licensure, and suspension or revocation of 51688
licensure of applicants and athletic trainers. All actions taken 51689
by any section of the board under this division shall be in 51690
accordance with Chapter 119. of the Revised Code. 51691

Sec. 4755.02. (A) The appropriate section of the Ohio 51692
occupational therapy, physical therapy, and athletic trainers 51693

board shall investigate compliance with this chapter or any rule 51694
or order issued under this chapter and shall investigate alleged 51695
grounds for the suspension, revocation, or refusal to issue or 51696
renew licenses ~~or limited permits~~ under section 3123.47, 4755.11, 51697
4755.47, or 4755.64 of the Revised Code. The appropriate section 51698
may subpoena witnesses and documents in connection with its 51699
investigations. 51700

(B) Through the attorney general or an appropriate 51701
prosecuting attorney, the appropriate section may apply to an 51702
appropriate court for an order enjoining the violation of this 51703
chapter. On the filing of a verified petition, the court shall 51704
conduct a hearing on the petition and give the same preference to 51705
the proceeding as is given to all proceedings under Chapter 119. 51706
of the Revised Code, irrespective of the position of the 51707
proceeding on the court's calendar. On a showing that a person has 51708
violated or is about to violate this chapter, the court shall 51709
grant an injunction, restraining order, or other order as 51710
appropriate. The injunction proceedings provided by this division 51711
are in addition to all penalties and other remedies provided in 51712
this chapter. 51713

(C) When requested by the appropriate section, the 51714
prosecuting attorney of a county, or the village solicitor or city 51715
director of law of a municipal corporation, where a violation of 51716
this chapter allegedly occurs, shall take charge of and conduct 51717
the prosecution. 51718

(D) The appropriate section may employ investigators who 51719
shall investigate complaints, conduct inspections, and make 51720
inquiries as in the judgment of the section are appropriate to 51721
enforce sections 3123.41 to 3123.50 of the Revised Code or this 51722
chapter. These investigators have the right to review, obtain 51723
copies, and audit the patient records and personnel files of 51724

licensees ~~and limited permit holders~~ at the place of business of 51725
the licensees ~~or limited permit holders~~ or any other place where 51726
such documents may be and shall be given access to such documents 51727
during normal business hours. 51728

(E)(1) Subject to division (E)(2) of this section, 51729
information and records received or generated by the board 51730
pursuant to an investigation are confidential, are not public 51731
records as defined in section 149.43 of the Revised Code, and are 51732
not subject to discovery in any civil or administrative action. 51733

(2) For good cause, the board may disclose information 51734
gathered pursuant to an investigation to any federal, state, or 51735
local law enforcement, prosecutorial, or regulatory agency or its 51736
officers or agents engaging in an investigation the board believes 51737
is within the agency's jurisdiction. An agency that receives 51738
confidential information shall comply with the same requirements 51739
regarding confidentiality as those with which the board must 51740
comply, notwithstanding any conflicting provision of the Revised 51741
Code or procedure of the agency that applies when the agency is 51742
dealing with other information in its possession. The information 51743
may be admitted into evidence in a criminal trial in accordance 51744
with the Rules of Evidence, or in an administrative hearing 51745
conducted by an agency, but the court or agency shall require that 51746
appropriate measures be taken to ensure that confidentiality is 51747
maintained with respect to any part of the information that 51748
contains names or other identifying information about patients, 51749
complainants, or others whose confidentiality was protected by the 51750
board when the information was in the board's possession. Measures 51751
to ensure confidentiality that may be taken by the court or agency 51752
include sealing its records or redacting specific information from 51753
its records. 51754

(F) The appropriate section shall conduct hearings, keep 51755
records and minutes, and enforce the relevant sections of this 51756

chapter. 51757

(G) Each section of the board shall publish and make 51758
available, upon request and for a fee not to exceed the actual 51759
cost of printing and mailing, the licensure standards prescribed 51760
by the relevant sections of this chapter and the Administrative 51761
Code. 51762

(H) The board shall submit to the governor and to the general 51763
assembly each year a report of all its official actions during the 51764
preceding year, together with any recommendations and findings 51765
with regard to the status of the professions of physical therapy, 51766
occupational therapy, and athletic training. 51767

Sec. 4755.04. As used in sections 4755.04 to 4755.13 and 51768
section 4755.99 of the Revised Code: 51769

(A) "Occupational therapy" means the therapeutic use of 51770
everyday life activities or occupations with individuals or groups 51771
for the purpose of participation in roles and situations in the 51772
home, school, workplace, community, and other settings. The 51773
practice of occupational therapy includes all of the following: 51774

(1) Methods or strategies selected to direct the process of 51775
interventions, including, but not limited to, establishment, 51776
remediation, or restoration of a skill or ability that has not yet 51777
developed or is impaired and compensation, modification, or 51778
adaptation of activity or environment to enhance performance; 51779

(2) Evaluation of factors affecting activities of daily 51780
living, instrumental activities of daily living, education, work, 51781
play, leisure, and social participation, including, but not 51782
limited to, sensory motor abilities, vision, perception, 51783
cognition, psychosocial, and communication and interaction skills; 51784

(3) Interventions and procedures to promote or enhance safety 51785
and performance in activities of daily living, education, work, 51786

play, leisure, and social participation, including, but not 51787
limited to, application of physical agent modalities, use of a 51788
range of specific therapeutic procedures to enhance performance 51789
skills, rehabilitation of driving skills to facilitate community 51790
mobility, and management of feeding, eating, and swallowing to 51791
enable eating and feeding performance; 51792

(4) Consultative services, case management, and education of 51793
patients, clients, or other individuals to promote 51794
self-management, home management, and community and work 51795
reintegration; 51796

(5) Designing, fabricating, applying, recommending, and 51797
instructing in the use of selected orthotic or prosthetic devices 51798
and other equipment which assists the individual to adapt to the 51799
individual's potential or actual impairment; 51800

(6) Administration of topical drugs that have been prescribed 51801
by a licensed health professional authorized to prescribe drugs, 51802
as defined in section 4729.01 of the Revised Code. 51803

(B) "Occupational therapist" means a person who is licensed 51804
~~or holds a limited permit~~ to practice occupational therapy and who 51805
offers such services to the public under any title incorporating 51806
the words "occupational therapy," "occupational therapist," or any 51807
similar title or description of services. 51808

(C) "Occupational therapy assistant" means a person who holds 51809
a license ~~or limited permit~~ to provide occupational therapy 51810
techniques under the general supervision of an occupational 51811
therapist. 51812

Sec. 4755.05. No person who does not hold a current license 51813
~~or limited permit~~ under sections 4755.04 to 4755.13 of the Revised 51814
Code shall practice or offer to practice occupational therapy, or 51815
use in connection with the person's name, or otherwise assume, 51816

use, or advertise, any title, initials, or description tending to 51817
convey the impression that the person is an occupational therapist 51818
or an occupational therapy assistant. No partnership, association, 51819
or corporation shall advertise or otherwise offer to provide or 51820
convey the impression that it is providing occupational therapy 51821
unless an individual holding a current license ~~or limited permit~~ 51822
under sections 4755.04 to 4755.13 of the Revised Code is or will 51823
at the appropriate time be rendering the occupational therapy 51824
services to which reference is made. 51825

Sec. 4755.06. The occupational therapy section of the Ohio 51826
occupational therapy, physical therapy, and athletic trainers 51827
board may make reasonable rules in accordance with Chapter 119. of 51828
the Revised Code relating to, but not limited to, the following: 51829

(A) The form and manner for filing applications for licensure 51830
under sections 4755.04 to 4755.13 of the Revised Code; 51831

(B) The issuance, suspension, and revocation of the licenses 51832
and the conducting of investigations and hearings; 51833

(C) Standards for approval of courses of study relative to 51834
the practice of occupational therapy; 51835

(D) The time and form of examination for the licensure; 51836

(E) Standards of ethical conduct in the practice of 51837
occupational therapy; 51838

(F) The form and manner for filing applications for renewal 51839
and a schedule of deadlines for renewal; 51840

(G) The conditions under which a license of a licensee who 51841
files a late application for renewal will be reinstated; 51842

(H) Placing an existing license in escrow; 51843

(I) The amount, scope, and nature of continuing education 51844
activities required for license renewal, including waivers of the 51845

continuing education requirements; 51846

(J) ~~Guidelines for limited permits;~~ 51847

~~(K)~~ Requirements for criminal records checks of applicants 51848
under section 4776.03 of the Revised Code; 51849

~~(L)~~(K) Subject to section 4755.061 of the Revised Code, the 51850
amount for each fee specified in section 4755.12 of the Revised 51851
Code that the section charges; 51852

~~(M)~~(L) The amount and content of corrective action courses 51853
required by the board under section 4755.11 of the Revised Code. 51854

The section may hear testimony in matters relating to the 51855
duties imposed upon it, and the chairperson and secretary of the 51856
section may administer oaths. The section may require proof, 51857
beyond the evidence found in the application, of the honesty and 51858
truthfulness of any person named in an application for licensure, 51859
before admitting the applicant to an examination or issuing a 51860
license. 51861

Sec. 4755.08. The occupational therapy section of the Ohio 51862
occupational therapy, physical therapy, and athletic trainers 51863
board shall issue a license to every applicant who has passed the 51864
appropriate examination designated by the section and who 51865
otherwise complies with the licensure requirements of sections 51866
4755.04 to 4755.13 of the Revised Code. The license entitles the 51867
holder to practice occupational therapy or to assist in the 51868
practice of occupational therapy. The licensee shall display the 51869
license in a conspicuous place at the licensee's principal place 51870
of business. 51871

~~The section may issue a limited permit to persons who have 51872
satisfied the requirements of divisions (A) and (B) of section 51873
4755.07 of the Revised Code. This permit allows the person to 51874
practice as an occupational therapist or occupational therapy 51875~~

~~assistant under the supervision of a licensed occupational 51876
therapist and is valid until the date on which the results of the 51877
examination are made public. This limited permit shall not be 51878
renewed if the applicant has failed the examination. 51879~~

Sec. 4755.11. (A) In accordance with Chapter 119. of the 51880
Revised Code, the occupational therapy section of the Ohio 51881
occupational therapy, physical therapy, and athletic trainers 51882
board may suspend, revoke, or, except as provided in division (B) 51883
of this section, refuse to issue or renew an occupational 51884
therapist license, or occupational therapy assistant license, 51885
~~occupational therapist limited permit, occupational therapy 51886
assistant limited permit,~~ or may reprimand, fine, place a license 51887
~~or limited permit~~ holder on probation, or require the license ~~or~~ 51888
~~limited permit~~ holder to take corrective action courses, for any 51889
of the following: 51890

(1) Conviction of an offense involving moral turpitude or a 51891
felony, regardless of the state or country in which the conviction 51892
occurred; 51893

(2) Violation of any provision of sections 4755.04 to 4755.13 51894
of the Revised Code; 51895

(3) Violation of any lawful order or rule of the occupational 51896
therapy section; 51897

(4) Obtaining or attempting to obtain a license ~~or limited 51898
permit~~ issued by the occupational therapy section by fraud or 51899
deception, including the making of a false, fraudulent, deceptive, 51900
or misleading statement in relation to these activities; 51901

(5) Negligence, unprofessional conduct, or gross misconduct 51902
in the practice of the profession of occupational therapy; 51903

(6) Accepting commissions or rebates or other forms of 51904
remuneration for referring persons to other professionals; 51905

- (7) Communicating, without authorization, information received in professional confidence; 51906
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- (8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, or occupational therapy assistant, ~~occupational therapist limited permit holder, or occupational therapy assistant limited permit holder;~~ 51908
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- (9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent; 51913
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- (10) Failing the licensing or Ohio jurisprudence examination; 51915
- (11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy; 51916
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- (12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction; 51918
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- (13) Except as provided in division (C) of this section: 51922
- (a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 51923
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- (b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay. 51929
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- (14) Working or representing oneself as an occupational therapist, or occupational therapy assistant, ~~occupational~~ 51934
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therapist limited permit holder, or occupational therapy assistant	51936
limited permit holder without a current and valid license or	51937
limited permit issued by the occupational therapy section;	51938
(15) Engaging in a deceptive trade practice, as defined in	51939
section 4165.02 of the Revised Code;	51940
(16) Violation of the standards of ethical conduct in the	51941
practice of occupational therapy as identified by the occupational	51942
therapy section;	51943
(17) A departure from, or the failure to conform to, minimal	51944
standards of care required of licensees or limited permit holders,	51945
whether or not actual injury to a patient is established;	51946
(18) An adjudication by a court that the applicant, <u>or</u>	51947
licensee, or limited permit holder is incompetent for the purpose	51948
of holding a license or limited permit and has not thereafter been	51949
restored to legal capacity for that purpose;	51950
(19)(a) Except as provided in division (A)(19)(b) of this	51951
section, failure to cooperate with an investigation conducted by	51952
the occupational therapy section, including failure to comply with	51953
a subpoena or orders issued by the section or failure to answer	51954
truthfully a question presented by the section at a deposition or	51955
in written interrogatories.	51956
(b) Failure to cooperate with an investigation does not	51957
constitute grounds for discipline under this section if a court of	51958
competent jurisdiction issues an order that either quashes a	51959
subpoena or permits the individual to withhold the testimony or	51960
evidence at issue.	51961
(20) Conviction of a misdemeanor reasonably related to the	51962
practice of occupational therapy, regardless of the state or	51963
country in which the conviction occurred;	51964
(21) Inability to practice according to acceptable and	51965

prevailing standards of care because of mental or physical 51966
illness, including physical deterioration that adversely affects 51967
cognitive, motor, or perception skills; 51968

(22) Violation of conditions, limitations, or agreements 51969
placed by the occupational therapy section on a license ~~or limited~~ 51970
~~permit~~ to practice; 51971

(23) Making a false, fraudulent, deceptive, or misleading 51972
statement in the solicitation of or advertising for patients in 51973
relation to the practice of occupational therapy; 51974

(24) Failure to complete continuing education requirements as 51975
prescribed in rules adopted by the occupational therapy section 51976
under section 4755.06 of the Revised Code; 51977

(25) Regardless of whether it is consensual, engaging in any 51978
of the following with a patient other than the spouse of the 51979
occupational therapist or occupational therapy assistant: 51980

(a) Sexual conduct, as defined in section 2907.01 of the 51981
Revised Code; 51982

(b) Sexual contact, as defined in section 2907.01 of the 51983
Revised Code; 51984

(c) Verbal behavior that is sexually demeaning to the patient 51985
or may be reasonably interpreted by the patient as sexually 51986
demeaning. 51987

(B) The occupational therapy section shall not refuse to 51988
issue a license ~~or limited permit~~ to an applicant because of a 51989
criminal conviction unless the refusal is in accordance with 51990
section 9.79 of the Revised Code. 51991

(C) Sanctions shall not be imposed under division (A)(13) of 51992
this section against any individual who waives deductibles and 51993
copayments as follows: 51994

(1) In compliance with the health benefit plan that expressly 51995

allows such a practice. Waiver of the deductibles or copayments 51996
shall be made only with the full knowledge and consent of the plan 51997
purchaser, payer, and third-party administrator. Documentation of 51998
the consent shall be made available to the section upon request. 51999

(2) For professional services rendered to any other person 52000
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 52001
Code to the extent allowed by those sections and the rules of the 52002
occupational therapy section. 52003

(D) Except as provided in division (E) of this section, the 52004
suspension or revocation of a license ~~or limited permit~~ under this 52005
section is not effective until either the order for suspension or 52006
revocation has been affirmed following an adjudication hearing, or 52007
the time for requesting a hearing has elapsed. 52008

When a license ~~or limited permit~~ is revoked under this 52009
section, application for reinstatement may not be made sooner than 52010
one year after the date of revocation. The occupational therapy 52011
section may accept or refuse an application for reinstatement and 52012
may require that the applicant pass an examination as a condition 52013
of reinstatement. 52014

When a license ~~or limited permit~~ holder is placed on 52015
probation under this section, the occupational therapy section's 52016
probation order shall be accompanied by a statement of the 52017
conditions under which the individual may be removed from 52018
probation and restored to unrestricted practice. 52019

(E) On receipt of a complaint that a person who holds a 52020
license ~~or limited permit~~ issued by the occupational therapy 52021
section has committed any of the prohibited actions listed in 52022
division (A) of this section, the section may immediately suspend 52023
the license ~~or limited permit~~ prior to holding a hearing in 52024
accordance with Chapter 119. of the Revised Code if it determines, 52025
based on the complaint, that the licensee ~~or limited permit holder~~ 52026

poses an immediate threat to the public. The section may review 52027
the allegations and vote on the suspension by telephone conference 52028
call. If the section votes to suspend a license ~~or limited permit~~ 52029
under this division, the section shall issue a written order of 52030
summary suspension to the licensee ~~or limited permit holder~~ in 52031
accordance with section 119.07 of the Revised Code. If the 52032
individual whose license ~~or limited permit~~ is suspended fails to 52033
make a timely request for an adjudication under Chapter 119. of 52034
the Revised Code, the section shall enter a final order 52035
permanently revoking the individual's license ~~or limited permit~~. 52036
Notwithstanding section 119.12 of the Revised Code, a court of 52037
common pleas shall not grant a suspension of the section's order 52038
of summary suspension pending the determination of an appeal filed 52039
under that section. Any order of summary suspension issued under 52040
this division shall remain in effect, unless reversed on appeal, 52041
until a final adjudication order issued by the section pursuant to 52042
division (A) of this section becomes effective. The section shall 52043
issue its final adjudication order regarding an order of summary 52044
suspension issued under this division not later than ninety days 52045
after completion of its hearing. Failure to issue the order within 52046
ninety days shall result in immediate dissolution of the 52047
suspension order, but shall not invalidate any subsequent, final 52048
adjudication order. 52049

(F) If any person other than a person who holds a license ~~or~~ 52050
~~limited permit~~ issued under section 4755.08 of the Revised Code 52051
has engaged in any practice that is prohibited under sections 52052
4755.04 to 4755.13 of the Revised Code or the rules of the 52053
occupational therapy section, the section may apply to the court 52054
of common pleas of the county in which the violation occurred, for 52055
an injunction or other appropriate order restraining this conduct, 52056
and the court shall issue this order. 52057

Sec. 4755.12. (A) The occupational therapy section of the 52058

Ohio occupational therapy, physical therapy, and athletic trainers board may charge any or all of the following fees:

(1) A nonrefundable examination fee, which is to be paid at the time of application for licensure;

(2) An application fee for an initial license;

(3) An initial licensure fee;

(4) A fee for biennial renewal of a license;

(5) A fee for late renewal of a license;

(6) A fee for the review of continuing education activities;

(7) ~~A fee for a limited permit;~~

~~(8)~~ A fee for verification of a license.

(B) Any person who is qualified to practice occupational therapy as certified by the section, but who is not in the active practice, as defined by section rule, may register with the section as a nonactive licensee at a biennial fee.

(C) The section may, by rule, provide for the waiver of all or part of a fee when the license is issued less than one hundred days before the date on which it will expire.

(D) Except when all or part of a fee is waived under division (C) of this section, the amount charged by the occupational therapy section for each of its fees shall be the applicable amount established in rules adopted under section 4755.06 of the Revised Code.

Sec. 4755.42. (A) Each person ~~who desires to practice~~ seeking licensure as a physical therapy therapist shall file with the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board an application that includes the following:

(1) Name;	52087
(2) Current address;	52088
(3) Physical description and photograph;	52089
(4) Proof of completion of a master's or doctorate program of physical therapy education that is accredited by a national physical therapy accreditation agency recognized by the United States department of education and that includes:	52090 52091 52092 52093
(a) A minimum of one hundred twenty academic semester credits or its equivalent, including courses in the biological and other physical sciences;	52094 52095 52096
(b) A course in physical therapy education that has provided instruction in basic sciences, clinical sciences, and physical therapy theory and procedures.	52097 52098 52099
(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.	52100 52101 52102
(C) The physical therapy section shall approve an application <u>applicant</u> to sit for the examination required under division (A) of section 4755.43 of the Revised Code not later than one hundred twenty days after receiving an application that the section considers complete unless the board has done either of the following:	52103 52104 52105 52106 52107 52108
(1) Requested documents relevant to the section's evaluation of the application;	52109 52110
(2) Notified the applicant in writing of the section's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's intent to deny a license.	52111 52112 52113 52114
(D) If the section fails to comply with division (C) of this section, the section shall refund one-half of the application fee	52115 52116

to the applicant. 52117

Sec. 4755.421. (A) Each ~~applicant~~ person seeking licensure as 52118
a physical therapist assistant shall file with the physical 52119
therapy section of the Ohio occupational therapy, physical 52120
therapy, and athletic trainers board an application that includes 52121
the following: 52122

(1) Name; 52123

(2) Current address; 52124

(3) ~~Physical description and photograph;~~ 52125

~~(4)~~ Proof of completion of a physical therapist assistant 52126
program of education that is accredited by a national physical 52127
therapy accreditation agency recognized by the United States 52128
department of education. 52129

(B) On making application under division (A) of this section, 52130
the applicant shall pay a fee of not more than one hundred 52131
twenty-five dollars for the license. 52132

(C)(1) The physical therapy section shall approve an 52133
applicant to sit for the examination required under division (A) 52134
of section 4755.431 of the Revised Code not later than one hundred 52135
twenty days after receiving an application that the section 52136
considers complete unless the board has done either of the 52137
following: 52138

(a) Requested documents relevant to the section's evaluation 52139
of the application; 52140

(b) Notified the applicant in writing of the section's intent 52141
to deny a license and the applicant's right to request a hearing 52142
in accordance with Chapter 119. of the Revised Code to appeal the 52143
section's intent to deny a license. 52144

(2) If the section fails to comply with division (C)(1) of 52145

this section, the section shall refund half of the application fee 52146
to the applicant. 52147

Sec. 4755.47. (A) In accordance with Chapter 119. of the 52148
Revised Code, the physical therapy section of the Ohio 52149
occupational therapy, physical therapy, and athletic trainers 52150
board may, except as provided in division (B) of this section, 52151
refuse to grant a license to an applicant for an initial or 52152
renewed license as a physical therapist or physical therapist 52153
assistant or, by an affirmative vote of not less than five 52154
members, may limit, suspend, or revoke the license of a physical 52155
therapist or physical therapist assistant or reprimand, fine, 52156
place a license holder on probation, or require the license holder 52157
to take corrective action courses, on any of the following 52158
grounds: 52159

(1) Habitual indulgence in the use of controlled substances, 52160
other habit-forming drugs, or alcohol to an extent that affects 52161
the individual's professional competency; 52162

(2) Conviction of a felony or a crime involving moral 52163
turpitude, regardless of the state or country in which the 52164
conviction occurred; 52165

(3) Obtaining or attempting to obtain a license issued by the 52166
physical therapy section by fraud or deception, including the 52167
making of a false, fraudulent, deceptive, or misleading statement; 52168

(4) An adjudication by a court, as provided in section 52169
5122.301 of the Revised Code, that the applicant or licensee is 52170
incompetent for the purpose of holding the license and has not 52171
thereafter been restored to legal capacity for that purpose; 52172

(5) Subject to section 4755.471 of the Revised Code, 52173
violation of the code of ethics adopted by the physical therapy 52174
section; 52175

- (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;
- (7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code;
- (8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given;
- (9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;
- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;
- (11) Willful betrayal of a professional confidence;
- (12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;
- (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;
- (14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;

(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;	52206 52207
(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;	52208 52209 52210 52211
(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	52212 52213 52214 52215
(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;	52216 52217 52218
(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;	52219 52220 52221 52222 52223 52224
(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;	52225 52226 52227 52228 52229
(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;	52230 52231 52232 52233
(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;	52234 52235 52236

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(25) Regardless of whether ~~the contact or verbal behavior~~ it is consensual, engaging in any of the following with a patient other than the spouse of the physical therapist or physical therapist assistant, ~~in any of the following~~:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

~~(b)~~(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change;

(27) Except as provided in division (C) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an

enticement to a patient or group of patients to receive health care services from that provider; 52267
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(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay. 52269
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(28) Violation of any section of this chapter or rule adopted under it. 52274
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(B) The physical therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code. 52276
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(C) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows: 52280
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the physical therapy section upon request. 52283
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section. 52289
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(D) When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The physical therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 52293
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When a license holder is placed on probation under this section, the physical therapy section's order for placement on probation shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice.

(E) When an application for an initial or renewed license is refused under this section, the physical therapy section shall notify the applicant in writing of the section's decision to refuse issuance of a license and the reason for its decision.

(F) On receipt of a complaint that a person licensed by the physical therapy section has committed any of the actions listed in division (A) of this section, the physical therapy section may immediately suspend the license of the physical therapist or physical therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the person poses an immediate threat to the public. The physical therapy section may review the allegations and vote on the suspension by telephone conference call. If the physical therapy section votes to suspend a license under this division, the physical therapy section shall issue a written order of summary suspension to the person in accordance with section 119.07 of the Revised Code. If the person fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the physical therapy section shall enter a final order permanently revoking the person's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the physical therapy section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the physical therapy section pursuant to division (A) of this section becomes

effective. The physical therapy section shall issue its final 52330
adjudication order regarding an order of summary suspension issued 52331
under this division not later than ninety days after completion of 52332
its hearing. Failure to issue the order within ninety days shall 52333
result in immediate dissolution of the suspension order, but shall 52334
not invalidate any subsequent, final adjudication order. 52335

Sec. 4755.64. (A) In accordance with Chapter 119. of the 52336
Revised Code, the athletic trainers section of the Ohio 52337
occupational therapy, physical therapy, and athletic trainers 52338
board may suspend, revoke, or, except as provided in division (B) 52339
of this section, refuse to issue or renew an athletic trainers 52340
license, or reprimand, fine, or place a licensee on probation, for 52341
any of the following: 52342

(1) Conviction of a felony or offense involving moral 52343
turpitude, regardless of the state or country in which the 52344
conviction occurred; 52345

(2) Violation of sections 4755.61 to 4755.65 of the Revised 52346
Code or any order issued or rule adopted thereunder; 52347

(3) Obtaining a license through fraud, false or misleading 52348
representation, or concealment of material facts; 52349

(4) Negligence or gross misconduct in the practice of 52350
athletic training; 52351

(5) Violating the standards of ethical conduct in the 52352
practice of athletic training as adopted by the athletic trainers 52353
section under section 4755.61 of the Revised Code; 52354

(6) Using any controlled substance or alcohol to the extent 52355
that the ability to practice athletic training at a level of 52356
competency is impaired; 52357

(7) Practicing in an area of athletic training for which the 52358
individual is untrained, incompetent, or practicing without the 52359

referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;

(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;

(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;

(10) Failing the licensing examination;

(11) Aiding or abetting the unlicensed practice of athletic training;

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(13) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the athletic trainer:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(B) The athletic trainers section shall not refuse to issue a license to an applicant because of a criminal conviction unless

the refusal is in accordance with section 9.79 of the Revised Code. 52390
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(C) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice. 52392
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(D) A licensee whose license has been revoked under division (A) of this section may apply to the athletic trainers section for reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 52397
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(E) On receipt of a complaint that a person licensed by the athletic trainers section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under this division, the section shall issue a written order of summary suspension to the licensed athletic trainer in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary 52403
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suspension issued under this division shall remain in effect, 52422
unless reversed on appeal, until a final adjudication order issued 52423
by the section pursuant to division (A) of this section becomes 52424
effective. The section shall issue its final adjudication order 52425
regarding an order of summary suspension issued under this 52426
division not later than ninety days after completion of its 52427
hearing. Failure to issue the order within ninety days shall 52428
result in immediate dissolution of the suspension order, but shall 52429
not invalidate any subsequent, final adjudication order. 52430

Sec. 4757.10. (A) The counselor, social worker, and marriage 52431
and family therapist board may adopt any rules necessary to carry 52432
out this chapter. 52433

(B) The board shall adopt rules that do all of the following: 52434

(1) Concern intervention for and treatment of any impaired 52435
person holding a license or certificate of registration issued 52436
under this chapter; 52437

(2) Establish standards for training and experience of 52438
supervisors described in division (C) of section 4757.30 of the 52439
Revised Code; 52440

(3) Establish requirements for criminal records checks of 52441
applicants under section 4776.03 of the Revised Code; 52442

(4) Establish a graduated system of fines based on the scope 52443
and severity of violations and the history of compliance, not to 52444
exceed five hundred dollars per incident, that any professional 52445
standards committee of the board may charge for a disciplinary 52446
violation described in section 4757.36 of the Revised Code; 52447

(5) Establish the amount and content of corrective action 52448
courses required by the board under section 4757.36 of the Revised 52449
Code; 52450

(6) Provide for voluntary registration of all of the 52451

following:	52452
(a) Master's level counselor trainees enrolled in practice and internships;	52453 52454
(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships;	52455 52456
(c) Master's level marriage and family therapist trainees enrolled in practice and internships.	52457 52458
(7) <u>In the case of an individual who is voluntarily registered as a trainee under division (B)(6) of this section and who has graduated but not yet completed all requirements for licensure, provide for an extension of the individual's registration for a period of six months beginning on the date of the individual's graduation.</u>	52459 52460 52461 52462 52463 52464
(8) Establish a schedule of deadlines for renewal.	52465
(C) Rules adopted under division (B)(6) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board.	52466 52467 52468 52469
(D) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy.	52470 52471 52472 52473 52474 52475 52476
Sec. 4759.10. Sections 4759.01 to 4759.08 of the Revised Code do not apply to any of the following:	52477 52478
(A) A person licensed under Title XLVII of the Revised Code who is acting within the scope of the person's profession, provided that the person complies with division (B) of section	52479 52480 52481

4759.02 of the Revised Code; 52482

(B) A person who is a graduate of an associate degree program 52483
approved by the academy of nutrition and dietetics or the state 52484
medical board who is working as a dietetic technician under the 52485
supervision of a dietitian licensed under section 4759.06 of the 52486
Revised Code or registered by the commission on dietetic 52487
registration, except that the person is subject to division (B) of 52488
section 4759.02 of the Revised Code if the person uses a title 52489
other than "dietetic technician"; 52490

(C) A person who practices dietetics related to employment in 52491
the armed forces, veteran's administration, or the public health 52492
service of the United States; 52493

(D) Persons employed by a nonprofit agency approved by the 52494
board or by a federal, state, municipal or county government, or 52495
by any other political subdivision, elementary or secondary 52496
school, or an institution of higher education approved by the 52497
state medical board or by a regional agency recognized by the 52498
council on postsecondary accreditation, who performs only 52499
nutritional education activities and such other nutritional 52500
activities as the board, by rule, permits, provided the person 52501
does not violate division (B) of section 4759.02 of the Revised 52502
Code; 52503

(E) A person who has completed a program meeting the academic 52504
standards set for dietitians by the academy of nutrition and 52505
dietetics, received a baccalaureate or higher degree from a 52506
school, college, or university approved by a regional 52507
accreditation agency recognized by the council on postsecondary 52508
accreditation, works under the supervision of a licensed dietitian 52509
or registered dietitian, and does not violate division (B) of 52510
section 4759.02 of the Revised Code; 52511

(F) A person when acting, under the direction and supervision 52512

of a person licensed under Title XLVII of the Revised Code, in the 52513
execution of a plan of treatment authorized by the licensed 52514
person, provided the person complies with division (B) of section 52515
4759.02 of the Revised Code; 52516

(G) The free dissemination of literature in the state; 52517

(H) Provided that the persons involved in the sale, 52518
promotion, or explanation of the sale of food, food materials, or 52519
dietary supplements do not violate division (B) of section 4759.02 52520
of the Revised Code, the sale of food, food materials, or dietary 52521
supplements and the marketing and distribution of food, food 52522
materials, or dietary supplements and the promotion or explanation 52523
of the use of food, food materials, or dietary supplements 52524
provided that the promotion or explanation does not violate 52525
Chapter 1345. of the Revised Code; 52526

(I) A person who offers dietary supplements for sale and who 52527
makes the following statements about the product if the statements 52528
are consistent with the dietary supplement's label or labeling: 52529

(1) Claim a benefit related to a classical nutrient 52530
deficiency disease and disclose the prevalence of the disease in 52531
the United States; 52532

(2) Describe the role of a nutrient or dietary ingredient 52533
intended to affect the structure or function of the human body; 52534

(3) Characterize the documented mechanism by which a nutrient 52535
or dietary ingredient acts to maintain the structure or function 52536
of the human body; 52537

(4) Describe general well-being from the consumption of a 52538
nutrient or dietary ingredient. 52539

(J) Provided that the persons involved in presenting a 52540
general program of instruction for weight control do not violate 52541
division (B) of section 4759.02 of the Revised Code, a general 52542

program of instruction for weight control approved in writing by a 52543
licensed dietitian, a physician licensed under Chapter 4731. of 52544
the Revised Code to practice medicine or surgery or osteopathic 52545
medicine or surgery, a person licensed in another state that the 52546
board considers to have substantially equivalent licensure 52547
requirements as this state, or a registered dietitian; 52548

(K) The continued practice of dietetics at a hospital by a 52549
person employed at that same hospital to practice dietetics for 52550
the twenty years immediately prior to July 1, 1987, so long as the 52551
person works under the supervision of a dietitian licensed under 52552
section 4759.06 of the Revised Code and does not violate division 52553
(B) of section 4759.02 of the Revised Code. This division does not 52554
apply to any person who has held a license issued under this 52555
chapter to practice dietetics. As used in this division, 52556
"hospital" has the same meaning as in section 3727.01 of the 52557
Revised Code. 52558

(L) A person who provides any of the following, so long as 52559
the person involved does not violate division (B) of section 52560
4759.02 of the Revised Code while doing so: wellness and lifestyle 52561
recommendations, individualized nutritional guidance or 52562
counseling, or individualized food and diet assessment or 52563
education. 52564

Sec. 4763.15. Except for moneys required to be transferred 52565
into the real estate appraiser recovery fund pursuant to section 52566
4763.16 of the Revised Code or as required pursuant to this 52567
section, the superintendent of real estate may deposit all fees 52568
collected under this chapter into the state treasury to the credit 52569
of the real estate appraiser operating fund, which is hereby 52570
created. All operating expenses of the real estate appraiser board 52571
and the superintendent of real estate relating to the 52572
administration and enforcement of this chapter and Chapter 4768. 52573

of the Revised Code shall be paid from this fund. The fund shall 52574
be assessed a proportionate share of the administrative cost of 52575
the department of commerce in accordance with procedures 52576
prescribed by the director of commerce ~~and approved by the~~ 52577
~~director of budget and management,~~ and the assessment shall be 52578
paid from the operating fund to the division of administration 52579
fund. 52580

If, in any biennium, the director of commerce determines that 52581
moneys in the operating fund exceed those necessary to fund the 52582
activities of the board and of the superintendent of real estate 52583
that relate to this chapter and Chapter 4768. of the Revised Code, 52584
the director may pay the excess funds to the real estate appraiser 52585
recovery fund. 52586

Sec. 4779.28. (A) The Ohio occupational therapy, physical 52587
therapy, and athletic trainers board ~~may~~, pursuant to an 52588
adjudication under Chapter 119. of the Revised Code, and except as 52589
provided in division (B) of this section, may limit, revoke, or 52590
suspend a license issued under this chapter, may refuse to issue a 52591
license to an applicant, or may reprimand ~~or, fine,~~ place a 52592
license holder on probation ~~a, or may require the~~ license holder 52593
to take corrective action courses, for any of the following 52594
reasons: 52595

(1) Conviction of, or a plea of guilty to, a misdemeanor or 52596
felony involving moral turpitude; 52597

(2) Any violation of this chapter; 52598

(3) Committing fraud, misrepresentation, or deception in 52599
applying for or securing a license issued under this chapter; 52600

(4) Habitual use of drugs or intoxicants to the extent that 52601
it renders the person unfit to practice; 52602

(5) Violation of any rule adopted by the board under section 52603

4779.08 of the Revised Code;	52604
(6) A departure from, or failure to conform to, minimal standards of care of similar orthotists, prosthetists, orthotists-prosthetists, or pedorthists under the same or similar circumstances, regardless of whether actual injury to a patient is established;	52605 52606 52607 52608 52609
(7) Obtaining or attempting to obtain money or anything of value by fraudulent misrepresentation in the course of practice;	52610 52611
(8) Publishing a false, fraudulent, deceptive, or misleading statement;	52612 52613
(9) Waiving the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, would otherwise be required to pay, if the waiver is used as an enticement to a patient or group of patients to receive health care services from a person who holds a license issued under this chapter;	52614 52615 52616 52617 52618 52619
(10) Advertising that a person who holds a license issued under this chapter will waive the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, that covers the person's services, would otherwise be required to pay;	52620 52621 52622 52623 52624
<u>(11) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including orthotics, prosthetics, or pedorthics, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;</u>	52625 52626 52627 52628
<u>(12) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the orthotist, prosthetist, orthotist-prosthetist, or pedorthist:</u>	52629 52630 52631
<u>(a) Sexual contact, as defined in section 2907.01 of the Revised Code;</u>	52632 52633

(b) Sexual conduct, as defined in section 2907.01 of the 52634
Revised Code; 52635

(c) Verbal behavior that is sexually demeaning to the patient 52636
or may be reasonably interpreted by the patient as sexually 52637
demeaning. 52638

(B) The board shall not refuse to issue a license to an 52639
applicant because of a conviction of or plea of guilty to an 52640
offense unless the refusal is in accordance with section 9.79 of 52641
the Revised Code. 52642

(C) For the purpose of investigating whether a person is 52643
engaging or has engaged in conduct described in division (A) of 52644
this section, the board may administer oaths, order the taking of 52645
depositions, issue subpoenas, examine witnesses, and compel the 52646
attendance of witnesses and production of books, accounts, papers, 52647
records, documents, and testimony. 52648

Sec. 4779.281. A person sanctioned under section 4779.28 of 52649
the Revised Code shall pay a fee in the amount of the actual cost 52650
of the administrative hearing, including the cost of the court 52651
reporter, the hearing officer, transcripts, and any witness fees 52652
for lodging and travel, as determined by the Ohio occupational 52653
therapy, physical therapy, and athletic trainers board. The fee 52654
shall be collected by the board. 52655

Sec. 4779.33. (A) The Ohio occupational therapy, physical 52656
therapy, and athletic trainers board shall enforce the laws 52657
relating to the practice of orthotics, prosthetics, and 52658
pedorthics. If the ~~secretary of the~~ board has knowledge of a 52659
violation, the ~~secretary~~ board shall investigate the violation and 52660
notify the prosecuting attorney of the proper county. 52661

(B)(1) Subject to division (B)(2) of this section, 52662
information and records received or generated by the board 52663

pursuant to an investigation are confidential, are not public 52664
records as defined in section 149.43 of the Revised Code, and are 52665
not subject to discovery in any civil or administrative action. 52666

(2) For good cause, the board may disclose information 52667
gathered pursuant to an investigation to any federal, state, or 52668
local law enforcement, prosecutorial, or regulatory agency or its 52669
officers or agents engaging in an investigation the board believes 52670
is within the agency's jurisdiction. An agency that receives 52671
confidential information shall comply with the same requirements 52672
regarding confidentiality as those with which the board must 52673
comply, notwithstanding any conflicting provision of the Revised 52674
Code or procedure of the agency that applies when the agency is 52675
dealing with other information in its possession. The information 52676
may be admitted into evidence in a criminal trial in accordance 52677
with the Rules of Evidence, or in an administrative hearing 52678
conducted by an agency, but the court or agency shall require that 52679
appropriate measures be taken to ensure that confidentiality is 52680
maintained with respect to any part of the information that 52681
contains names or other identifying information about patients, 52682
complainants, or others whose confidentiality was protected by the 52683
board when the information was in the board's possession. Measures 52684
to ensure confidentiality that may be taken by the court or agency 52685
include sealing its records or redacting specific information from 52686
its records. 52687

Sec. 4781.07. (A) Pursuant to rules the division of 52688
industrial compliance adopts, the division may certify municipal, 52689
township, and county building departments and the personnel of 52690
those departments, or any private third party, to exercise the 52691
division's enforcement authority, accept and approve plans and 52692
specifications for foundations, support systems and installations, 52693
and inspect manufactured housing foundations, support systems, and 52694
manufactured housing installations. Any certification is effective 52695

for three years. 52696

(B) Following an investigation and finding of facts that 52697
support its action, the division of industrial compliance may 52698
revoke or suspend certification. The division may initiate an 52699
investigation on the division's own motion or the petition of a 52700
person affected by the enforcement or approval of plans. 52701

(C)(1) If a township, municipal corporation, or county does 52702
not have a building department that is certified pursuant to this 52703
section, it may designate by resolution or ordinance another 52704
building department that has been certified pursuant to this 52705
section to exercise the ~~commission's~~ division's enforcement 52706
authority, accept and approve plans and specifications for 52707
foundations, support systems and installations, and inspect 52708
manufactured housing foundations, support systems, and 52709
manufactured housing installations. The designation is effective 52710
upon acceptance by the designee. 52711

(2) An owner of a manufactured home or an operator of a 52712
manufactured home park may request an inspection and obtain an 52713
approval described in division (C)(1) of this section from any 52714
building department certified pursuant to this section designated 52715
by the township, municipal corporation, or county in which the 52716
owner's manufactured home or operator's manufactured home park is 52717
located. 52718

Sec. 4781.281. (A) The ~~manufactured homes commission~~ division 52719
of industrial compliance may charge a fee for inspector 52720
certification. The fees shall include all of the following: 52721

(1) The nonrefundable certification fee for inspectors shall 52722
not be greater than fifty dollars for each three-year 52723
certification period. 52724

(2) The nonrefundable certification renewal fee for 52725

inspectors shall not be greater than fifty dollars. 52726

(3) The nonrefundable late fee for certification renewal 52727
shall not be greater than twenty-five dollars in addition to the 52728
renewal fee. 52729

(B) The ~~commission~~ division may adopt rules pursuant to 52730
Chapter 119. of the Revised Code establishing fees less than those 52731
described in division (A) of this section. 52732

Sec. 4781.56. (A) The ~~manufactured homes commission~~ division 52733
of industrial compliance may contract with the board of health of 52734
a city or general health district to permit the ~~commission~~ 52735
division to abate and remove, in accordance with sections 3707.01 52736
to 3707.021 of the Revised Code, any abandoned or unoccupied 52737
manufactured home, mobile home, or recreational vehicle that 52738
constitutes a nuisance and that is located in a manufactured home 52739
park within the board of health's jurisdiction. Under the 52740
contract, the ~~commission~~ division may receive complaints of 52741
abandoned or unoccupied manufactured homes, mobile homes, or 52742
recreational vehicles that constitute a nuisance and may, by 52743
order, compel the park operator to abate and remove the nuisance. 52744
The park operator shall pay any costs for the removal. 52745

(B) The sheriff, police officer, constable, or bailiff shall 52746
not be liable pursuant to the abatement or removal of any 52747
abandoned or unoccupied manufactured home, mobile home, or 52748
recreational vehicle pursuant to this section. 52749

Sec. 4781.57. The park operator of a manufactured home park 52750
shall ensure that all manufactured home park buildings, lots, 52751
streets, walkways, manufactured homes, mobile homes, and other 52752
facilities located in the manufactured home park shall be 52753
maintained in a condition satisfactory to the ~~commission~~ division 52754
at all times. 52755

Sec. 4901.10. The office of the public utilities commission 52756
shall be at the seat of government in Columbus, in suitable 52757
quarters provided by the state, and shall be open ~~between~~ 52758
~~eight thirty a.m. and five thirty p.m.~~ throughout the year, 52759
Saturdays, Sundays, and legal holidays excepted. The commission 52760
shall hold its sessions at least once in each calendar month in 52761
Columbus, but also may meet at such other times and places as are 52762
necessary for the proper performance of its duties. For the 52763
purpose of holding sessions in places other than the seat of 52764
government, the commission may rent quarters or offices, the 52765
expense of which, in connection therewith, shall be paid in the 52766
same manner as other authorized expenses. 52767

Sec. 4906.02. (A) There is hereby created within the public 52768
utilities commission the power siting board, composed of the 52769
~~chairman~~ chairperson of the public utilities commission, the 52770
director of environmental protection, the director of health, the 52771
director of development, the director of natural resources, the 52772
director of agriculture, and a representative of the public who 52773
shall be an engineer and shall be appointed by the governor, from 52774
a list of three nominees submitted to the governor by the office 52775
of the consumers' counsel, with the advice and consent of the 52776
senate and shall serve for a term of four years. The ~~chairman~~ 52777
chairperson of the public utilities commission shall be ~~chairman~~ 52778
chairperson of the board and its chief executive officer. The 52779
~~chairman~~ chairperson shall designate one of the voting members of 52780
the board to act as ~~vice-chairman~~ vice-chairperson who shall 52781
possess during the absence or disability of the ~~chairman~~ 52782
chairperson all of the powers of the ~~chairman~~ chairperson. All 52783
hearings, studies, and consideration of applications for 52784
certificates shall be conducted by the board or representatives of 52785
its members. 52786

In addition, the board shall include four legislative members 52787
who may participate fully in all the board's deliberations and 52788
activities except that they shall serve as nonvoting members. The 52789
speaker of the house of representatives shall appoint one 52790
legislative member, and the president of the senate and minority 52791
leader of each house shall each appoint one legislative member. 52792
Each such legislative leader shall designate an alternate to 52793
attend meetings of the board when the regular legislative member 52794
~~he~~ appointed by the legislative leader is unable to attend. Each 52795
legislative member and alternate shall serve for the duration of 52796
the elected term that ~~he~~ the legislative member is serving at the 52797
time of ~~his~~ appointment. A quorum of the board is a majority of 52798
its voting members. 52799

The representative of the public and, notwithstanding section 52800
101.26 of the Revised Code, legislative members of the board or 52801
their designated alternates, when engaged in their duties as 52802
members of the board, shall be paid at the per diem rate of step 52803
1, pay range 32, under schedule B of section 124.15 of the Revised 52804
Code and shall be reimbursed for the actual and necessary expenses 52805
they incur in the discharge of their official duties. 52806

(B) The ~~chairman~~ chairperson shall keep a complete record of 52807
all proceedings of the board, issue all necessary process, writs, 52808
warrants, and notices, keep all books, maps, documents, and papers 52809
ordered filed by the board, conduct investigations pursuant to 52810
section 4906.07 of the Revised Code, and perform such other duties 52811
as the board may prescribe. 52812

(C) The ~~chairman~~ chairperson of the public utilities 52813
commission may assign or transfer duties among the commission's 52814
staff. However, the board's authority to grant certificates under 52815
section 4906.10 of the Revised Code shall not be exercised by any 52816
officer, employee, or body other than the board itself. 52817

~~(D)~~ (D)(1) The ~~chairman~~ chairperson may call to ~~his~~ the 52818

chairperson's assistance, temporarily, any employee of the 52819
environmental protection agency, the department of natural 52820
resources, the department of agriculture, the department of 52821
health, or the department of development, for the purpose of 52822
making studies, conducting hearings, investigating applications, 52823
or preparing any report required or authorized under this chapter. 52824
Such employees shall not receive any additional compensation over 52825
that which they receive from the agency by which they are 52826
employed, but they shall be reimbursed for their actual and 52827
necessary expenses incurred while working under the direction of 52828
the ~~chairman~~ chairperson. All contracts for special services are 52829
subject to the approval of the ~~chairman~~ chairperson. 52830

(2) Subject to controlling board approval, the board may 52831
contract for the services of any expert or analyst, other than an 52832
employee described in division (D)(1) of this section, for the 52833
purposes of carrying out the board's powers and duties as 52834
described in Chapter 4906. of the Revised Code. Any such expert or 52835
analyst shall be compensated from the application fee, or if 52836
necessary, supplemental application fees assessed in accordance 52837
with division (F) of section 4906.06 of the Revised Code. 52838

(E) The board's offices shall be located in those of the 52839
public utilities commission. 52840

Sec. 4927.01. (A) As used in this chapter: 52841

(1) "Basic local exchange service" means residential-end-user 52842
access to and usage of telephone-company-provided services over a 52843
single line or small-business-end-user access to and usage of 52844
telephone-company-provided services over the primary access line 52845
of service, which in the case of residential and small-business 52846
access and usage is not part of a bundle or package of services, 52847
that does both of the following: 52848

(a) Enables a customer to originate or receive voice 52849

communications within a local service area as that area exists on 52850
September 13, 2010, or as that area is changed with the approval 52851
of the public utilities commission; 52852

(b) Consists of all of the following services: 52853

(i) Local dial tone service; 52854

(ii) For residential end users, flat-rate telephone exchange 52855
service; 52856

(iii) Touch tone dialing service; 52857

(iv) Access to and usage of 9-1-1 services, where such 52858
services are available; 52859

(v) Access to operator services and directory assistance; 52860

(vi) Provision of a telephone directory in any reasonable 52861
format, which includes, at the telephone company's option, an 52862
internet-accessible database of directory listings, for no 52863
additional charge and a listing in that directory, with reasonable 52864
accommodations made for private listings, and for a telephone 52865
company that no longer offers a printed directory, provision of 52866
reasonable customer notice of the available options to obtain 52867
directory information; 52868

(vii) Per call, caller identification blocking services; 52869

(viii) Access to telecommunications relay service; and 52870

(ix) Access to toll presubscription, interexchange or toll 52871
providers or both, and networks of other telephone companies. 52872

"Basic local exchange service" excludes any voice service to 52873
which customers are transitioned following a withdrawal of basic 52874
local exchange service under section 4927.10 of the Revised Code. 52875

(2) "Bundle or package of services" means one or more 52876
telecommunications services or other services offered together as 52877
one service option at a single price. 52878

(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.

(4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(5) "Incumbent local exchange carrier" means, with respect to an area, the local exchange carrier that:

(a) On February 8, 1996, provided telephone exchange service in such area; and

(b)(i) On February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to 47 C.F.R. 69.601(b); or

(ii) Is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in division (A)(5)(b)(i) of this section.

(6) "Internet protocol-enabled services" means any services, capabilities, functionalities, or applications that are provided using internet protocol or a successor protocol to enable an end user to send or receive communications in internet protocol format or a successor format, regardless of how any particular such service is classified by the federal communications commission, and includes voice over internet protocol service.

(7) "Interstate-access component" means the portion of carrier access that is within the jurisdiction of the federal

communications commission. 52910

(8) "Local exchange carrier" means any person engaged in the 52911
provision of telephone exchange service, or the offering of access 52912
to telephone exchange service or facilities for the purpose of 52913
originating or terminating telephone toll service. 52914

(9) "Local service area" means the geographic area that may 52915
encompass more than one exchange area and within which a telephone 52916
customer, by paying the rate for basic local exchange service, may 52917
complete calls to other telephone customers without being assessed 52918
long distance toll charges. 52919

(10) "Small business" means a nonresidential service customer 52920
with three or fewer service access lines. 52921

(11) "Telecommunications" means the transmission, between or 52922
among points specified by the user, of information of the user's 52923
choosing, without change in the form or content of the information 52924
as sent and received. 52925

(12) "Telecommunications carrier" has the same meaning as in 52926
the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153. 52927

(13) "Telecommunications service" means the offering of 52928
telecommunications for a fee directly to the public, or to such 52929
classes of users as to be effectively available directly to the 52930
public, regardless of the facilities used. 52931

(14) "Telephone company" means a company described in 52932
division (A) of section 4905.03 of the Revised Code that is a 52933
public utility under section 4905.02 of the Revised Code. 52934

(15) "Telephone exchange service" means telecommunications 52935
service that is within a telephone exchange, or within a connected 52936
system of telephone exchanges within the same exchange area 52937
operated to furnish to subscribers intercommunicating service of 52938
the character ordinarily furnished by a single exchange, and that 52939

is covered by the exchange service charge; or comparable service 52940
provided through a system of switches, transmission equipment, or 52941
other facilities, or combination thereof, by which a customer can 52942
originate and terminate a telecommunications service. 52943

(16) "Telephone toll service" means telephone service between 52944
stations in different exchange areas for which there is made a 52945
separate charge not included in contracts with customers for 52946
exchange service. 52947

(17) "Voice over internet protocol service" means a service 52948
that enables real-time, two-way, voice communications that 52949
originate or terminate from the user's location using internet 52950
protocol or a successor protocol, including, but not limited to, 52951
any such service that permits an end user to receive calls from 52952
and terminate calls to the public switched network. 52953

(18) "Voice service" includes all of the applicable 52954
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 52955
is not the same as basic local exchange service. 52956

(19) "Wireless service" means federally licensed commercial 52957
mobile service as defined in the "Telecommunications Act of 1996," 52958
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 52959
commercial mobile radio service in 47 C.F.R. 20.3. Under division 52960
(A)(19) of this section, commercial mobile radio service is 52961
specifically limited to mobile telephone, mobile cellular 52962
telephone, paging, personal communications services, and 52963
specialized mobile radio service provided by a common carrier in 52964
this state and excludes fixed wireless service. 52965

(20) "Wireless service provider" means a facilities-based 52966
provider of wireless service to one or more end users in this 52967
state. 52968

(B) The definitions of this section shall be applied 52969
consistent with the definitions in the "Telecommunications Act of 52970

1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 52971
federal decisions interpreting those definitions. 52972

Sec. 5101.141. (A) As used in sections 5101.141 to ~~5101.1414~~ 52973
5101.1417 of the Revised Code: 52974

(1) "Adopted young adult" means a person: 52975

(a) Who was in the temporary or permanent custody of a public 52976
children services agency; 52977

(b) Who was adopted at the age of sixteen or seventeen and 52978
attained the age of sixteen before a Title IV-E adoption 52979
assistance agreement became effective; 52980

(c) Who has attained the age of eighteen; and 52981

(d) Who has not yet attained the age of twenty-one. 52982

(2) "Child" means any of the following: 52983

(a) A person who meets the requirements of division (B)(3) of 52984
section 5153.01 of the Revised Code; 52985

(b) An adopted young adult; 52986

(c) An emancipated young adult. 52987

(3) "Emancipated young adult" means a person: 52988

(a) Who was in the temporary or permanent custody of a public 52989
children services agency, a planned permanent living arrangement, 52990
or in the Title-IV-E-eligible care and placement responsibility of 52991
a juvenile court or other governmental agency that provides Title 52992
IV-E reimbursable placement services; 52993

(b) Whose custody, arrangement, or care and placement was 52994
terminated on or after the person's eighteenth birthday; and 52995

(c) Who has not yet attained the age of twenty-one. 52996

(4) "Kinship guardianship young adult" means an individual 52997
that meets the following criteria: 52998

<u>(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section;</u>	52999
	53000
	53001
	53002
<u>(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;</u>	53003
	53004
	53005
	53006
<u>(c) Has attained the age of eighteen;</u>	53007
<u>(d) Has not yet attained the age of twenty-one.</u>	53008
<u>(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:</u>	53009
	53010
<u>(a) The following individuals related by blood or adoption to the child:</u>	53011
	53012
<u>(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";</u>	53013
	53014
<u>(ii) Siblings;</u>	53015
<u>(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";</u>	53016
	53017
	53018
<u>(iv) First cousins and first cousins once removed.</u>	53019
<u>(b) Stepparents and stepsiblings of the child;</u>	53020
<u>(c) Spouses and former spouses of individuals named in divisions (A)(5)(a) and (b) of this section;</u>	53021
	53022
<u>(d) A legal guardian of the child;</u>	53023
<u>(e) A legal custodian of the child;</u>	53024
<u>(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.</u>	53025
	53026
	53027

(6) "Representative" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2)(b) of this section.

~~(5)~~(7) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.

(B)(1) Except as provided in ~~division~~ divisions (B)(2), (3), and (4) of this section, the department of job and family services shall act as the single state agency to administer federal payments for foster care, kinship guardianship assistance, and adoption assistance made pursuant to Title IV-E. The director of job and family services shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child placing agencies and private noncustodial agencies and rules establishing eligibility, program participation, and other requirements concerning Title IV-E shall be adopted in accordance with Chapter 119. of the Revised Code. A public children services agency to which the department distributes Title IV-E funds shall administer the funds in accordance with those rules.

(2) If the state plan is amended under divisions (A) and (B) of section 5101.1411 of the Revised Code, both of the following shall apply:

(a) Implementation of the amendments to the plan shall begin fifteen months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, if both of the following apply:

(i) The plan as amended is approved by the secretary of

health and human services; 53059

(ii) The general assembly has appropriated sufficient funds 53060
to operate the program required under the plan as amended. 53061

(b) The department shall have, exercise, and perform all new 53062
duties required under the plan as amended. In doing so, the 53063
department may contract with another person to carry out those new 53064
duties, to the extent permitted under Title IV-E. 53065

(3) If the state plan is amended under division (C) of 53066
section 5101.1411 of the Revised Code, both of the following 53067
apply: 53068

(a) Implementation of the amendments to the plan shall begin 53069
fifteen months after the effective date of this section, if both 53070
of the following apply: 53071

(i) The plan as amended is approved by the secretary of 53072
health and human services. 53073

(ii) The general assembly has appropriated sufficient funds 53074
to operate the program required under the plan as amended. 53075

(b) The department shall perform all new duties required 53076
under the amended plan. In doing so, the department may contract 53077
with another person to carry out those new duties, to the extent 53078
permitted under Title IV-E. 53079

(4) If the state plan is amended under section 5101.1416 of 53080
the Revised Code, and is approved by the secretary of health and 53081
human services, implementation of the amendments to the plan shall 53082
begin fifteen months after the effective date of this section. 53083

(C)(1) Except with regard to the new duties imposed on the 53084
department or its contractor under ~~division~~ divisions (B)(2)(b) 53085
and (B)(3)(b) of this section that are not imposed on the county, 53086
the county, on behalf of each child eligible for foster care 53087
maintenance payments under Title IV-E, shall make payments to 53088

cover the cost of providing all of the following: 53089

(a) The child's food, clothing, shelter, daily supervision, 53090
and school supplies; 53091

(b) The child's personal incidentals; 53092

(c) Reasonable travel to the child's home for visitation. 53093

(2) In addition to payments made under division (C)(1) of 53094
this section, the county may, on behalf of each child eligible for 53095
foster care maintenance payments under Title IV-E, make payments 53096
to cover the cost of providing the following: 53097

(a) Liability insurance with respect to the child; 53098

(b) If the county is participating in the demonstration 53099
project established under division (A) of section 5101.142 of the 53100
Revised Code, services provided under the project. 53101

(3) With respect to a child who is in a child-care 53102
institution, including any type of group home designed for the 53103
care of children or any privately operated program consisting of 53104
two or more certified foster homes operated by a common 53105
administrative unit, the foster care maintenance payments made by 53106
the county on behalf of the child shall include the reasonable 53107
cost of the administration and operation of the institution, group 53108
home, or program, as necessary to provide the items described in 53109
divisions (C)(1) and (2) of this section. 53110

(D) To the extent that either foster care maintenance 53111
payments under division (C) of this section, Title IV-E kinship 53112
guardianship assistance, or Title IV-E adoption assistance 53113
payments for maintenance costs require the expenditure of county 53114
funds, the board of county commissioners shall report the nature 53115
and amount of each expenditure of county funds to the department. 53116

(E) The department shall distribute to public children 53117
services agencies that incur and report expenditures of the type 53118

described in division (D) of this section federal financial 53119
participation received for administrative and training costs 53120
incurred in the operation of foster care maintenance, kinship 53121
guardianship assistance, and adoption assistance programs. The 53122
department may withhold not more than three per cent of the 53123
federal financial participation received. The funds withheld may 53124
be used only to fund the following: 53125

(1) The Ohio child welfare training program established under 53126
section 5103.30 of the Revised Code; 53127

(2) The university partnership program for college and 53128
university students majoring in social work who have committed to 53129
work for a public children services agency upon graduation; 53130

(3) Efforts supporting organizational excellence, including 53131
voluntary activities to be accredited by a nationally recognized 53132
accreditation organization. 53133

The funds withheld shall be in addition to any administration 53134
and training cost for which the department is reimbursed through 53135
its own cost allocation plan. 53136

(F) All federal financial participation funds received by a 53137
county pursuant to this section shall be deposited into the 53138
county's children services fund created pursuant to section 53139
5101.144 of the Revised Code. 53140

(G) The department shall periodically publish and distribute 53141
the maximum amounts that the department will reimburse public 53142
children services agencies for making payments on behalf of 53143
children eligible for foster care maintenance payments. 53144

(H) The department, by and through its director, is hereby 53145
authorized to develop, participate in the development of, 53146
negotiate, and enter into one or more interstate compacts on 53147
behalf of this state with agencies of any other states, for the 53148
provision of social services to children in relation to whom all 53149

of the following apply: 53150

(1) They have special needs. 53151

(2) This state or another state that is a party to the 53152
interstate compact is providing kinship guardianship assistance or 53153
adoption assistance on their behalf. 53154

(3) They move into this state from another state or move out 53155
of this state to another state. 53156

Sec. 5101.1411. (A)(1) The director of job and family 53157
services shall, not later than nine months after September 13, 53158
2016, the effective date of H.B. 50 of the 131st general assembly, 53159
submit an amendment to the state plan required by 42 U.S.C. 671 to 53160
the United States secretary of health and human services to 53161
implement 42 U.S.C. 675(8) to make federal payments for foster 53162
care under Title IV-E directly to, or on behalf of, any 53163
emancipated young adult who meets the following requirements: 53164

(a) The emancipated young adult signs a voluntary 53165
participation agreement. 53166

(b) The emancipated young adult satisfies division ~~(C)~~(D) of 53167
this section. 53168

(2) Any emancipated young adult who meets the requirements of 53169
division (A)(1) of this section may apply for foster care payments 53170
and make the appropriate application at any time. 53171

(B)(1) The director of job and family services shall, not 53172
later than nine months after September 13, 2016, the effective 53173
date of H.B. 50 of the 131st general assembly, submit an amendment 53174
to the state plan required by 42 U.S.C. 671 to the United States 53175
secretary of health and human services to implement 42 U.S.C. 53176
675(8) to make federal payments for adoption assistance under 53177
Title IV-E available to any parent who meets all of the following 53178
requirements: 53179

(a) The parent adopted a person who is an adopted young adult 53180
and the parent entered into an adoption assistance agreement under 53181
42 U.S.C. 673 while the adopted person was age sixteen or 53182
seventeen. 53183

(b) The parent maintains parental responsibility for the 53184
adopted young adult. 53185

(c) The adopted young adult satisfies division ~~(C)~~(D) of this 53186
section. 53187

(2) Any parent who meets the requirements of division (B)(1) 53188
of this section that are applicable to a parent may request an 53189
extension of adoption assistance payments at any time before the 53190
adopted young adult reaches age twenty-one. 53191

(3) An adopted young adult who is eligible to receive 53192
adoption assistance payments is not considered an emancipated 53193
young adult and is therefore not eligible to receive payment under 53194
division (A) of this section. 53195

(C)(1) The director of job and family services shall, not 53196
later than nine months after the effective date of this amendment, 53197
submit an amendment to the state plan required by 42 U.S.C. 671 to 53198
the United States secretary of health and human services to 53199
implement 42 U.S.C. 673(d) to provide kinship guardianship 53200
assistance under Title IV-E available to any relative who meets 53201
all of the following requirements: 53202

(a) Both of the following apply: 53203

(i) A juvenile court issued an order granting legal custody 53204
of a person who is a kinship guardianship young adult to the 53205
relative, or a probate court issued an order granting guardianship 53206
of a person who is a kinship guardianship young adult to the 53207
relative, and the order is not a temporary court order. 53208

(ii) The relative entered into a kinship guardianship 53209

assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen. 53210
53211

(b) The relative maintains parental responsibility for the kinship guardianship young adult. 53212
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(c) The kinship guardianship young adult satisfies division (D) of this section. 53214
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(2) Any person who meets the requirements of division (C)(1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one. 53216
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(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section. 53220
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(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria: 53224
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(1) Is completing secondary education or a program leading to an equivalent credential; 53227
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(2) Is enrolled in an institution that provides post-secondary or vocational education; 53229
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(3) Is participating in a program or activity designed to promote, or remove barriers to, employment; 53231
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(4) Is employed for at least eighty hours per month; 53233

(5) Is incapable of doing any of the activities described in divisions ~~(C)(1)~~(D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan. 53234
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~~(D)~~(E) Any emancipated young adult described in division (A)(1) of this section who is directly receiving foster care 53238
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payments, or on whose behalf such foster care payments are 53240
received, or any relative described in division (C)(1) of this 53241
section who is receiving kinship guardianship assistance, or any 53242
parent receiving adoption assistance payments, may refuse the 53243
payments at any time. 53244

~~(E)(1)~~(F)(1) An emancipated young adult described in division 53245
(A)(1) of this section who is directly receiving foster care 53246
payments, or on whose behalf such foster care payments are 53247
received, or any relative described in division (C)(1) of this 53248
section who is receiving kinship guardianship assistance and the 53249
kinship guardianship young adult, or a parent receiving adoption 53250
assistance payments and the adopted young adult shall be eligible 53251
for services set forth in the federal, "Fostering Connections to 53252
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 53253
Stat. 3949. 53254

(2) An emancipated young adult described in division (A)(1) 53255
of this section who is directly receiving foster care payments, or 53256
on whose behalf such foster care payments are received, pursuant 53257
to this section, may be eligible to reside in a supervised 53258
independent living setting, including apartment living, room and 53259
board arrangements, college or university dormitories, host homes, 53260
and shared roommate settings. 53261

~~(F)~~(G) Any determination by the department that denies or 53262
terminates foster care assistance, kinship guardianship 53263
assistance, kinship support program payments, or adoption 53264
assistance payments shall be subject to a state hearing pursuant 53265
to section 5101.35 of the Revised Code. 53266

Sec. 5101.1412. (A) Without the approval of a court, an 53267
emancipated young adult who receives payments, or on whose behalf 53268
payments are received, under division (A) of section 5101.1411 of 53269
the Revised Code, may enter into a voluntary participation 53270

agreement with the department of job and family services, or its 53271
representative, for the emancipated young adult's care and 53272
placement. The agreement shall stay in effect until one of the 53273
following occurs: 53274

(1) The emancipated young adult enrolled in the program 53275
notifies the department, or its representative, that they want to 53276
terminate the agreement. 53277

(2) The emancipated young adult becomes ineligible for the 53278
program. 53279

~~(B) During the one hundred eighty day period after the 53280
voluntary participation agreement becomes effective, the 53281
department or its representative shall seek approval from the 53282
court that the emancipated young adult's best interest is served 53283
by continuing the care and placement with the department or its 53284
representative. 53285~~

~~(C) In order to maintain Title IV-E eligibility for the 53286
emancipated young adult, ~~not~~ both of the following apply: 53287~~

~~(1) Not later than one hundred eighty days after the 53288
effective date of the voluntary participation agreement, the 53289
department or its representative must petition the court for, and 53290
obtain, a judicial determination that the emancipated young 53291
adult's best interest is served by continuing the care and 53292
placement with the department or its representative. 53293~~

~~(2) Not later than twelve months after the effective date of 53294
the voluntary participation agreement, and at least once every 53295
twelve months thereafter, the department or its representative 53296
must petition the court for, and obtain, a judicial determination 53297
that the department or its representative has made reasonable 53298
efforts to finalize a permanency plan ~~that addresses the 53299
department's or its representative's efforts to prepare the 53300~~~~

emancipated young adult for independence. 53301

Sec. 5101.1415. The provisions of divisions (A) and ~~(C)~~(D) to 53302
~~(F)~~(G) of section 5101.1411 of the Revised Code shall not apply if 53303
the person is eligible for temporary or permanent custody until 53304
age twenty-one pursuant to a dispositional order under sections 53305
2151.353, 2151.414, and 2151.415 of the Revised Code. 53306

Sec. 5101.1416. (A) Not later than nine months after the 53307
effective date of this section, the director of job and family 53308
services shall submit an amendment to the state plan required by 53309
42 U.S.C. 671 to the United States secretary of health and human 53310
services to implement 42 U.S.C. 673(d) to provide kinship 53311
guardianship assistance under Title IV-E on behalf of a child to a 53312
relative who meets the following requirements: 53313

(1) The relative has cared for the eligible child pursuant to 53314
division (B) of this section as a foster caregiver as defined by 53315
section 5103.02 of the Revised Code for at least six consecutive 53316
months. 53317

(2) Both of the following apply: 53318

(a) A juvenile court issued an order granting legal custody 53319
of the child to the relative, or a probate court issued an order 53320
granting guardianship of the child to the relative, and the order 53321
is not a temporary court order. 53322

(b) The relative has committed to care for the child on a 53323
permanent basis. 53324

(3) The relative signs a kinship guardianship assistance 53325
agreement required by 42 U.S.C. 673. 53326

(B) A child is an eligible child for kinship guardianship 53327
assistance under this section if the following are met: 53328

(1) The child has been removed from his or her home pursuant 53329

to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 53330
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(2) The child has been eligible for foster care maintenance payments under section 5101.141 of the Revised Code while residing for at least six consecutive months in the home of a relative described in division (A) of this section. 53333
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(3) Returning the child home or adoption of the child are not appropriate permanency options for the child. 53337
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(4) The child demonstrates a strong attachment to the child's relative described in division (A) of this section and the relative has a strong commitment to caring permanently for the child. 53339
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(5) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the kinship guardianship arrangement. 53343
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Sec. 5101.1417. Not later than nine months after the effective date of this section, the department of job and family services shall adopt rules necessary to carry out the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," including rules that do all of the following: 53346
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(A) Allow a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code on whose behalf kinship guardianship assistance is received, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities; 53352
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(B) Require that a thirty-day notice of termination be given by the department to a person receiving kinship guardianship assistance for a kinship guardianship young adult described in 53357
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division (C) of section 5101.1411 of the Revised Code, who is 53360
determined to be ineligible for assistance. 53361

Sec. 5101.1418. (A)(1) If, after a child's adoption is 53362
finalized, the department of job and family services considers the 53363
child to be in need of public care or protective services, the 53364
department may, to the extent state funds are available for this 53365
purpose, enter into an agreement with the child's adoptive parent 53366
under which the department may make post adoption special services 53367
subsidy payments on behalf of the child as needed when both of the 53368
following apply: 53369

(a) The child has a physical or developmental disability or 53370
mental or emotional condition that either: 53371

(i) Existed before the adoption petition was filed; or 53372

(ii) Developed after the adoption petition was filed and can 53373
be directly attributed to factors in the child's preadoption 53374
background, medical history, or biological family's background or 53375
medical history. 53376

(b) The department determines the expenses necessitated by 53377
the child's disability or condition are beyond the adoptive 53378
parent's economic resources. 53379

(2) Services for which the department may make post adoption 53380
special services subsidy payments on behalf of a child under this 53381
section shall include medical, surgical, psychiatric, 53382
psychological, and counseling services, including residential 53383
treatment. 53384

(3) The department shall establish clinical standards to 53385
evaluate a child's physical or developmental disability or mental 53386
or emotional condition and assess the child's need for services. 53387

(4) The total dollar value of post adoption special services 53388
subsidy payments made on a child's behalf shall not exceed ten 53389

thousand dollars in any fiscal year, unless the department 53390
determines that extraordinary circumstances exist that necessitate 53391
further funding of services for the child. Under such 53392
extraordinary circumstances, the value of the payments made on the 53393
child's behalf shall not exceed fifteen thousand dollars in any 53394
fiscal year. 53395

(5) The adoptive parent or parents of a child who receives 53396
post adoption special services subsidy payments shall pay at least 53397
five per cent of the total cost of all services provided to the 53398
child; except that the department may waive this requirement if 53399
the gross annual income of the child's adoptive family is not more 53400
than two hundred per cent of the federal poverty guideline. 53401

(6) The department may use other sources of revenue to make 53402
post adoption special services subsidy payments, in addition to 53403
any state funds appropriated for that purpose. 53404

(7) The department may contract with another person to carry 53405
out any of the duties described in this section. 53406

(B) No payment shall be made on behalf of any person eighteen 53407
years of age or older beyond the end of the school year during 53408
which the person attains the age of eighteen or on behalf of a 53409
mentally or physically disabled person twenty-one years of age or 53410
older. 53411

(C) The director of job and family services, not later than 53412
July 1, 2022, shall adopt rules in accordance with Chapter 119. of 53413
the Revised Code necessary to implement this section. The rules 53414
shall establish all of the following: 53415

(1) The application process for all forms of assistance 53416
provided under this section; 53417

(2) Standards for determining the children who qualify to 53418
receive assistance provided under this section; 53419

(3) The method of determining the amount, duration, and scope of services provided to a child; 53420
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(4) The method of transitioning the post adoption special services subsidy program from public children services agencies to the department; 53422
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(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section. 53425
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(D) The department shall implement this section not later than July 1, 2022. 53427
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Sec. 5101.341. (A) The Ohio commission on fatherhood ~~annually~~ shall elect a chairperson from among its members in every odd-numbered year. 53429
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(B) The governor shall appoint an individual to serve as the commission's executive director. The executive director shall serve at the pleasure of the governor and shall report to the director of job and family services or the director's designee. 53432
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The governor shall fix the executive director's salary on the basis of the executive director's experience and the executive director's responsibilities and duties. The executive director shall be in the unclassified civil service. 53436
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The department of job and family services shall provide staff and other support services as necessary for the commission to fulfill its duties. 53440
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(C) The commission may accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry out any or all of the commission's duties. The funds shall be deposited into the Ohio commission on fatherhood fund, which is hereby created in the state treasury. All gifts, grants, donations, contributions, benefits, and other funds received by the commission pursuant to this division shall 53443
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be used solely to support the operations of the commission. 53450

Sec. 5101.545. The director of job and family services shall 53451
submit an application to the United States department of 53452
agriculture for participation in the elderly simplified 53453
application project within the supplemental nutrition assistance 53454
program. 53455

Sec. 5101.741. (A) The elder abuse commission shall formulate 53456
and recommend strategies on all of the following: 53457

(1) Increasing awareness of and improving education on elder 53458
abuse; 53459

(2) Increasing research on elder abuse; 53460

(3) Improving policy, funding, and programming related to 53461
elder abuse, including estimated funding necessary to implement 53462
specific recommendations; 53463

(4) Improving the judicial response to elder abuse victims; 53464

(5) Identifying ways to coordinate statewide efforts to 53465
address elder abuse. 53466

~~(B) The commission shall review current funding of adult 53467
protective services and shall report on the cost to the state and 53468
county departments of job and family services of implementing its 53469
recommendations.~~ 53470

~~(C)~~ The commission shall prepare and issue a biennial report 53471
on a plan of action that may be used by local communities to aid 53472
in the development of efforts to combat elder abuse. The report 53473
shall include the commission's ~~findings and~~ recommendations made 53474
under ~~divisions~~ division (A) and ~~(B)~~ of this section. 53475

~~(D)~~(C) The attorney general may adopt rules as necessary for 53476
the commission to carry out its duties. The rules shall be adopted 53477
in accordance with section 111.15 of the Revised Code. 53478

Sec. 5101.802. (A) As used in this section: 53479

(1) "Custodian," "guardian," and "minor child" have the same 53480
meanings as in section 5107.02 of the Revised Code. 53481

(2) "Federal poverty guidelines" has the same meaning as in 53482
section 5101.46 of the Revised Code. 53483

(3) "Kinship caregiver" has the same meaning as in section 53484
5101.85 of the Revised Code. 53485

(B) Subject to division (E) of section 5101.801 of the 53486
Revised Code, there is hereby created the kinship permanency 53487
incentive program to promote permanency for a minor child in the 53488
legal and physical custody of a kinship caregiver. The program 53489
shall provide an initial one-time incentive payment to the kinship 53490
caregiver to defray the costs of initial placement of the minor 53491
child in the kinship caregiver's home. The program may provide 53492
additional permanency incentive payments for the minor child at 53493
six-month intervals, based on the availability of funds. An 53494
eligible caregiver may receive a maximum of eight incentive 53495
payments per minor child. 53496

(C) A kinship caregiver may participate in the program if all 53497
of the following requirements are met: 53498

(1) The kinship caregiver applies to a public children 53499
services agency in accordance with the application process 53500
established in rules authorized by division (E) of this section; 53501

(2) Not earlier than July 1, 2005, a juvenile court issues an 53502
order granting legal custody to the kinship caregiver, or a 53503
probate court grants guardianship to the kinship caregiver, except 53504
that a temporary court order is not sufficient to meet this 53505
requirement; 53506

(3) The kinship caregiver is either the minor child's 53507
custodian or guardian; 53508

(4) The minor child resides with the kinship caregiver 53509
pursuant to a placement approval process established in rules 53510
authorized by division (E) of this section; 53511

(5) Excluding any income excluded under rules adopted under 53512
division (E) of this section, the gross income of the kinship 53513
caregiver's family, including the minor child, does not exceed 53514
three hundred per cent of the federal poverty guidelines. 53515

(6) The kinship caregiver is not receiving kinship 53516
guardianship assistance under Title IV-E of the "Social Security 53517
Act," 42 U.S.C. 673(d), as amended, or the program described in 53518
section 5101.1411 of the Revised Code or the program described in 53519
section 5153.163 of the Revised Code. 53520

(D) Public children services agencies shall make initial and 53521
ongoing eligibility determinations for the kinship permanency 53522
incentive program in accordance with rules authorized by division 53523
(E) of this section. The director of job and family services shall 53524
supervise public children services agencies' duties under this 53525
section. 53526

(E) The director of job and family services shall adopt rules 53527
under division (C) of section 5101.801 of the Revised Code as 53528
necessary to implement the kinship permanency incentive program. 53529
The rules shall establish all of the following: 53530

(1) The application process for the program; 53531

(2) The placement approval process through which a minor 53532
child is placed with a kinship caregiver for the kinship caregiver 53533
to be eligible for the program; 53534

(3) The initial and ongoing eligibility determination process 53535
for the program, including the computation of income eligibility; 53536

(4) The amount of the incentive payments provided under the 53537
program; 53538

(5) The method by which the incentive payments are provided 53539
to a kinship caregiver. 53540

(F) The amendments made to this section by Am. Sub. H.B. 119 53541
of the 127th general assembly shall not affect the eligibility of 53542
any kinship caregiver whose eligibility was established before 53543
June 30, 2007. 53544

Sec. 5101.806. (A) The department of job and family services 53545
shall prepare and submit to the governor not later than the first 53546
day of November in each even-numbered year a TANF spending plan 53547
describing the anticipated spending of temporary assistance for 53548
needy families block grant funds for the upcoming state fiscal 53549
biennium. The report shall be prepared in such a manner as to 53550
facilitate the inclusion of the information contained in the 53551
report in the governor's budget in accordance with division (D)(7) 53552
of section 107.03 of the Revised Code. 53553

(B)(1) Not later than thirty days after the end of the first 53554
state fiscal year of a fiscal biennium, the department shall 53555
prepare and submit an updated TANF spending plan to the 53556
chairperson of a standing committee of the house of 53557
representatives designated by the speaker of the house of 53558
representatives and the chairperson of a standing committee of the 53559
senate designated by the president of the senate. The updated TANF 53560
spending plan shall, at a minimum, include both of the following: 53561

(a) The total amount of temporary assistance for needy 53562
families block grant funds distributed during the first fiscal 53563
year of the fiscal biennium. 53564

(b) An updated estimate of the total amount of temporary 53565
assistance for needy families block grant funds that will be 53566
distributed during the second fiscal year of the fiscal biennium. 53567

(2) A chairperson of a standing committee designated by the 53568

speaker of the house of representatives or president of the senate 53569
under division (B)(1) of this section may call the director of job 53570
and family services to testify before the committee regarding the 53571
TANF spending plan. 53572

Sec. 5101.8812. Benefits and services provided under the 53573
kinship guardianship assistance program, extended kinship 53574
guardianship assistance program, kinship support program, and 53575
kinship permanency incentive program are inalienable whether by 53576
way of assignment, charge, or otherwise and exempt from execution, 53577
attachment, guardianship, and other like processes. 53578

~~Sec. 5101.971. (A) The department of human services shall~~ 53579
~~prepare an annual report on individual development account~~ 53580
~~programs established by county departments of human services based~~ 53581
~~on the information provided pursuant to division (E) of section~~ 53582
~~329.12 of the Revised Code and file the report with the governor,~~ 53583
~~president and minority leader of the senate, and speaker and~~ 53584
~~minority leader of the house of representatives. The department~~ 53585
~~shall file the report on the first day of October of each year,~~ 53586
~~beginning in 1998.~~ 53587

~~(B) The department of job and family services shall adopt~~ 53588
~~rules in accordance with Chapter 119. of the Revised Code to~~ 53589
~~govern the implementation of individual development account~~ 53590
~~programs under sections 329.11 to 329.14 of the Revised Code by~~ 53591
~~county departments of human job and family services, which shall~~ 53592
~~include rules covering all both of the following:~~ 53593

~~(1) (A) Imposing a penalty for unauthorized use of matching~~ 53594
~~contributions;~~ 53595

~~(2) Specifying the information that must be included in the~~ 53596
~~county department's report to the department under section 329.12~~ 53597
~~of the Revised Code;~~ 53598

~~(3)~~ (B) Specifying the responsibilities of a fiduciary organization under an individual development account program established under section 329.12 of the Revised Code. The rules shall be consistent with section 404(h) of the "Social Security Act" as amended by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," ~~110 Stat. 2105~~, 42 U.S.C. 604(h).

The responsibilities of a fiduciary organization may include marketing; soliciting matching contributions; counseling account holders; conducting verification, compliance, and evaluation activities; and any other responsibilities considered appropriate by the state department.

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the Revised Code:

(A)(1) "Association" or "institution" includes all of the following:

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children.

(2) "Association" or "institution" does not include any of

the following: 53629

(a) Any organization, society, association, school, agency, 53630
child guidance center, detention or rehabilitation facility, or 53631
children's clinic licensed, regulated, approved, operated under 53632
the direction of, or otherwise certified by the department of 53633
education, a local board of education, the department of youth 53634
services, the department of mental health and addiction services, 53635
or the department of developmental disabilities; 53636

(b) Any individual who provides care for only a single-family 53637
group, placed there by their parents or other relative having 53638
custody; 53639

(c) A private, nonprofit therapeutic wilderness camp; 53640

(d) A qualified organization as defined in section 2151.90 of 53641
the Revised Code. 53642

(B) "Family foster home" means a foster home that is not a 53643
specialized foster home. 53644

(C) "Foster caregiver" means a person holding a valid foster 53645
home certificate issued under section 5103.03 of the Revised Code. 53646

(D) "Foster home" means a private residence in which children 53647
are received apart from their parents, guardian, or legal 53648
custodian, by an individual reimbursed for providing the children 53649
nonsecure care, supervision, or training twenty-four hours a day. 53650
"Foster home" does not include care provided for a child in the 53651
home of a person other than the child's parent, guardian, or legal 53652
custodian while the parent, guardian, or legal custodian is 53653
temporarily away. Family foster homes and specialized foster homes 53654
are types of foster homes. 53655

(E) Kinship caregiver has the same meaning as in section 53656
5101.85 of the Revised Code. 53657

(F) "Medically fragile foster home" means a foster home that 53658

provides specialized medical services designed to meet the needs 53659
of children with intensive health care needs who meet all of the 53660
following criteria: 53661

(1) Under rules adopted by the medicaid director governing 53662
medicaid payments for long-term care services, the children 53663
require a skilled level of care. 53664

(2) The children require the services of a doctor of medicine 53665
or osteopathic medicine at least once a week due to the 53666
instability of their medical conditions. 53667

(3) The children require the services of a registered nurse 53668
on a daily basis. 53669

(4) The children are at risk of institutionalization in a 53670
hospital, skilled nursing facility, or intermediate care facility 53671
for individuals with intellectual disabilities. 53672

~~(F)~~(G) "Private, nonprofit therapeutic wilderness camp" means 53673
a structured, alternative residential setting for children who are 53674
experiencing emotional, behavioral, moral, social, or learning 53675
difficulties at home or school in which all of the following are 53676
the case: 53677

(1) The children spend the majority of their time, including 53678
overnight, either outdoors or in a primitive structure. 53679

(2) The children have been placed there by their parents or 53680
another relative having custody. 53681

(3) The camp accepts no public funds for use in its 53682
operations. 53683

~~(G)~~(H) "Recommending agency" means a public children services 53684
agency, private child placing agency, or private noncustodial 53685
agency that recommends that the department of job and family 53686
services take any of the following actions under section 5103.03 53687
of the Revised Code regarding a foster home: 53688

(1) Issue a certificate;	53689
(2) Deny a certificate;	53690
(3) Renew a certificate;	53691
(4) Deny renewal of a certificate;	53692
(5) Revoke a certificate.	53693
(H) (I) " <u>Resource caregiver</u> " means a foster caregiver or a <u>kinship caregiver.</u>	53694 53695
(J) " <u>Resource family</u> " means a foster home or the kinship <u>caregiver family.</u>	53696 53697
(K) " <u>Specialized foster home</u> " means a medically fragile foster home or a treatment foster home.	53698 53699
(I) (L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.	53700 53701 53702 53703 53704 53705 53706
Sec. 5103.031. Except as provided in section 5103.033 of the Revised Code, the department of job and family services may not issue a certificate under section 5103.03 of the Revised Code to a foster home unless the prospective foster caregiver successfully completes preplacement training through a preplacement training program approved by the department of job and family services under section 5103.038 of the Revised Code or preplacement training provided under division (B) of section 5103.30 of the Revised Code. Up to twenty per cent of the required preplacement training may be provided online.	53707 53708 53709 53710 53711 53712 53713 53714 53715 53716
Sec. 5103.0310. (A) Prior to employing a person <u>or engaging a</u>	53717

subcontractor, intern, or volunteer, an institution or 53718
association, as defined in division (A)(1)(a) of section 5103.02 53719
of the Revised Code, that is a residential facility, as defined in 53720
division (A)(6) of section 5103.05 of the Revised Code, shall do 53721
the following regarding the person, subcontractor, intern, or 53722
volunteer: 53723

(1) ~~Conduct~~ Obtain a search of the United States department 53724
of justice national sex offender public web site regarding the 53725
person; 53726

(2) ~~Request~~ Obtain a summary report of a search of the 53727
uniform statewide automated child welfare information system in 53728
accordance with divisions (A) and (B) of section 5103.18 of the 53729
Revised Code. 53730

(B) An institution or association, as defined in division 53731
(A)(1)(a) of section 5103.02 of the Revised Code, that is not a 53732
residential facility, as defined in division (A)(6) of section 53733
5103.05 of the Revised Code, shall obtain the search and summary 53734
report described in division (A) of this section before hiring a 53735
person, or engaging a subcontractor, intern, or volunteer, who 53736
will have access to children. 53737

(C) If, at the time of the effective date of this amendment, 53738
the institution or association has not obtained a report required 53739
under division (A) or (B) of this section for the person, 53740
subcontractor, intern, or volunteer, the institution or 53741
association shall obtain the report. 53742

(D) The institution or association may refuse to ~~hire~~ employ 53743
the person or engage the subcontractor, intern, or volunteer based 53744
solely on the results of the search described in division (A)(1) 53745
or (B) of this section or the findings of the summary report 53746
described in division (B)(1)(a) of section 5103.18 of the Revised 53747
Code. 53748

~~(C)~~(E) The director of job and family services shall adopt 53749
rules in accordance with Chapter 119. of the Revised Code 53750
necessary for the implementation and execution of this section. 53751

Sec. 5103.0316. The department of job and family services 53752
shall adopt rules in accordance with Chapter 119. of the Revised 53753
Code as necessary for the efficient administration of sections 53754
5103.031 to 5103.0316 of the Revised Code. The rules shall provide 53755
for all of the following: 53756

(A) For the purpose of section 5103.038 of the Revised Code, 53757
the date by which a private child placing agency or private 53758
noncustodial agency that seeks to operate a preplacement training 53759
program or continuing training program under section 5103.034 of 53760
the Revised Code must submit to the department a proposal 53761
outlining the program; 53762

(B) Requirements governing the department's compensation of 53763
private child placing agencies and private noncustodial agencies 53764
under sections 5103.0312 and 5103.0313 of the Revised Code, 53765
including the allowance to reimburse the agencies for the cost of 53766
providing the training under sections 5103.031, 5103.032, and 53767
5103.033 of the Revised Code; 53768

(C) Requirements governing the continuing training required 53769
by sections 5103.032 and 5103.033 of the Revised Code; 53770

(D) The amount of training hours necessary for preplacement 53771
training and continuing training for purposes of sections 53772
5103.031, 5103.032, and 5103.033 of the Revised Code; 53773

(E) Courses necessary to meet the preplacement and continuing 53774
training requirements for foster homes under sections 5103.031, 53775
5103.032, and 5103.033 of the Revised Code; 53776

(F) Criteria used to create a written needs assessment and 53777
continuing training plan for each foster caregiver as required by 53778

section 5103.035 of the Revised Code; 53779

(G) The amount of preplacement and continuing training hours that may be completed online; 53780
53781

(H) Any other matter the department considers appropriate. 53782

Sec. 5103.163. (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a resource family bill of rights for resource families providing care for individuals who are in the custody or care and placement of an agency that provides Title IV-E reimbursable services pursuant to sections 5103.03 to 5103.181 of the Revised Code. 53783
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(B) If the rights of the resource family conflict with the rights of the individual established by section 2151.316 of the Revised Code, division (B) of section 2151.316 of the Revised Code shall apply. 53790
53791
53792
53793

(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency. 53794
53795
53796

Sec. 5103.57. (A) As used in this section: 53797

(1) "Professional treatment staff" means a specialized foster home program agency employee or contractor with responsibility for any of the following: 53798
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53800

(a) Providing rehabilitative services to a child placed in a specialized foster home program or to the child's family; 53801
53802

(b) Conducting home studies as an assessor for specialized foster homes; 53803
53804

(c) Providing clinical direction to specialized foster caregivers; 53805
53806

<u>(d) Supervision of treatment team leaders.</u>	53807
<u>(2) "Specialized foster home" has the same meaning as in section 5103.02 of the Revised Code.</u>	53808 53809
<u>(B) Professional treatment staff employed by a public children services agency, private child placement agency, or private noncustodial agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.</u>	53810 53811 53812 53813 53814 53815
Sec. 5104.01. As used in this chapter:	53816
(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.	53817 53818 53819
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	53820 53821
(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:	53822 53823 53824 53825
(1) Communicate on the owner's behalf;	53826
(2) Submit on the owner's behalf applications for licensure or approval;	53827 53828
(3) Enter into on the owner's behalf provider agreements for publicly funded child care.	53829 53830
(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.	53831 53832 53833 53834
(E) "Career pathways model" means an alternative pathway to	53835

meeting the requirements to be a child-care staff member or 53836
administrator that does both of the following: 53837

(1) Uses a framework approved by the director of job and 53838
family services to document formal education, training, 53839
experience, and specialized credentials and certifications; 53840

(2) Allows the child-care staff member or administrator to 53841
achieve a designation as an early childhood professional level 53842
one, two, three, four, five, or six. 53843

(F) "Caretaker parent" means the father or mother of a child 53844
whose presence in the home is needed as the caretaker of the 53845
child, a person who has legal custody of a child and whose 53846
presence in the home is needed as the caretaker of the child, a 53847
guardian of a child whose presence in the home is needed as the 53848
caretaker of the child, and any other person who stands in loco 53849
parentis with respect to the child and whose presence in the home 53850
is needed as the caretaker of the child. 53851

(G) "Chartered nonpublic school" means a school that meets 53852
standards for nonpublic schools prescribed by the state board of 53853
education for nonpublic schools pursuant to section 3301.07 of the 53854
Revised Code. 53855

(H) "Child" includes an infant, toddler, preschool-age child, 53856
or school-age child. 53857

(I) "Child care block grant act" means the "Child Care and 53858
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 53859
U.S.C. 9858, as amended. 53860

(J) "Child day camp" means a program in which only school-age 53861
children attend or participate, that operates for no more than 53862
twelve hours per day and no more than fifteen weeks during the 53863
summer. For purposes of this division, the maximum twelve hours of 53864
operation time does not include transportation time from a child's 53865
home to a child day camp and from a child day camp to a child's 53866

home. 53867

(K) "Child care" means all of the following: 53868

(1) Administering to the needs of infants, toddlers, 53869
preschool-age children, and school-age children outside of school 53870
hours; 53871

(2) By persons other than their parents, guardians, or 53872
custodians; 53873

(3) For part of the twenty-four-hour day; 53874

(4) In a place other than a child's own home, except that an 53875
in-home aide provides child care in the child's own home; 53876

(5) By a provider required by this chapter to be licensed or 53877
approved by the department of job and family services, certified 53878
by a county department of job and family services, or under 53879
contract with the department to provide publicly funded child care 53880
as described in section 5104.32 of the Revised Code. 53881

(L) "Child day-care center" and "center" mean any place that 53882
is not the permanent residence of the licensee or administrator in 53883
which child care or publicly funded child care is provided for 53884
seven or more children at one time. "Child day-care center" and 53885
"center" do not include any of the following: 53886

(1) A place located in and operated by a hospital, as defined 53887
in section 3727.01 of the Revised Code, in which the needs of 53888
children are administered to, if all the children whose needs are 53889
being administered to are monitored under the on-site supervision 53890
of a physician licensed under Chapter 4731. of the Revised Code or 53891
a registered nurse licensed under Chapter 4723. of the Revised 53892
Code, and the services are provided only for children who, in the 53893
opinion of the child's parent, guardian, or custodian, are 53894
exhibiting symptoms of a communicable disease or other illness or 53895
are injured; 53896

(2) A child day camp;	53897
(3) A place that provides care, if all of the following apply:	53898
(a) An organized religious body provides the care;	53899
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;	53900
(c) The care is not provided for more than thirty days a year;	53901
(d) The care is provided only for preschool-age and school-age children.	53902
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	53903
(N) "Child care resource and referral services" means all of the following services:	53904
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	53905
(2) Provision of individualized consumer education to families seeking child care;	53906
(3) Provision of timely referrals of available child care providers to families seeking child care;	53907
(4) Recruitment of child care providers;	53908
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	53909
(6) Collection and analysis of data on the supply of and	53910

demand for child care in the community;	53926
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	53927 53928 53929
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	53930 53931 53932
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	53933 53934
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	53935 53936 53937 53938
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	53939 53940 53941 53942
(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties.	53943 53944 53945 53946 53947 53948
(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	53949 53950 53951 53952
(Q) "Employee" means a person who either:	53953
(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B	53954 53955

family day-care home, or approved child day camp; 53956

(2) Is assigned specific working hours or duties in a child 53957
day-care center, type A family day-care home, licensed type B 53958
family day-care home, or approved child day camp. 53959

(R) "Employer" means a person, firm, institution, 53960
organization, or agency that operates a child day-care center, 53961
type A family day-care home, licensed type B family day-care home, 53962
or approved child day camp subject to licensure or approval under 53963
this chapter. 53964

(S) "Federal poverty line" means the official poverty 53965
guideline as revised annually in accordance with section 673(2) of 53966
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 53967
U.S.C. 9902, as amended, for a family size equal to the size of 53968
the family of the person whose income is being determined. 53969

(T) "Head start program" means a ~~comprehensive child~~ 53970
~~development school-readiness program serving birth to three years~~ 53971
~~old and preschool-age children that receives~~ satisfies all of the 53972
following: 53973

(1) Is for children from birth to age five who are from 53974
low-income families; 53975

(2) Receives funds distributed under the "Improving Head 53976
Start for School-Readiness Act of 2007," ~~95 Stat. 499 (1981),~~ 42 53977
U.S.C.A. 9831, as amended, ~~and is;~~ 53978

(3) Is licensed as a child care program. 53979

(U) "Homeless child care" means child care provided to a 53980
child who satisfies any of the following: 53981

(1) Is homeless as defined in 42 U.S.C. 11302; 53982

(2) Is a homeless child or youth as defined in 42 U.S.C. 53983
11434a; 53984

(3) Resides temporarily with a caretaker in a facility 53985

providing emergency shelter for homeless families or is determined 53986
by a county department of job and family services to be homeless. 53987

(V) "Income" means gross income, as defined in section 53988
5107.10 of the Revised Code, less any amounts required by federal 53989
statutes or regulations to be disregarded. 53990

(W) "Indicator checklist" means an inspection tool, used in 53991
conjunction with an instrument-based program monitoring 53992
information system, that contains selected licensing requirements 53993
that are statistically reliable indicators or predictors of a 53994
child day-care center's type A family day-care home's, or licensed 53995
type B family day-care home's compliance with licensing 53996
requirements. 53997

(X) "Infant" means a child who is less than eighteen months 53998
of age. 53999

(Y) "In-home aide" means a person who does not reside with 54000
the child but provides care in the child's home and is certified 54001
by a county director of job and family services pursuant to 54002
section 5104.12 of the Revised Code to provide publicly funded 54003
child care to a child in a child's own home pursuant to this 54004
chapter and any rules adopted under it. 54005

(Z) "Instrument-based program monitoring information system" 54006
means a method to assess compliance with licensing requirements 54007
for child day-care centers, type A family day-care homes, and 54008
licensed type B family day-care homes in which each licensing 54009
requirement is assigned a weight indicative of the relative 54010
importance of the requirement to the health, growth, and safety of 54011
the children that is used to develop an indicator checklist. 54012

(AA) "License capacity" means the maximum number in each age 54013
category of children who may be cared for in a child day-care 54014
center, type A family day-care home, or licensed type B family 54015
day-care home at one time as determined by the director of job and 54016

family services considering building occupancy limits established 54017
by the department of commerce, amount of available indoor floor 54018
space and outdoor play space, and amount of available play 54019
equipment, materials, and supplies. 54020

(BB) "Licensed child care program" means any of the 54021
following: 54022

(1) A child day-care center licensed by the department of job 54023
and family services pursuant to this chapter; 54024

(2) A type A family day-care home or type B family day-care 54025
home licensed by the department of job and family services 54026
pursuant to this chapter; 54027

(3) A licensed preschool program or licensed school child 54028
program. 54029

(CC) "Licensed preschool program" or "licensed school child 54030
program" means a preschool program or school child program, as 54031
defined in section 3301.52 of the Revised Code, that is licensed 54032
by the department of education pursuant to sections 3301.52 to 54033
3301.59 of the Revised Code. 54034

(DD) "Licensed type B family day-care home" and "licensed 54035
type B home" mean a type B family day-care home for which there is 54036
a valid license issued by the director of job and family services 54037
pursuant to section 5104.03 of the Revised Code. 54038

(EE) "Licensee" means the owner of a child day-care center, 54039
type A family day-care home, or type B family day-care home that 54040
is licensed pursuant to this chapter and who is responsible for 54041
ensuring compliance with this chapter and rules adopted pursuant 54042
to this chapter. 54043

(FF) "Operate a child day camp" means to operate, establish, 54044
manage, conduct, or maintain a child day camp. 54045

(GG) "Owner" includes a person, as defined in section 1.59 of 54046

the Revised Code, or government entity. 54047

(HH) "Parent cooperative child day-care center," "parent 54048
cooperative center," "parent cooperative type A family day-care 54049
home," and "parent cooperative type A home" mean a corporation or 54050
association organized for providing educational services to the 54051
children of members of the corporation or association, without 54052
gain to the corporation or association as an entity, in which the 54053
services of the corporation or association are provided only to 54054
children of the members of the corporation or association, 54055
ownership and control of the corporation or association rests 54056
solely with the members of the corporation or association, and at 54057
least one parent-member of the corporation or association is on 54058
the premises of the center or type A home during its hours of 54059
operation. 54060

(II) "Part-time child day-care center," "part-time center," 54061
"part-time type A family day-care home," and "part-time type A 54062
home" mean a center or type A home that provides child care or 54063
publicly funded child care for not more than four hours a day for 54064
any child or not more than fifteen consecutive weeks per year, 54065
regardless of the number of hours per day. 54066

(JJ) "Place of worship" means a building where activities of 54067
an organized religious group are conducted and includes the 54068
grounds and any other buildings on the grounds used for such 54069
activities. 54070

(KK) "Preschool-age child" means a child who is three years 54071
old or older but is not a school-age child. 54072

(LL) "Protective child care" means publicly funded child care 54073
for the direct care and protection of a child to whom all of the 54074
following apply: 54075

(1) A case plan has been prepared and maintained for the 54076
child pursuant to section 2151.412 of the Revised Code. 54077

(2) The case plan indicates a need for protective care.	54078
(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.	54079 54080 54081
(MM) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of job and family services.	54082 54083 54084 54085 54086 54087 54088 54089
(NN) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.	54090 54091 54092 54093 54094 54095 54096
(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.	54097 54098 54099 54100 54101
(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.	54102 54103 54104
(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including	54105 54106 54107 54108

social, emotional, cognitive, communicative, perceptual, motor, 54109
physical, and behavioral development and that may include on a 54110
regular basis such services, adaptations, modifications, or 54111
adjustments needed to assist in the child's function or 54112
development. 54113

(RR) "Title IV-A" means Title IV-A of the "Social Security 54114
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 54115

(SS) "Title XX" means Title XX of the "Social Security Act," 54116
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 54117

(TT) "Toddler" means a child who is at least eighteen months 54118
of age but less than three years of age. 54119

(UU) "Type A family day-care home" and "type A home" mean the 54120
permanent residence of the administrator in which child care or 54121
publicly funded child care is provided for seven to twelve 54122
children at one time or a permanent residence of the administrator 54123
in which child care is provided for four to twelve children at one 54124
time if four or more children at one time are under two years of 54125
age. In counting children for the purposes of this division, any 54126
children under six years of age who are related to a licensee, 54127
administrator, or employee and who are on the premises of the type 54128
A home shall be counted. "Type A family day-care home" and "type A 54129
home" do not include any child day camp. 54130

(VV) "Type B family day-care home" and "type B home" mean a 54131
permanent residence of the provider in which care is provided for 54132
one to six children at one time and in which no more than three 54133
children are under two years of age at one time. In counting 54134
children for the purposes of this division, any children under six 54135
years of age who are related to the provider and who are on the 54136
premises of the type B home shall be counted. "Type B family 54137
day-care home" and "type B home" do not include any child day 54138
camp. 54139

Sec. 5104.017. The director of job and family services shall 54140
adopt rules pursuant to Chapter 119. of the Revised Code governing 54141
the operation of type A family day-care homes, including parent 54142
cooperative type A homes, part-time type A homes, and drop-in type 54143
A homes, ~~and school-age child type A homes~~. The rules shall 54144
reflect the various forms of child care and the needs of children 54145
receiving child care. The rules shall include the following: 54146

(A) Submission of a site plan and descriptive plan of 54147
operation to demonstrate how the type A home proposes to meet the 54148
requirements of this chapter and rules adopted pursuant to this 54149
chapter for the initial license application; 54150

(B) Standards for ensuring that the physical surroundings of 54151
the type A home are safe and sanitary, including the physical 54152
environment, the physical plant, and the equipment of the type A 54153
home; 54154

(C) Standards for the supervision, care, and discipline of 54155
children receiving child care or publicly funded child care in the 54156
type A home; 54157

(D) Standards for a program of activities, and for play 54158
equipment, materials, and supplies, to enhance the development of 54159
each child; however, any educational curricula, philosophies, and 54160
methodologies that are developmentally appropriate and that 54161
enhance the social, emotional, intellectual, and physical 54162
development of each child shall be permissible; 54163

(E) Admissions policies and procedures; 54164

(F) Health care policies and procedures, including procedures 54165
for the isolation of children with communicable diseases; 54166

(G) First aid and emergency procedures; 54167

(H) Procedures for discipline and supervision of children; 54168

(I) Standards for the provision of nutritious meals and 54169

snacks;	54170
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	54171 54172 54173
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	54174 54175
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	54176 54177 54178 54179
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	54180 54181 54182
(N) Procedures for record keeping, organization, and administration;	54183 54184
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	54185 54186 54187
(P) Inspection procedures;	54188
(Q) Procedures and standards for setting initial license application fees;	54189 54190
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	54191 54192
(S) Procedures for enforcing section 5104.04 of the Revised Code;	54193 54194
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	54195 54196 54197 54198 54199

(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	54200 54201 54202 54203
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	54204 54205 54206 54207
(W) Standards for the maximum number of children per child-care staff member;	54208 54209
(X) Requirements for the amount of usable indoor floor space for each child;	54210 54211
(Y) Requirements for safe outdoor play space;	54212
(Z) Qualifications and training requirements for administrators and for child-care staff members;	54213 54214
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	54215 54216 54217
(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	54218 54219
(CC) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	54220 54221 54222
(DD) <u>(CC)</u> Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	54223 54224
Sec. 5104.07. (A) The director of job and family services may prescribe additional requirements for licensing child day-care centers or type A family day-care homes that provide publicly funded child care pursuant to this chapter and any rules adopted	54225 54226 54227 54228

under it. The director shall develop standards as required by 54229
federal laws and regulations for child care programs supported by 54230
federal funds. 54231

(B)(1) On or before February 28, 1992, the department of job 54232
and family services shall develop a statewide plan for child care 54233
resource and referral services. The plan shall be based upon the 54234
experiences of other states with respect to child care resource 54235
and referral services, the experiences of communities in this 54236
state that have child care resource and referral service 54237
organizations, and the needs of communities in this state that do 54238
not have child care resource and referral service organizations. 54239
The plan shall be designed to ensure that child care resource and 54240
referral services are available in each county in the state to 54241
families who need child care. The department shall consider the 54242
special needs of migrant workers when it develops the plan and 54243
shall include in the plan procedures designed to accommodate the 54244
needs of migrant workers. 54245

~~(2) The director of job and family services shall adopt rules 54246
for funding child care resource and referral service 54247
organizations. The rules In addition to the requirements described 54248
in division (B)(1) of this section, the plan shall include all of 54249
the following: 54250~~

(a) A description of the services that a child care resource 54251
and referral service organization is required to provide to 54252
families who need child care; 54253

(b) The qualifications for a child care resource and referral 54254
service organization; 54255

(c) A description of the procedures for providing federal and 54256
state funding for county or multicounty child care resource and 54257
referral service organizations; 54258

(d) A timetable for providing child care resource and 54259

referral services to all communities in the state;	54260
(e) Uniform information gathering and reporting procedures	54261
that are designed to be used in compatible computer systems;	54262
(f) Procedures for establishing statewide nonprofit technical	54263
assistance services to coordinate uniform data collection and to	54264
publish reports on child care supply, demand, and cost and to	54265
provide technical assistance to communities that do not have child	54266
care resource and referral service organizations and to existing	54267
child care resource and referral service organizations;	54268
(g) Requirements governing contracts entered into under	54269
division (C) of this section, which may include limits on the	54270
percentage of funds distributed by the department that may be used	54271
for the contracts.	54272
(C) Child care resource and referral service organizations	54273
receiving funds distributed by the department may, in accordance	54274
with rules adopted under division (B)(2) of this section, enter	54275
into contracts with local governmental entities, nonprofit	54276
organizations including nonprofit organizations that provide child	54277
care, and individuals under which the entities, organizations, or	54278
individuals may provide child care resource and referral services	54279
in the community with those funds, if the contracts are submitted	54280
to and approved by the department prior to execution.	54281
Sec. 5104.29. (A) As used in this section, "early learning	54282
and development program" has the same meaning as "licensed child	54283
care program" as defined in section 5104.01 of the Revised Code.	54284
(B) There is hereby created in the department of job and	54285
family services the step up to quality program, under which the	54286
department of job and family services, in cooperation with the	54287
department of education, shall develop a tiered quality rating and	54288
improvement system for all early learning and development programs	54289

in this state. The step up to quality program shall include all of 54290
the following components: 54291

(1) Quality program standards for early learning and 54292
development programs; 54293

(2) Accountability measures that include tiered ratings 54294
representing each program's level of quality; 54295

(3) Program and provider outreach and support to help 54296
programs meet higher standards and promote participation in the 54297
step up to quality program; 54298

(4) Financial incentives for early learning and development 54299
programs that provide publicly funded child care and are linked to 54300
achieving and maintaining quality standards; 54301

(5) Parent and consumer education to help parents learn about 54302
program quality and ratings so they can make informed choices on 54303
behalf of their children. 54304

(C) The step up to quality program shall have the following 54305
goals: 54306

(1) Increasing the number of low-income children, special 54307
needs children, and children with limited English proficiency 54308
participating in quality early learning and development programs; 54309

(2) Providing families with an easy-to-use tool for 54310
evaluating the quality of early learning and development programs; 54311

(3) Recognizing and supporting early learning and development 54312
programs that achieve higher levels of quality; 54313

(4) Providing incentives and supports to help early learning 54314
and development programs implement continuous quality improvement 54315
systems. 54316

(D) Under the step up to quality program, participating early 54317
learning and development programs may be eligible for grants, 54318
technical assistance, training, and other assistance. Programs 54319

that maintain a quality rating may be eligible for unrestricted monetary awards. 54320
54321

(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains: 54322
54323
54324
54325

(1) Learning and development; 54326

(2) Administration and leadership practices; 54327

(3) Staff quality and professional development; 54328

(4) Family and community partnerships. 54329

(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section. 54330
54331
54332
54333

~~(G)(1) The department of job and family services shall ensure that the following percentages of early learning and development programs that provide publicly funded child care are rated in the third highest tier or above in the step up to quality program:~~ 54334
54335
54336
54337

~~(a) By June 30, 2017, twenty five per cent;~~ 54338

~~(b) By June 30, 2019, forty per cent;~~ 54339

~~(c) By June 30, 2021, sixty per cent;~~ 54340

~~(d) By June 30, 2023, eighty per cent;~~ 54341

~~(e) By June 30, 2025, one hundred per cent.~~ 54342

~~(2) This division does not apply to early learning and development programs that are either of the following:~~ 54343
54344

~~(a) Licensed type B family day care homes;~~ 54345

~~(b) Providers described in division (C)(2) of section 5104.31 of the Revised Code.~~ 54346
54347

Sec. 5104.31. (A) Publicly funded child care may be provided 54348
only by the following: 54349

(1) Any of the following licensed by the department of job 54350
and family services pursuant to section 5104.03 of the Revised 54351
Code or pursuant to rules adopted under section 5104.018 of the 54352
Revised Code: 54353

(a) A child day-care center, including a parent cooperative 54354
child day-care center; 54355

(b) A type A family day-care home, including a parent 54356
cooperative type A family day-care home; 54357

(c) A licensed type B family day-care home. 54358

(2) An in-home aide who has been certified by the county 54359
department of job and family services pursuant to section 5104.12 54360
of the Revised Code; 54361

(3) A child day camp approved pursuant to section 5104.22 of 54362
the Revised Code; 54363

(4) A licensed preschool program; 54364

(5) A licensed school child program; 54365

(6) A border state child care provider, except that a border 54366
state child care provider may provide publicly funded child care 54367
only to an individual who resides in an Ohio county that borders 54368
the state in which the provider is located. 54369

(B) Publicly funded child day-care may be provided in a 54370
child's own home only by an in-home aide. 54371

~~(C)(1) Beginning September 1, 2020, and except as provided in 54372
division (C)(2) of this section, a licensed child care program may 54373
provide publicly funded child care only if the program is rated 54374
through the step up to quality program established pursuant to 54375
section 5104.29 of the Revised Code. 54376~~

(2) A licensed child care program that is any of the	54377
following may provide publicly funded child care without being	54378
rated through the step up to quality program;	54379
(a) A program that operates only during the summer and for	54380
not more than fifteen consecutive weeks;	54381
(b) A program that operates only during school breaks;	54382
(c) A program that operates only on weekday evenings,	54383
weekends, or both;	54384
(d) A program that holds a provisional license issued under	54385
section 5104.03 of the Revised Code;	54386
(e) A program that had its step up to quality program rating	54387
removed by the department of job and family services within the	54388
previous twelve months;	54389
(f) A program that is the subject of a revocation action	54390
initiated by the department, but the license has not yet been	54391
revoked.	54392
Sec. 5107.10. (A) As used in this section:	54393
(1) "Countable income," "gross earned income," and "gross	54394
unearned income" have the meanings established in rules adopted	54395
under section 5107.05 of the Revised Code.	54396
(2) "Federal poverty guidelines" has the same meaning as in	54397
section 5101.46 of the Revised Code, except that references to a	54398
person's family in the definition shall be deemed to be references	54399
to the person's assistance group.	54400
(3) "Gross income" means gross earned income and gross	54401
unearned income.	54402
(4) "Strike" means continuous concerted action in failing to	54403
report to duty; willful absence from one's position; or stoppage	54404
of work in whole from the full, faithful, and proper performance	54405

of the duties of employment, for the purpose of inducing, 54406
influencing, or coercing a change in wages, hours, terms, and 54407
other conditions of employment. "Strike" does not include a 54408
stoppage of work by employees in good faith because of dangerous 54409
or unhealthful working conditions at the place of employment that 54410
are abnormal to the place of employment. 54411

(B) Under the Ohio works first program, an assistance group 54412
shall receive, except as otherwise provided by this chapter, 54413
time-limited cash assistance. In the case of an assistance group 54414
that includes a minor head of household or adult, assistance shall 54415
be provided in accordance with the self-sufficiency contract 54416
entered into under section 5107.14 of the Revised Code. 54417

(C)(1) To be eligible to participate in Ohio works first, an 54418
assistance group must meet all of the following requirements: 54419

(a) The assistance group, except as provided in division (E) 54420
of this section, must include at least one of the following: 54421

(i) A minor child who, except as provided in section 5107.24 54422
of the Revised Code, resides with a parent, or specified relative 54423
caring for the child, or, to the extent permitted by Title IV-A 54424
and federal regulations adopted until Title IV-A, resides with a 54425
guardian or custodian caring for the child; 54426

(ii) A parent residing with and caring for the parent's minor 54427
child who receives supplemental security income under Title XVI of 54428
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 54429
as amended, or federal, state, or local adoption assistance; 54430

(iii) A specified relative residing with and caring for a 54431
minor child who is related to the specified relative in a manner 54432
that makes the specified relative a specified relative and 54433
receives supplemental security income or federal, state, or local 54434
foster care assistance, kinship guardianship assistance, kinship 54435
support program payments, or adoption assistance; 54436

(iv) A woman at least six months pregnant. 54437

(b) The assistance group must meet the income requirements 54438
established by division (D) of this section. 54439

(c) No member of the assistance group may be involved in a 54440
strike. 54441

(d) The assistance group must satisfy the requirements for 54442
Ohio works first established by this chapter and section 5101.83 54443
of the Revised Code. 54444

(e) The assistance group must meet requirements for Ohio 54445
works first established by rules adopted under section 5107.05 of 54446
the Revised Code. 54447

(2) In addition to meeting the requirements specified in 54448
division (C)(1) of this section, a member of an assistance group 54449
who is required by section 5116.10 of the Revised Code to 54450
participate in the comprehensive case management and employment 54451
program must participate in that program to be eligible to 54452
participate in Ohio works first. 54453

(D)(1) Except as provided in division (D)(4) of this section, 54454
to determine whether an assistance group is initially eligible to 54455
participate in Ohio works first, a county department of job and 54456
family services shall do the following: 54457

(a) Determine whether the assistance group's gross income 54458
exceeds fifty per cent of the federal poverty guidelines. In 54459
making this determination, the county department shall disregard 54460
amounts that federal statutes or regulations and sections 5101.17 54461
and 5117.10 of the Revised Code require be disregarded. The 54462
assistance group is ineligible to participate in Ohio works first 54463
if the assistance group's gross income, less the amounts 54464
disregarded, exceeds fifty per cent of the federal poverty 54465
guidelines. 54466

(b) If the assistance group's gross income, less the amounts 54467
disregarded pursuant to division (D)(1)(a) of this section, does 54468
not exceed fifty per cent of the federal poverty guidelines, 54469
determine whether the assistance group's countable income is less 54470
than the payment standard. The assistance group is ineligible to 54471
participate in Ohio works first if the assistance group's 54472
countable income equals or exceeds the payment standard. 54473

(2) For the purpose of determining whether an assistance 54474
group meets the income requirement established by division 54475
(D)(1)(a) of this section, the annual revision that the United 54476
States department of health and human services makes to the 54477
federal poverty guidelines shall go into effect on the first day 54478
of July of the year for which the revision is made. 54479

(3) To determine whether an assistance group participating in 54480
Ohio works first continues to be eligible to participate, a county 54481
department of job and family services shall determine whether the 54482
assistance group's countable income continues to be less than the 54483
payment standard. In making this determination, the county 54484
department shall disregard an amount specified in rules adopted 54485
under section 5107.05 of the Revised Code and fifty per cent of 54486
the remainder of the assistance group's gross earned income. No 54487
amounts shall be disregarded from the assistance group's gross 54488
unearned income. The assistance group ceases to be eligible to 54489
participate in Ohio works first if its countable income, less the 54490
amounts disregarded, equals or exceeds the payment standard. 54491

(4) If an assistance group reapplies to participate in Ohio 54492
works first not more than four months after ceasing to 54493
participate, a county department of job and family services shall 54494
use the income requirement established by division (D)(3) of this 54495
section to determine eligibility for resumed participation rather 54496
than the income requirement established by division (D)(1) of this 54497
section. 54498

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under section 2151.412 of the Revised Code and that the agency is making reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than six payment months. This division does not affect the eligibility of an assistance group that includes a woman at least six months pregnant.

Sec. 5116.30. (A) As used in this section, "public assistance recipient" means an individual who receives any of the following:

(1) Supplemental nutrition assistance program benefits;

(2) Assistance funded by the TANF block grant;

(3) Medicaid.

(B) Each county department of job and family services or county workforce development agency, in conjunction with the local workforce development board, may establish an employment connection incentive program to assist public assistance recipients in obtaining and maintaining employment.

(C) A public assistance recipient may volunteer to 54529
participate in an employment connection incentive program 54530
established under this section. No recipient is required to 54531
participate. 54532

(D) The assistance provided to a public assistance recipient 54533
participating in an employment connection incentive program 54534
established under this section shall include assistance in 54535
obtaining and maintaining meaningful employment. Such assistance 54536
may include all of the following as appropriate for the recipient: 54537

(1) Education programs, including the following types of 54538
education programs: 54539

(a) English as a second language; 54540

(b) Literacy; 54541

(c) Programs designed to lead to the attainment of the 54542
equivalent of a high school diploma; 54543

(d) Financial literacy; 54544

(e) Post-secondary. 54545

(2) Job training, placement, and retention programs; 54546

(3) Apprenticeship programs; 54547

(4) Mentoring programs; 54548

(5) Other activities the county department of job and family 54549
services or county workforce development agency may specify; 54550

(6) Other activities the department of job and family 54551
services, in consultation with the department of medicaid, may 54552
specify. 54553

(E) The department of job and family services, in 54554
consultation with the department of medicaid, shall establish 54555
criteria it shall use to determine the success of employment 54556
connection incentive programs established under this section. 54557

(F) The department of job and family services shall provide 54558
incentive payments to county departments of job and family 54559
services and county workforce development agencies according to 54560
their successes with their employment connection incentive 54561
programs. The department shall determine the amount of each 54562
payment and the times at which payments may be earned. 54563

Sec. 5119.191. (A) As used in this section: 54564

(1) "Drug used in medication-assisted treatment" means a drug 54565
approved by the United States food and drug administration for use 54566
in medication-assisted treatment, regardless of the method the 54567
drug is administered or the form in which it is dispensed, 54568
including an oral drug, an injectable drug, or a long-acting or 54569
extended-release drug. "Drug used in medication-assisted 54570
treatment" includes all of the following: 54571

(a) A full agonist; 54572

(b) A partial agonist; 54573

(c) An antagonist. 54574

(2) "Drug used in withdrawal management or detoxification" 54575
means a drug approved by the United States food and drug 54576
administration for use in, or a drug in standard use for, 54577
mitigating opioid or alcohol withdrawal symptoms or assisting with 54578
detoxification, regardless of the method the drug is administered 54579
or the form in which it is dispensed, including an oral drug, an 54580
injectable drug, or a long-acting or extended-release drug. "Drug 54581
used in withdrawal management or detoxification" includes all of 54582
the following: 54583

(a) A full agonist; 54584

(b) A partial agonist; 54585

(c) An antagonist; 54586

(d) An alpha-2 adrenergic agonist. 54587

(3) "Medication-assisted treatment" has the same meaning as 54588
in section 340.01 of the Revised Code. 54589

(4) "Prescribed drug" has the same meaning as in section 54590
5164.01 of the Revised Code. 54591

(5) "Withdrawal management or detoxification" means a set of 54592
medical interventions aimed at managing the acute physical 54593
symptoms of intoxication and withdrawal. Detoxification denotes a 54594
clearing of toxins from the body of the patient who is acutely 54595
intoxicated, dependent on a substance of abuse, or both. 54596
Withdrawal management seeks to minimize the physical harm caused 54597
by the intoxication and withdrawal from a substance of abuse. 54598
Withdrawal management or detoxification occurs when the patient 54599
has a substance use disorder and either evidence of the 54600
characteristic withdrawal syndrome produced by withdrawal from 54601
that substance or evidence that supports the expectation that such 54602
a syndrome would develop without the provision of detoxification 54603
services. Withdrawal management alone does not constitute 54604
substance abuse treatment or rehabilitation. 54605

(B) There is hereby created a reimbursement program for drugs 54606
used in medication-assisted treatment or drugs used in withdrawal 54607
management or detoxification. The program shall be administered by 54608
the department of mental health and addiction services. 54609

The purpose of the program is to provide state reimbursement 54610
to counties for the cost of drugs used in medication-assisted 54611
treatment or drugs used in withdrawal management or detoxification 54612
and administered or dispensed to inmates of county jails in this 54613
state. Each county shall ensure that inmates have access to drugs 54614
used in medication-assisted treatment or drugs used in withdrawal 54615
management or detoxification that are prescribed drugs covered by 54616
the fee-for-service component of the medicaid program. 54617

The department, based on factors it considers appropriate, 54618
shall allocate an amount to each county for reimbursement of such 54619
drug costs incurred by the county. 54620

(C) The director of mental health and addiction services may 54621
adopt rules to implement this section. The rules, if adopted, 54622
shall be adopted in accordance with Chapter 119. of the Revised 54623
Code. 54624

Sec. 5119.27. (A) Records As used in this section: 54625

(1) "Community control sanction" has the same meaning as in 54626
section 2929.01 of the Revised Code. 54627

(2) "Federally assisted," "program," and "substance use 54628
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 54629
further described in 42 C.F.R. 2.12(b). 54630

(3) "Post-release control sanction" has the same meaning as 54631
in section 2967.01 of the Revised Code. 54632

(B) In accordance with 42 U.S.C. 290dd-2, records or 54633
information, other than court journal entries or court docket 54634
entries, pertaining to the identity, diagnosis, or treatment of 54635
any person seeking or receiving services that are maintained in 54636
connection with the performance of any drug treatment program or 54637
services licensed by, or certified by, the director of mental 54638
health and addiction services under this chapter created or 54639
maintained by a federally assisted program for the treatment of 54640
substance use disorders shall be kept confidential, and may be 54641
disclosed only for the purposes and under the circumstances 54642
expressly authorized under this section, and may not otherwise be 54643
divulged in any civil, criminal, administrative, or legislative 54644
proceeding 42 C.F.R. Part 2. 54645

~~(B)~~(C) When the person, with respect to whom any record or 54646
information referred to in division ~~(A)~~(B) of this section is 54647

maintained, gives consent in the form of a written release signed 54648
by the person, the content of the record or information may be 54649
disclosed if the written release conforms to all of the following: 54650

~~(1) Specifically identifies the person, official, or entity 54651
to whom the information is to be provided; 54652~~

~~(2) Describes with reasonable specificity the record, 54653
records, or information to be disclosed; and 54654~~

~~(3) Describes with reasonable specificity the purposes of the 54655
disclosure and the intended use of the disclosed information 54656
requirements set forth in 42 C.F.R. 2.31. 54657~~

~~(C) A (D) In accordance with 42 C.F.R. 2.35, a person who is 54658
subject to a community control sanction, parole, or a post-release 54659
control sanction, is on parole, or who is ordered to 54660
rehabilitation intervention in lieu of conviction, and who has 54661
agreed to participate in a drug treatment or rehabilitation 54662
program federally assisted program for the treatment of substance 54663
use disorders as a condition of the community control sanction, 54664
post-release control sanction, parole, or intervention order ~~to 54665
rehabilitation, shall be considered to have consented~~ consent to 54666
the release of records and information relating to the progress of 54667
treatment, frequency of treatment, adherence to treatment 54668
requirements, and probable outcome of treatment. Release of 54669
information and records under this division shall be limited to 54670
the court or governmental personnel having the responsibility for 54671
supervising the person's community control sanction, post-release 54672
control sanction, parole, or intervention order ~~to rehabilitation.~~ 54673
A person, described in this division, who refuses to allow 54674
disclosure may be considered in violation of the conditions of the 54675
person's community control sanction, post-release control 54676
sanction, parole, or intervention order ~~to rehabilitation.~~ 54677~~

~~(D) Disclosure (E) In accordance with 42 C.F.R. 2.52 and 54678~~

2.53, disclosure of a person's record may be made without the 54679
person's consent to qualified personnel for the purpose of 54680
conducting scientific research, management, financial audits, or 54681
program evaluation, but these personnel may not identify, directly 54682
or indirectly, any ~~individual~~ particular person in any report of 54683
the research, audit, or evaluation, or otherwise disclose a 54684
person's identity in any manner. 54685

~~(E) Upon~~ (F) In accordance with 42 C.F.R. 2.66, upon the 54686
request of a prosecuting attorney or the director of mental health 54687
and addiction services, a court of competent jurisdiction may 54688
order the disclosure of records or information referred to in 54689
division ~~(A)~~(B) of this section if the court has reason to believe 54690
that a ~~treatment program or facility~~ federally assisted program 54691
for the treatment of substance use disorders is being operated or 54692
used in a manner contrary to law. The use of any information or 54693
record so disclosed shall be limited to the prosecution of persons 54694
who are or may be charged with any offense related to the illegal 54695
operation or use of the ~~drug treatment program or facility~~, or to 54696
the decision to withdraw the authority of a ~~drug treatment~~ the 54697
~~program or facility~~ to continue operation. For purposes of this 54698
division the court shall do all of the following: 54699

(1) Limit disclosure to those parts of the person's record 54700
considered essential to fulfill the objective for which the order 54701
was granted; 54702

(2) Require, where appropriate, that all information be 54703
disclosed in chambers; 54704

(3) Include any other appropriate measures to keep disclosure 54705
to a minimum, consistent with the protection of the persons 54706
seeking or receiving services, the ~~physician-patient~~ 54707
provider-client relationship, and the administration of the ~~drug~~ 54708
~~treatment and rehabilitation~~ program. 54709

~~(F) As used in this section:~~ 54710

~~(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.~~ 54711
54712

~~(2) "Post release control sanction" has the same meaning as in section 2967.01 of the Revised Code.~~ 54713
54714

Sec. 5119.33. (A)(1) The department of mental health and 54715
addiction services shall inspect and license all hospitals that 54716
receive mentally ill persons, except those hospitals managed by 54717
the department. No hospital may receive for care or treatment, 54718
either at public or private expense, any person who is or appears 54719
to be mentally ill, whether or not so adjudicated, unless the 54720
hospital has received a license from the department authorizing it 54721
to receive for care or treatment persons who are mentally ill or 54722
the hospital is managed by the department. 54723

(2) No such license shall be granted to a hospital for the 54724
treatment of mentally ill persons unless the department is 54725
satisfied, after investigation, that the hospital is managed and 54726
operated by qualified persons and has on its staff one or more 54727
qualified physicians responsible for the medical care of the 54728
patients confined there. At least one such physician shall be a 54729
psychiatrist. 54730

(B) The department shall adopt rules under Chapter 119. of 54731
the Revised Code prescribing minimum standards for the operation 54732
of hospitals for the care and treatment of mentally ill persons 54733
and establishing standards and procedures for the issuance, 54734
renewal, or revocation of full, probationary, and interim 54735
licenses. No license shall be granted to any hospital established 54736
or used for the care of mentally ill persons unless such hospital 54737
is operating in accordance with this section and rules adopted 54738
pursuant to this section. A full license shall expire one year 54739
after the date of issuance, a probationary license shall expire at 54740

the time prescribed by rule adopted pursuant to Chapter 119. of 54741
the Revised Code by the director of mental health and addiction 54742
services, and an interim license shall expire ninety days after 54743
the date of issuance. A full, probationary, or interim license may 54744
be renewed, except that an interim license may be renewed only 54745
twice. The department may fix reasonable fees for licenses and for 54746
license renewals. Such hospitals are subject to inspection and 54747
on-site review by the department. 54748

(C) Except as otherwise provided in Chapter 5122. of the 54749
Revised Code, neither the director of mental health and addiction 54750
services; an employee of the department; a board of alcohol, drug 54751
addiction, and mental health services or employee of a community 54752
mental health services provider; nor any other public official 54753
shall hospitalize any mentally ill person for care or treatment in 54754
any hospital that is not licensed in accordance with this section. 54755

(D)(1) The department may issue an order suspending the 54756
admission of patients who are mentally ill to a hospital for care 54757
or treatment if it finds either of the following: 54758

~~(1)(a)~~ The hospital is not in compliance with rules adopted 54759
by the director pursuant to this section. 54760

~~(2)(b)~~ The hospital has been cited for more than one 54761
violation of statutes or rules during any previous period of time 54762
during which the hospital is licensed pursuant to this section. 54763

(2)(a) Except as provided in division (D)(2)(b) of this 54764
section, proceedings initiated to suspend the admission of 54765
patients are governed by Chapter 119. of the Revised Code. 54766

(b) If a suspension of admissions is proposed because the 54767
director has determined that the licensee has demonstrated a 54768
pattern of serious noncompliance or that a violation creates a 54769
substantial risk to the health and safety of patients, the 54770
director may issue an order imposing the suspension of admissions 54771

before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected. 54772
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(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply: 54776
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(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code. 54781
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(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 54784
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director. 54787
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(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 54791
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(i) The close of the hearing; 54795

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 54796
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 54798
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or 54800
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the licensee's attorney, if applicable, not later than five days 54802
after the report is filed with the department. 54803

(f) Not later than five days after receiving the report and 54804
recommendations, the licensee may file objections with the 54805
department. 54806

(g) Not later than fifteen days after the hearing examiner 54807
files the report and recommendations, the department shall issue 54808
an order approving, modifying, or disapproving the report and 54809
recommendations. 54810

(h) Notwithstanding the pendency of the hearing, the 54811
department shall lift the order for the suspension of admissions 54812
if the department determines the violation that formed the basis 54813
for the order has been corrected. 54814

(E)(1) Any license issued by the department under this 54815
section may be revoked or not renewed by the department for any of 54816
the following reasons: 54817

~~(1)~~(a) The hospital is no longer a suitable place for the 54818
care or treatment of mentally ill persons. 54819

~~(2)~~(b) The hospital refuses to be subject to inspection or 54820
on-site review by the department. 54821

~~(3)~~(c) The hospital has failed to furnish humane, kind, and 54822
adequate treatment and care. 54823

~~(4)~~(d) The hospital fails to comply with the licensure rules 54824
of the department. 54825

(2) Proceedings initiated to deny applications for full or 54826
probationary licenses, to refuse to renew full or probationary 54827
licenses, or to revoke full or probationary licenses are governed 54828
by Chapter 119. of the Revised Code. If an order has been issued 54829
suspending the admission of patients, the order remains in effect 54830
during the pendency of those proceedings. 54831

(F)(1) In a proceeding initiated to suspend the admission of patients, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending the admission of patients, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(G) The department may inspect, conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license.

Sec. 5119.34. (A) As used in this section and sections 5119.341 and 5119.342 of the Revised Code:

(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.

(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.

(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.

(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years

of age. 54862

(5) "Community mental health services provider" means a 54863
community mental health services provider as defined in section 54864
5119.01 of the Revised Code. 54865

(6) "Community mental health services" means any mental 54866
health services certified by the department pursuant to section 54867
5119.36 of the Revised Code. 54868

(7) "Operator" means the person or persons, firm, 54869
partnership, agency, governing body, association, corporation, or 54870
other entity that is responsible for the administration and 54871
management of a residential facility and that is the applicant for 54872
a residential facility license. 54873

(8) "Personal care services" means services including, but 54874
not limited to, the following: 54875

(a) Assisting residents with activities of daily living; 54876

(b) Assisting residents with self-administration of 54877
medication in accordance with rules adopted under this section; 54878

(c) Preparing special diets, other than complex therapeutic 54879
diets, for residents pursuant to the instructions of a physician 54880
or a licensed dietitian, in accordance with rules adopted under 54881
this section. 54882

"Personal care services" does not include "skilled nursing 54883
care" as defined in section 3721.01 of the Revised Code. A 54884
facility need not provide more than one of the services listed in 54885
division (A)(8) of this section to be considered to be providing 54886
personal care services. 54887

(9) "Room and board" means the provision of sleeping and 54888
living space, meals or meal preparation, laundry services, 54889
housekeeping services, or any combination thereof. 54890

(10) "Residential state supplement program" means the program 54891

established under section 5119.41 of the Revised Code. 54892

(11) "Supervision" means any of the following: 54893

(a) Observing a resident to ensure the resident's health, 54894
safety, and welfare while the resident engages in activities of 54895
daily living or other activities; 54896

(b) Reminding a resident to perform or complete an activity, 54897
such as reminding a resident to engage in personal hygiene or 54898
other self-care activities; 54899

(c) Assisting a resident in making or keeping an appointment. 54900

(12) "Unrelated" means that a resident is not related to the 54901
owner or operator of a residential facility or to the owner's or 54902
operator's spouse as a parent, grandparent, child, stepchild, 54903
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 54904
the child of an aunt or uncle. 54905

(B)(1) A "residential facility" is a publicly or privately 54906
operated home or facility that falls into one of the following 54907
categories: 54908

(a) Class one facilities provide accommodations, supervision, 54909
personal care services, and mental health services for one or more 54910
unrelated adults with mental illness or one or more unrelated 54911
children or adolescents with severe emotional disturbances; 54912

(b) Class two facilities provide accommodations, supervision, 54913
and personal care services to any of the following: 54914

(i) One or two unrelated persons with mental illness; 54915

(ii) One or two unrelated adults who are receiving payments 54916
under the residential state supplement program; 54917

(iii) Three to sixteen unrelated adults. 54918

(c) Class three facilities provide room and board for five or 54919
more unrelated adults with mental illness. 54920

(2) "Residential facility" does not include any of the 54921
following: 54922

(a) A hospital subject to licensure under section 5119.33 of 54923
the Revised Code or an institution maintained, operated, managed, 54924
and governed by the department of mental health and addiction 54925
services for the hospitalization of mentally ill persons pursuant 54926
to section 5119.14 of the Revised Code; 54927

(b) A residential facility licensed under section 5123.19 of 54928
the Revised Code or otherwise regulated by the department of 54929
developmental disabilities; 54930

(c) An institution or association subject to certification 54931
under section 5103.03 of the Revised Code; 54932

(d) A facility operated by a hospice care program licensed 54933
under section 3712.04 of the Revised Code that is used exclusively 54934
for care of hospice patients; 54935

(e) A nursing home, residential care facility, or home for 54936
the aging as defined in section 3721.02 of the Revised Code; 54937

(f) A facility licensed under section 5119.37 of the Revised 54938
Code to operate an opioid treatment program; 54939

(g) Any facility that receives funding for operating costs 54940
from the department of development ~~services agency~~ under any 54941
program established to provide emergency shelter housing or 54942
transitional housing for the homeless; 54943

(h) A terminal care facility for the homeless that has 54944
entered into an agreement with a hospice care program under 54945
section 3712.07 of the Revised Code; 54946

(i) A facility approved by the veterans administration under 54947
section 104(a) of the "Veterans Health Care Amendments of 1983," 54948
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 54949
the placement and care of veterans; 54950

(j) The residence of a relative or guardian of a person with 54951
mental illness. 54952

(C) Nothing in division (B) of this section shall be 54953
construed to permit personal care services to be imposed on a 54954
resident who is capable of performing the activity in question 54955
without assistance. 54956

(D) Except in the case of a residential facility described in 54957
division (B)(1)(a) of this section, members of the staff of a 54958
residential facility shall not administer medication to the 54959
facility's residents, but may do any of the following: 54960

(1) Remind a resident when to take medication and watch to 54961
ensure that the resident follows the directions on the container; 54962

(2) Assist a resident in the self-administration of 54963
medication by taking the medication from the locked area where it 54964
is stored, in accordance with rules adopted pursuant to this 54965
section, and handing it to the resident. If the resident is 54966
physically unable to open the container, a staff member may open 54967
the container for the resident. 54968

(3) Assist a physically impaired but mentally alert resident, 54969
such as a resident with arthritis, cerebral palsy, or Parkinson's 54970
disease, in removing oral or topical medication from containers 54971
and in consuming or applying the medication, upon request by or 54972
with the consent of the resident. If a resident is physically 54973
unable to place a dose of medicine to the resident's mouth without 54974
spilling it, a staff member may place the dose in a container and 54975
place the container to the mouth of the resident. 54976

(E)(1) Except as provided in division (E)(2) of this section, 54977
a person operating or seeking to operate a residential facility 54978
shall apply for licensure of the facility to the department of 54979
mental health and addiction services. The application shall be 54980
submitted by the operator. When applying for the license, the 54981

applicant shall pay to the department the application fee 54982
specified in rules adopted under division ~~(H)~~(N) of this section. 54983
The fee is nonrefundable. 54984

The department shall send a copy of an application to the 54985
ADAMHS board serving the county in which the person operates or 54986
seeks to operate the facility. The ADAMHS board shall review the 54987
application and provide to the department any information about 54988
the applicant or the facility that the board would like the 54989
department to consider in reviewing the application. 54990

(2) A person may not apply for a license to operate a 54991
residential facility if the person is or has been the owner, 54992
operator, or manager of a residential facility for which a license 54993
to operate was revoked or for which renewal of a license was 54994
refused for any reason other than nonpayment of the license 54995
renewal fee, unless both of the following conditions are met: 54996

(a) A period of not less than two years has elapsed since the 54997
date the director of mental health and addiction services issued 54998
the order revoking or refusing to renew the facility's license. 54999

(b) The director's revocation or refusal to renew the license 55000
was not based on an act or omission at the facility that violated 55001
a resident's right to be free from abuse, neglect, or 55002
exploitation. 55003

~~(F)~~(1)(F) The department of mental health and addiction 55004
services shall inspect and license the operation of residential 55005
facilities. The department shall consider the past record of the 55006
facility and the applicant or licensee in arriving at its 55007
licensure decision. 55008

The department may issue full, probationary, and interim 55009
licenses. A full license shall expire up to three years after the 55010
date of issuance, a probationary license shall expire in a shorter 55011
period of time as specified in rules adopted by the director of 55012

mental health and addiction services under division ~~(L)~~(N) of this 55013
section, and an interim license shall expire ninety days after the 55014
date of issuance. A license may be renewed in accordance with 55015
rules adopted by the director under division ~~(L)~~(N) of this 55016
section. The renewal application shall be submitted by the 55017
operator. When applying for renewal of a license, the applicant 55018
shall pay to the department the renewal fee specified in rules 55019
adopted under division ~~(L)~~(N) of this section. The fee is 55020
nonrefundable. 55021

~~(2) The~~(G)(1) If the department finds any of the following 55022
with respect to a residential facility, the department may issue 55023
an order suspending the admission of residents to the facility ~~or,~~ 55024
refuse to issue or renew and may a license for the facility, or 55025
revoke a the facility's license ~~if it finds any of the following:~~ 55026

(a) The facility is not in compliance with rules adopted by 55027
the director pursuant to division ~~(L)~~(N) of this section; 55028

(b) Any facility operated by the applicant or licensee has 55029
been cited for a pattern of serious noncompliance or repeated 55030
violations of statutes or rules during the period of current or 55031
previous licenses; 55032

(c) The applicant or licensee submits false or misleading 55033
information as part of a license application, renewal, or 55034
investigation. 55035

(2) Proceedings initiated to deny applications for full or 55036
probationary licenses, to refuse to renew full or probationary 55037
licenses, or to revoke such full or probationary licenses are 55038
governed by Chapter 119. of the Revised Code. ~~An~~ If an order has 55039
been issued pursuant to this division suspending the admission of 55040
residents to the facility, the order remains in effect during the 55041
pendency of those proceedings. 55042

Proceedings initiated to suspend the admission of residents 55043

to a facility are governed by Chapter 119. of the Revised Code, 55044
except as provided in division (H) of this section. 55045

(3) In a proceeding initiated to suspend the admission of 55046
residents to a facility, to deny an application for a full or 55047
probationary license, to refuse to renew a full or probationary 55048
license, or to revoke a full or probationary license, the 55049
department may order the suspension, denial, refusal, or 55050
revocation regardless of whether some or all of the deficiencies 55051
that prompted the proceedings have been corrected at the time of 55052
the hearing. 55053

(4) When the department issues an order suspending the 55054
admission of residents to a facility, denies an application for a 55055
full or probationary license, refuses to renew a full or 55056
probationary license, or revokes a full or probationary license, 55057
the department shall not grant an opportunity for submitting a 55058
plan of correction. 55059

(H)(1) If a suspension of admissions of residents to a 55060
facility is proposed because the director has determined that the 55061
licensee has demonstrated a pattern of serious noncompliance or 55062
that a violation creates a substantial risk to the health and 55063
safety of residents, the director may issue an order imposing the 55064
suspension of admissions before providing an opportunity for an 55065
adjudication under Chapter 119. of the Revised Code. The director 55066
shall lift the order for the suspension of admissions if the 55067
director determines that the violation that formed the basis for 55068
the order has been corrected. 55069

(2) Appeals from proceedings initiated to order the 55070
suspension of admissions to a facility shall be conducted in 55071
accordance with Chapter 119. of the Revised Code, unless the order 55072
was issued before providing an opportunity for an adjudication, in 55073
which case all of the following apply: 55074

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code. 55075
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(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 55078
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director. 55081
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(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 55085
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(i) The close of the hearing; 55089

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 55090
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 55092
55093

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 55094
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 55098
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 55101
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 55105
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~~(G)~~(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met: 55109
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(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available. 55112
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(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division ~~(L)~~(N) of this section. 55116
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An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code. 55119
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~~(H)~~(1)~~(J)~~(1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows: 55123
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(a) Prior to issuance of a license for the facility; 55126

(b) Prior to renewal of the license; 55127

(c) To determine whether the facility has completed a plan of correction required pursuant to division ~~(H)~~(2)~~(J)~~(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it; 55128
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(d) Upon complaint by any individual or agency; 55133

(e) At any time the director considers an inspection to be 55134

necessary in order to determine whether the facility is in 55135
compliance with this section and rules adopted pursuant to this 55136
section. 55137

(2) In conducting inspections the department may conduct an 55138
on-site examination and evaluation of the residential facility and 55139
its personnel, activities, and services. The department shall have 55140
access to examine and copy all records, accounts, and any other 55141
documents relating to the operation of the residential facility, 55142
including records pertaining to residents, and shall have access 55143
to the facility in order to conduct interviews with the operator, 55144
staff, and residents. Following each inspection and review, the 55145
department shall complete a report listing any deficiencies, and 55146
including, when appropriate, a time table within which the 55147
operator shall correct the deficiencies. The department may 55148
require the operator to submit a plan of correction describing how 55149
the deficiencies will be corrected. 55150

~~(I)~~(K) No person shall do any of the following: 55151

(1) Operate a residential facility unless the facility holds 55152
a valid license; 55153

(2) Violate any of the conditions of licensure after having 55154
been granted a license; 55155

(3) Interfere with a state or local official's inspection or 55156
investigation of a residential facility; 55157

(4) Violate any of the provisions of this section or any 55158
rules adopted pursuant to this section. 55159

~~(J)~~(L) The following may enter a residential facility at any 55160
time: 55161

(1) Employees designated by the director of mental health and 55162
addiction services; 55163

(2) Employees of an ADAMHS board under either of the 55164

following circumstances: 55165

(a) When a resident of the facility is receiving services 55166
from a community mental health services provider under contract 55167
with that ADAMHS board or another ADAMHS board; 55168

(b) When authorized by section 340.05 of the Revised Code. 55169

(3) Employees of a community mental health services provider 55170
under either of the following circumstances: 55171

(a) When the provider has a person receiving services 55172
residing in the facility; 55173

(b) When the provider is acting as an agent of an ADAMHS 55174
board other than the board with which it is under contract. 55175

(4) Representatives of the state long-term care ombudsman 55176
program when the facility provides accommodations, supervision, 55177
and personal care services for three to sixteen unrelated adults 55178
or to one or two unrelated adults who are receiving payments under 55179
the residential state supplement program. 55180

The persons specified in division ~~(J)~~(L) of this section 55181
shall be afforded access to examine and copy all records, 55182
accounts, and any other documents relating to the operation of the 55183
residential facility, including records pertaining to residents. 55184

~~(K)~~(M) Employees of the department of mental health and 55185
addiction services may enter, for the purpose of investigation, 55186
any institution, residence, facility, or other structure which has 55187
been reported to the department as, or that the department has 55188
reasonable cause to believe is, operating as a residential 55189
facility without a valid license. 55190

~~(L)~~(N) The director shall adopt and may amend and rescind 55191
rules pursuant to Chapter 119. of the Revised Code governing the 55192
licensing and operation of residential facilities. The rules shall 55193
establish all of the following: 55194

(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	55195 55196 55197
(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;	55198 55199
(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;	55200 55201 55202 55203
(4) The fee to be paid when applying for a new residential facility license or renewing the license;	55204 55205
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	55206 55207 55208 55209 55210 55211
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	55212 55213
(7) Measures to be taken by residential facilities relative to residents' medication;	55214 55215
(8) Requirements relating to preparation of special diets;	55216
(9) The maximum number of residents who may be served in a residential facility;	55217 55218
(10) The rights of residents of residential facilities and procedures to protect such rights;	55219 55220
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	55221 55222
(M)(1)(O)(1) The department may withhold the source of any complaint reported as a violation of this section when the	55223 55224

department determines that disclosure could be detrimental to the 55225
department's purposes or could jeopardize the investigation. The 55226
department may disclose the source of any complaint if the 55227
complainant agrees in writing to such disclosure and shall 55228
disclose the source upon order by a court of competent 55229
jurisdiction. 55230

(2) Any person who makes a complaint under division 55231
~~(M)(1)(O)(1)~~ of this section, or any person who participates in an 55232
administrative or judicial proceeding resulting from such a 55233
complaint, is immune from civil liability and is not subject to 55234
criminal prosecution, other than for perjury, unless the person 55235
has acted in bad faith or with malicious purpose. 55236

~~(N)(1)(P)(1)~~ The director of mental health and addiction 55237
services may petition the court of common pleas of the county in 55238
which a residential facility is located for an order enjoining any 55239
person from operating a residential facility without a license or 55240
from operating a licensed facility when, in the director's 55241
judgment, there is a present danger to the health or safety of any 55242
of the occupants of the facility. The court shall have 55243
jurisdiction to grant such injunctive relief upon a showing that 55244
the respondent named in the petition is operating a facility 55245
without a license or there is a present danger to the health or 55246
safety of any residents of the facility. 55247

(2) When the court grants injunctive relief in the case of a 55248
facility operating without a license, the court shall issue, at a 55249
minimum, an order enjoining the facility from admitting new 55250
residents to the facility and an order requiring the facility to 55251
assist with the safe and orderly relocation of the facility's 55252
residents. 55253

(3) If injunctive relief is granted against a facility for 55254
operating without a license and the facility continues to operate 55255
without a license, the director shall refer the case to the 55256

attorney general for further action. 55257

~~(O)~~(O) The director may fine a person for violating division 55258
~~(I)~~(K) of this section. The fine shall be five hundred dollars for 55259
a first offense; for each subsequent offense, the fine shall be 55260
one thousand dollars. The director's actions in imposing a fine 55261
shall be taken in accordance with Chapter 119. of the Revised 55262
Code. 55263

Sec. 5119.36. (A) A community mental health services provider 55264
applicant or community addiction services provider applicant that 55265
seeks certification of its certifiable services and supports shall 55266
submit an application to the director of mental health and 55267
addiction services. On receipt of the application, the director 55268
may conduct an on-site review and shall evaluate the applicant to 55269
determine whether its certifiable services and supports satisfy 55270
the standards established by rules adopted under this section. The 55271
director shall make the evaluation, and, if the director conducts 55272
an on-site review of the applicant, may make the review, in 55273
cooperation with a board of alcohol, drug addiction, and mental 55274
health services that seeks to contract with the applicant under 55275
section 340.036 of the Revised Code. 55276

(B) Subject to section 5119.361 of the Revised Code, the 55277
director shall determine whether the certifiable services and 55278
supports of a community mental health services provider applicant 55279
or community addiction services provider applicant satisfy the 55280
standards for certification. If the director determines that an 55281
applicant's certifiable services and supports satisfy the 55282
standards for certification and the applicant has paid the fee 55283
required by this section, the director shall certify the 55284
certifiable services and supports. 55285

No community mental health services provider shall be 55286
eligible to receive for its certifiable services and supports any 55287

state funds, federal funds, or funds administered by a board of 55288
alcohol, drug addiction, and mental health services, unless those 55289
certifiable services and supports have been certified by the 55290
director. 55291

No person or government entity subject to section 5119.35 of 55292
the Revised Code or any other community addiction services 55293
provider shall be eligible to receive for its services described 55294
in that section or its other certifiable services and supports any 55295
state funds, federal funds, or funds administered by a board of 55296
alcohol, drug addiction, and mental health services, unless those 55297
services or other certifiable services and supports have been 55298
certified by the director. 55299

(C) The director may refuse to certify certifiable services 55300
and supports, refuse to renew certification, or revoke 55301
certification if any of the following apply to an applicant for 55302
certification or the holder of the certification: 55303

(1) The applicant or holder is not in compliance with rules 55304
adopted under this section. 55305

(2) The applicant or holder has been cited for a pattern of 55306
serious noncompliance or repeated violations of statutes or rules 55307
during the current certification period or any previous 55308
certification period. 55309

(3) The applicant or holder submits false or misleading 55310
information as part of a certification application, renewal, or 55311
investigation. 55312

(D) Proceedings initiated to deny applications to certify 55313
certifiable services and supports, to refuse to renew 55314
certification, or to revoke certification are governed by Chapter 55315
119. of the Revised Code. If an order has been issued suspending 55316
admissions to a community addiction services provider that 55317
provides overnight accommodations, as provided in division (H) of 55318

this section, the order remains in effect during the pendency of 55319
those proceedings. 55320

(E) If the director determines that a community mental health 55321
services provider applicant's or a community addiction services 55322
provider applicant's certifiable services and supports do not 55323
satisfy the standards for certification, ~~the director shall~~ 55324
~~identify the areas of noncompliance, specify what action is~~ 55325
~~necessary to satisfy the standards, and may offer technical~~ 55326
~~assistance to the applicant and to a board of alcohol, drug~~ 55327
~~addiction, and mental health services so that the board may assist~~ 55328
~~the applicant in satisfying the standards. The director shall give~~ 55329
~~the applicant a reasonable time within which to demonstrate that~~ 55330
~~its certifiable services and supports satisfy the standards or to~~ 55331
~~bring them into compliance with the standards. If the director~~ 55332
~~concludes that the certifiable services and supports continue to~~ 55333
~~fail to satisfy the standards, the director may request that the~~ 55334
appropriate board of alcohol, drug addiction, and mental health 55335
services reallocate any funds for the certifiable services and 55336
supports the applicant was to provide to another community mental 55337
health services provider or community addiction services provider 55338
whose certifiable services and supports satisfy the standards. If 55339
the board does not reallocate such funds in a reasonable period of 55340
time, the director may withhold state and federal funds for the 55341
certifiable services and supports and allocate those funds 55342
directly to a community mental health services provider or 55343
community addiction services provider whose certifiable services 55344
and supports satisfy the standards. 55345

~~(D)~~(F) Each community mental health services provider 55346
applicant or community addiction services provider applicant 55347
seeking certification of its certifiable services and supports 55348
under this section shall pay a fee for the certification required 55349
by this section, unless the applicant is exempt under rules 55350

adopted under this section. Fees shall be paid into the state treasury to the credit of the sale of goods and services fund created pursuant to section 5119.45 of the Revised Code.

~~(E)~~(G) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall do all of the following:

(1) Subject to section 340.034 of the Revised Code, specify the types of recovery supports that are required to be certified under this section;

(2) Establish certification standards for certifiable services and supports that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of certifiable services and supports or the health and safety of persons receiving certifiable services and supports. The standards shall address at a minimum all of the following:

(a) Reporting major unusual incidents to the director;

(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;

(c) Seclusion;

(d) Restraint;

(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;

(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;

(g) Standards for evaluating certifiable services and supports;

(h) Standards and procedures for granting full, probationary,

and interim certification of the certifiable services and supports 55381
of a community mental health services provider applicant or 55382
community addiction services provider applicant; 55383

(i) Standards and procedures for revoking the certification 55384
of a community mental health services provider's or community 55385
addiction services provider's certifiable services and supports 55386
that do not continue to meet the minimum standards established 55387
pursuant to this section; 55388

(j) The limitations to be placed on a provider whose 55389
certifiable services and supports are granted probationary or 55390
interim certification; 55391

(k) Development of written policies addressing the rights of 55392
persons receiving certifiable services and supports, including all 55393
of the following: 55394

(i) The right to a copy of the written policies addressing 55395
the rights of persons receiving certifiable services and supports; 55396

(ii) The right at all times to be treated with consideration 55397
and respect for the person's privacy and dignity; 55398

(iii) The right to have access to the person's own 55399
psychiatric, medical, or other treatment records unless access is 55400
specifically restricted in the person's treatment plan for clear 55401
treatment reasons; 55402

(iv) The right to have a client rights officer provided by 55403
the provider or board of alcohol, drug addiction, and mental 55404
health services advise the person of the person's rights, 55405
including the person's rights under Chapter 5122. of the Revised 55406
Code if the person is committed to the provider or board. 55407

(3) Establish the process for certification of certifiable 55408
services and supports; 55409

(4) Set the amount of certification review fees; 55410

(5) Specify the type of notice and hearing to be provided 55411
prior to a decision on whether to reallocate funds. 55412

~~(F)~~(H)(1) The director may issue an order suspending 55413
admissions to a community addiction services provider that 55414
provides overnight accommodations if the director finds either of 55415
the following: 55416

~~(1)~~(a) The provider's certifiable services and supports are 55417
not in compliance with rules adopted under this section; 55418

~~(2)~~(b) The provider has been cited for more than one 55419
violation of statutes or rules during any previous certification 55420
period of the provider. 55421

(2)(a) Except as provided in division (H)(2)(b) of this 55422
section, proceedings initiated to suspend admissions to a 55423
community addiction services provider that provides overnight 55424
accommodations are governed by Chapter 119. of the Revised Code. 55425

(b) If a suspension of admissions is proposed because the 55426
director has determined that the provider has demonstrated a 55427
pattern of serious noncompliance or that a violation creates a 55428
substantial risk to the health and safety of patients, the 55429
director may issue an order suspending admissions before providing 55430
an opportunity for an adjudication under Chapter 119. of the 55431
Revised Code. The director shall lift the order for the suspension 55432
of admissions if the director determines that the violation that 55433
formed the basis for the order has been corrected. 55434

(3) Appeals from proceedings initiated to order the 55435
suspension of admissions shall be conducted in accordance with 55436
Chapter 119. of the Revised Code, unless the order was issued 55437
before providing an opportunity for an adjudication, in which case 55438
all of the following apply: 55439

(a) The provider may request a hearing not later than ten 55440
days after receiving the notice specified in section 119.07 of the 55441

Revised Code. 55442

(b) If a timely request for a hearing that includes the provider's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 55443
55444
55445

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director. 55446
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(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 55450
55451
55452
55453

(i) The close of the hearing; 55454

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 55455
55456

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 55457
55458

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the provider, or the provider's attorney, if applicable, not later than five days after the report is filed with the department. 55459
55460
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(f) Not later than five days after receiving the report and recommendations, the provider may file objections with the department. 55463
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55465

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 55466
55467
55468
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions 55470
55471

if the department determines the violation that formed the basis 55472
for the order has been corrected. 55473

~~(G)~~(I)(1) In a proceeding initiated to suspend admissions to 55474
a community addiction services provider that provides overnight 55475
accommodations, to deny an application for certification of 55476
certifiable services and supports, to refuse to renew 55477
certification, or to revoke certification, the department may 55478
order the suspension, denial, refusal, or revocation regardless of 55479
whether some or all of the deficiencies that prompted the 55480
proceedings have been corrected at the time of the hearing. 55481

(2) When the department issues an order suspending admissions 55482
to a community addiction services provider that provides overnight 55483
accommodations, denies an application for certification of 55484
certifiable services and supports, refuses to renew certification, 55485
or revokes a certification, the department shall not grant an 55486
opportunity for submitting a plan of correction. 55487

(J) The department of mental health and addiction services 55488
shall maintain a current list of community addiction services 55489
providers and shall provide a copy of the list to a judge of a 55490
court of common pleas who requests a copy for the use of the judge 55491
under division (H) of section 2925.03 of the Revised Code. The 55492
list shall identify each provider by its name, its address, and 55493
the county in which it is located. 55494

~~(H)~~(K) No person shall represent in any manner that a 55495
community mental health services provider's or community addiction 55496
services provider's certifiable services and supports are 55497
certified by the director if the certifiable services and supports 55498
are not so certified at the time the representation is made. 55499

Sec. 5119.37. (A)(1)(a) Except as provided in division 55500
(A)(1)(b) of this section, no person or government entity shall 55501
operate an opioid treatment program requiring certification, as 55502

certification is defined in 42 C.F.R. 8.2, unless the person or 55503
government entity is a community addiction services provider and 55504
the program is licensed under this section. 55505

(b) Division (A)(1)(a) of this section does not apply to a 55506
program operated by the United States department of veterans 55507
affairs. 55508

(2) No community addiction services provider licensed under 55509
this section shall operate an opioid treatment program in a manner 55510
inconsistent with this section and the rules adopted under it. 55511

(B) A community addiction services provider seeking a license 55512
to operate an opioid treatment program shall apply to the 55513
department of mental health and addiction services. The department 55514
shall review all applications received. 55515

(C) The department may issue a license to operate an opioid 55516
treatment program to a community addiction services provider only 55517
if all of the following apply: 55518

(1) During the three-year period immediately preceding the 55519
date of application, the provider or any owner, sponsor, medical 55520
director, administrator, or principal of the provider has been in 55521
good standing to operate an opioid treatment program in all other 55522
locations where the provider or such other person has been 55523
operating a similar program, as evidenced by both of the 55524
following: 55525

(a) Not having been denied a license, certificate, or similar 55526
approval to operate an opioid treatment program by this state or 55527
another jurisdiction; 55528

(b) Not having been the subject of any of the following in 55529
this state or another jurisdiction: 55530

(i) An action that resulted in the suspension or revocation 55531
of the license, certificate, or similar approval of the provider 55532

or other person; 55533

(ii) A voluntary relinquishment, withdrawal, or other action 55534
taken by the provider or other person to avoid suspension or 55535
revocation of the license, certificate, or similar approval; 55536

(iii) A disciplinary action that was based, in whole or in 55537
part, on the provider or other person engaging in the 55538
inappropriate prescribing, dispensing, administering, personally 55539
furnishing, diverting, storing, supplying, compounding, or selling 55540
of a controlled substance or other dangerous drug. 55541

(2) It affirmatively appears to the department that the 55542
provider is adequately staffed and equipped to operate an opioid 55543
treatment program. 55544

(3) It affirmatively appears to the department that the 55545
provider will operate an opioid treatment program in strict 55546
compliance with all laws relating to drug abuse and the rules 55547
adopted by the department. 55548

(4) Except as provided in division (D) of this section and 55549
section 5119.371 of the Revised Code, if the provider is seeking 55550
an initial license for a particular location, the proposed opioid 55551
treatment program is not located on a parcel of real estate that 55552
is within a radius of five hundred linear feet of the boundaries 55553
of a parcel of real estate having situated on it a public or 55554
private school, child day-care center licensed under Chapter 5104. 55555
of the Revised Code, or child-serving agency regulated by the 55556
department under this chapter. 55557

(5) The provider meets any additional requirements 55558
established by the department in rules adopted under division (F) 55559
of this section. 55560

(D) The department may waive the requirement of division 55561
(C)(4) of this section if it receives, from each public or private 55562
school, child day-care center, or child-serving agency that is 55563

within the five hundred linear feet radius described in that 55564
division, a letter of support for the location. The department 55565
shall determine whether a letter of support is satisfactory for 55566
purposes of waiving the requirement. 55567

~~(E) A~~ (E)(1) Except as provided in division (E)(2) of this 55568
section, a license to operate an opioid treatment program shall 55569
expire ~~one year~~ two years from the date of issuance. Licenses may 55570
be renewed. 55571

(2) In circumstances in which the director of mental health 55572
and addiction services has concerns regarding compliance of a 55573
community addiction services provider licensed as an opioid 55574
treatment program, the department shall notify the provider of 55575
those concerns and stipulate that the provider's license expires 55576
annually on a date determined by the department. 55577

(F) The department shall establish procedures and adopt rules 55578
for licensing, inspection, and supervision of community addiction 55579
services providers that operate an opioid treatment program. The 55580
rules shall establish standards for the control, storage, 55581
furnishing, use, dispensing, and administering of medications used 55582
in medication-assisted treatment; prescribe minimum standards for 55583
the operation of the opioid treatment program component of the 55584
provider's operations; and comply with federal laws and 55585
regulations. 55586

All rules adopted under this division shall be adopted in 55587
accordance with Chapter 119. of the Revised Code. All actions 55588
taken by the department regarding the licensing of providers to 55589
operate opioid treatment programs shall be conducted in accordance 55590
with Chapter 119. of the Revised Code, except as provided in 55591
division (L) of this section. 55592

(G)(1) The department shall inspect all community addiction 55593
services providers licensed to operate an opioid treatment 55594

program. Inspections shall be conducted at least ~~annually~~ 55595
biennially and may be conducted more frequently. 55596

In addition, the department may inspect any provider or other 55597
person that it reasonably believes to be operating an opioid 55598
treatment program without a license issued under this section. 55599

(2) When conducting an inspection, the department may do both 55600
of the following: 55601

(a) Examine and copy all records, accounts, and other 55602
documents relating to the provider's or other person's operations, 55603
including records pertaining to patients or clients; 55604

(b) Conduct interviews with any individual employed by or 55605
contracted or otherwise associated with the provider or person, 55606
including an administrator, staff person, patient, or client. 55607

(3) No person or government entity shall interfere with a 55608
state or local government official acting on behalf of the 55609
department while conducting an inspection. 55610

(H) A community addiction services provider shall not 55611
administer or dispense methadone in a tablet, powder, or 55612
intravenous form. Methadone shall be administered or dispensed 55613
only in a liquid form intended for ingestion. 55614

A community addiction services provider shall not administer 55615
or dispense a medication used in medication-assisted treatment for 55616
pain or other medical reasons. 55617

(I) As used in this division, "program sponsor" means a 55618
person who assumes responsibility for the operation and employees 55619
of the opioid treatment program component of a community addiction 55620
services provider's operations. 55621

~~A community addiction services provider shall not employ an 55622
individual who receives a medication used in medication-assisted 55623
treatment from that provider. A provider shall not permit an 55624~~

individual to act as a program sponsor, medical director, or 55625
director of the provider if the individual is receiving ~~that a~~ 55626
medication used in medication-assisted treatment from any 55627
community addiction services provider. 55628

(J) The department may issue orders to ensure compliance with 55629
all laws relating to drug abuse and the rules adopted under this 55630
section. Subject to section 5119.27 of the Revised Code, the 55631
department may hold hearings, require the production of relevant 55632
matter, compel testimony, issue subpoenas, and make adjudications. 55633
Upon failure of a person without lawful excuse to obey a subpoena 55634
or to produce relevant matter, the department may apply to a court 55635
of common pleas for an order compelling compliance. 55636

(K) The department may refuse to issue, or may withdraw or 55637
revoke, a license to operate an opioid treatment program. A 55638
license may be refused if a community addiction services provider 55639
does not meet the requirements of division (C) of this section. A 55640
license may be withdrawn at any time the department determines 55641
that the provider no longer meets the requirements for receiving 55642
the license. A license may be revoked in accordance with division 55643
(L) of this section. 55644

Once a license is issued under this section, the department 55645
shall not consider the requirement of division (C)(4) of this 55646
section in determining whether to renew, withdraw, or revoke the 55647
license or whether to reissue the license as a result of a change 55648
in ownership. 55649

(L) If the department finds reasonable cause to believe that 55650
a community addiction services provider licensed under this 55651
section is in violation of any state or federal law or rule 55652
relating to drug abuse, the department may issue an order 55653
immediately revoking the license, subject to division (M) of this 55654
section. The department shall set a date not more than fifteen 55655
days later than the date of the order of revocation for a hearing 55656

on the continuation or cancellation of the revocation. For good 55657
cause, the department may continue the hearing on application of 55658
any interested party. In conducting hearings, the department has 55659
all the authority and power set forth in division (J) of this 55660
section. Following the hearing, the department shall either 55661
confirm or cancel the revocation. The hearing shall be conducted 55662
in accordance with Chapter 119. of the Revised Code, except that 55663
the provider shall not be permitted to operate an opioid treatment 55664
program pending the hearing or pending any appeal from an 55665
adjudication made as a result of the hearing. Notwithstanding any 55666
provision of Chapter 119. of the Revised Code to the contrary, a 55667
court shall not stay or suspend any order of revocation issued by 55668
the department under this division pending judicial appeal. 55669

(M) The department shall not revoke a license to operate an 55670
opioid treatment program unless all clients receiving medication 55671
used in medication-assisted treatment from the community addiction 55672
services provider are provided adequate substitute medication or 55673
treatment. For purposes of this division, the department may 55674
transfer the clients to other providers licensed to operate opioid 55675
treatment programs or replace any or all of the administrators and 55676
staff of the provider with representatives of the department who 55677
shall continue on a provisional basis the opioid treatment 55678
component of the provider's operations. 55679

(N) Each time the department receives an application from a 55680
community addiction services provider for a license to operate an 55681
opioid treatment program, issues or refuses to issue a license, or 55682
withdraws or revokes a license, the department shall notify the 55683
board of alcohol, drug addiction, and mental health services of 55684
each alcohol, drug addiction, and mental health service district 55685
in which the provider operates. 55686

(O) Whenever it appears to the department from files, upon 55687
complaint, or otherwise, that a community addiction services 55688

provider has engaged in any practice declared to be illegal or 55689
prohibited by section 3719.61 of the Revised Code, or any other 55690
state or federal laws or regulations relating to drug abuse, or 55691
when the department believes it to be in the best interest of the 55692
public and necessary for the protection of the citizens of the 55693
state, the department may request criminal proceedings by laying 55694
before the prosecuting attorney of the proper county any evidence 55695
of criminality which may come to its knowledge. 55696

(P) The department shall maintain a current list of community 55697
addiction services providers licensed by the department under this 55698
section and shall provide a copy of the current list to a judge of 55699
a court of common pleas who requests a copy for the use of the 55700
judge under division (H) of section 2925.03 of the Revised Code. 55701
The list of licensed community addiction services providers shall 55702
identify each licensed provider by its name, its address, and the 55703
county in which it is located. 55704

Sec. 5119.43. (A) The director of mental health and addiction 55705
services may enter into agreements with any person, political 55706
subdivision, or state agency for the sale or lease of land or 55707
facilities under the jurisdiction of the director of mental health 55708
and addiction services in the following manner: 55709

(1) The director of mental health and addiction services 55710
shall designate lands and facilities that are not needed by the 55711
department of mental health and addiction services and are under 55712
the jurisdiction of the department. 55713

(2) The director of mental health and addiction services 55714
shall have a preliminary appraisal made of any lands or facilities 55715
designated under division (A)(1) of this section by a 55716
disinterested professional appraiser from the department of 55717
administrative services. The appraiser shall deliver to the 55718
director of mental health and addiction services a signed 55719

certificate of the probable market value of the lands and 55720
facilities as determined from the preliminary appraisal. 55721

(3) The director of mental health and addiction services 55722
shall certify to the clerk of the house of representatives and to 55723
the clerk of the senate a list of all lands and facilities which 55724
may be sold or leased, and shall include with the list the results 55725
of the preliminary appraisals of the lands and facilities, a 55726
general description of the land and facilities, and a description 55727
of the current use of the land and facilities. 55728

(4) Every list of lands and facilities certified by the 55729
director of mental health and addiction services to the clerk of 55730
the house of representatives and to the clerk of the senate under 55731
division (A)(3) of this section, shall immediately be transmitted 55732
by the respective clerks to the committees in the house and the 55733
senate to which land conveyance bills are usually referred. If 55734
either committee files in its clerk's office, within sixty 55735
calendar days of the original certification of the lands and 55736
facilities by the director of mental health and addiction 55737
services, a report disapproving the sale or lease of any lands or 55738
facilities, the sale or lease of the lands or facilities 55739
disapproved in the report shall not be made under this section. 55740
With respect to a sale or lease of lands and facilities that has 55741
not been disapproved under this division, the director of mental 55742
health and addiction services shall certify those lands and 55743
facilities to the ~~auditor of state~~ director of administrative 55744
services. 55745

(5) After certification to the ~~auditor of state~~ director of 55746
administrative services under division (A)(4) of this section, the 55747
director of mental health and addiction services shall have a 55748
formal appraisal made of the lands and facilities by a 55749
disinterested professional appraiser from the department of 55750
administrative services. The director of mental health and 55751

addiction services may accept the formal appraisal or may reject 55752
it and order a new formal appraisal by a disinterested 55753
professional appraiser who shall not be from the department of 55754
administrative services. The director of mental health and 55755
addiction services may then sell or lease the lands or facilities 55756
in accordance with this division and department of administrative 55757
services procedures as set forth in Chapter 123. of the Revised 55758
Code. Any such deed or lease shall be prepared and recorded 55759
pursuant to section 5301.13 of the Revised Code. The department of 55760
administrative services shall be the sole agent for the state and 55761
shall complete the sale or lease of the lands or facilities, up to 55762
and including the closing thereof, after the director of mental 55763
health and addiction services approves the sale price. The 55764
director of mental health and addiction services and the director 55765
of administrative services may, if it is determined to be in the 55766
best interests of the state, agree to sell surplus land for an 55767
amount less than the formal appraised value but shall not sell any 55768
land for less than two-thirds of the formal appraised value. 55769

(B) Coincident with the certification made under division 55770
(A)(3) of this section concerning lands which may be sold, the 55771
director of mental health and addiction services shall give 55772
written notice of ~~the director's~~ intention to sell the lands by 55773
certified mail to the executive officer of each county, township, 55774
municipal corporation, and school district within which the lands 55775
are situated. In each notice, the director of mental health and 55776
addiction services shall specify the conditions under which the 55777
lands shall be sold, including whether the lands will be sold as a 55778
single unit or sold in specific parcels that the director 55779
designates, and shall solicit from the subdivision offers to 55780
purchase the lands in accordance with the conditions the director 55781
of mental health and addiction services has specified and at a 55782
price equal to the preliminary appraised value determined pursuant 55783
to division (A)(2) of this section. If, within thirty days of 55784

having certified the lands to the ~~auditor of state~~ director of 55785
administrative services under division (A)(4) of this section, the 55786
director of mental health and addiction services receives from the 55787
executive officer of a subdivision a written offer to purchase the 55788
lands at or above the price specified in the ~~director's~~ original 55789
notice from the director of mental health and addiction services 55790
to the officer, provided such offer otherwise complies with the 55791
conditions of purchase specified in the ~~director's~~ original notice 55792
from the director of mental health and addiction services, the 55793
director of mental health and addiction services shall forthwith 55794
enter into an agreement to sell the lands to the subdivision. The 55795
agreement shall incorporate any and all terms that are acceptable 55796
to both parties and that are consistent with the terms specified 55797
in the ~~director's~~ original notice from the director of mental 55798
health and addiction services. If no offer to purchase is received 55799
by the director of mental health and addiction services within the 55800
thirty-day period provided in this division, the ~~director's~~ 55801
original notice from the director of mental health and addiction 55802
services shall be considered withdrawn and the director of mental 55803
health and addiction services shall be under no obligation to sell 55804
any of the lands specified in the notice to the subdivision. If 55805
two or more offers to purchase the same parcels of land are 55806
received by the director of mental health and addiction services 55807
within the required time period from the executive officers of two 55808
or more subdivisions, the director of mental health and addiction 55809
services shall accept the offer or offers to purchase that the 55810
director considers to be in the best interests of the state and of 55811
the department of mental health and addiction services and shall 55812
proceed to enter into agreements of sale pursuant to this 55813
division. If all of the ~~director's~~ original notices from the 55814
director of mental health and addiction services relating to a 55815
given parcel of land become withdrawn, the director of mental 55816
health and addiction services may thereupon proceed to sell the 55817

parcel as otherwise provided in this section. No subdivision may 55818
commence an action to enforce the provisions of this division, or 55819
to seek any other legal or equitable remedy relative to this 55820
division, with respect to any lands certified to the ~~auditor of~~ 55821
~~state~~ director of administrative services under division (A)(4) of 55822
this section, except within sixty days of the date on which the 55823
lands were so certified. 55824

(C) Any agreement under this section shall be at such terms 55825
as will be in the best interests of the state and the department 55826
of mental health and addiction services. However, the terms of any 55827
agreement for sale shall include a provision that the purchaser 55828
will abide by any comprehensive plan for the area that has been 55829
adopted by the local government in which the property is located 55830
before the parties enter into the agreement. No lease shall be of 55831
a duration greater than fifteen years. No agreement, except an 55832
agreement entered into under division (B) of this section, shall 55833
be entered into before the proposal to sell or lease the land or 55834
facilities has been advertised once each week for four weeks in a 55835
newspaper of general circulation in every county in which the 55836
lands or facilities are located and if the preliminary appraised 55837
value of the land to be sold or leased is more than one hundred 55838
thousand dollars, advertisement shall be made once each week for 55839
four weeks in at least two newspapers in the state having a daily 55840
circulation of one hundred thousand or more. If a city in this 55841
state is served by more than one newspaper having a circulation of 55842
one hundred thousand or more, advertisement may be made in only 55843
one of the newspapers serving the city. 55844

(D) Each deed or lease prepared and recorded pursuant to this 55845
section shall contain a recital stating that all provisions of 55846
this section have been complied with. The recital shall be 55847
considered binding and conclusive against all subdivisions of the 55848
state provided no action has been commenced pursuant to division 55849

(B) of this section. Any deed or lease containing such a recital 55850
shall be conclusively presumed to have been executed in compliance 55851
with this section insofar as title or other interest of any bona 55852
fide purchasers, lessees, or transferees of the property is 55853
concerned. 55854

(E) Nothing in this section shall be construed as 55855
establishing a precedent for the disposal of state lands and 55856
facilities by other departments of the state. 55857

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 55858
Revised Code is guilty of a misdemeanor of the first degree. 55859

(B) Whoever violates division (B) of section 5119.61 of the 55860
Revised Code is guilty of a misdemeanor of the fourth degree. 55861

(C) Whoever violates section 5119.27 or 5119.28, division (A) 55862
of section 5119.35, division ~~(H)~~(K) of section 5119.36, or 55863
division (A)(1) or (2) of section 5119.37 of the Revised Code is 55864
guilty of a felony of the fifth degree. 55865

Sec. 5120.035. (A) As used in this section: 55866

(1) "Community treatment provider" means a program that 55867
provides substance use disorder assessment and treatment for 55868
persons and that satisfies all of the following: 55869

(a) It is located outside of a state correctional 55870
institution. 55871

(b) It shall provide the assessment and treatment for 55872
qualified prisoners referred and transferred to it under this 55873
section in a suitable facility that is licensed pursuant to 55874
division (C) of section 2967.14 of the Revised Code. 55875

(c) All qualified prisoners referred and transferred to it 55876
under this section shall reside initially in the suitable facility 55877
specified in division (A)(1)(b) of this section while undergoing 55878

the assessment and treatment. 55879

(2) "Electronic monitoring device" has the same meaning as in 55880
section 2929.01 of the Revised Code. 55881

(3) "State correctional institution" has the same meaning as 55882
in section 2967.01 of the Revised Code. 55883

(4) "Qualified prisoner" means a person who satisfies all of 55884
the following: 55885

(a) The person is confined in a state correctional 55886
institution under a prison term imposed for a felony of the third, 55887
fourth, or fifth degree that is not an offense of violence. 55888

~~(b) The person has not previously been convicted of or 55889
pleaded guilty to a felony offense of violence and, within the 55890
preceding five years, has not been convicted of or pleaded guilty 55891
to a misdemeanor offense of violence. 55892~~

~~(c)~~ The department of rehabilitation and correction 55893
determines, using a standardized assessment tool, that the person 55894
has a substance use disorder. 55895

~~(d)~~(c) The person has not more than twelve months remaining 55896
to be served under the prison term described in division (A)(4)(a) 55897
of this section. 55898

~~(e)~~(d) The person is not serving any prison term other than 55899
the term described in division (A)(4)(a) of this section. 55900

~~(f)~~(e) The person is eighteen years of age or older. 55901

~~(g)~~(f) The person does not show signs of drug or alcohol 55902
withdrawal and does not require medical detoxification. 55903

~~(h)~~(g) As determined by the department of rehabilitation and 55904
correction, the person is physically and mentally capable of 55905
uninterrupted participation in the substance use disorder 55906
treatment program established under division (B) of this section. 55907

(B) The department of rehabilitation and correction shall 55908
establish and operate a program for community-based substance use 55909
disorder treatment for qualified prisoners. The purpose of the 55910
program shall be to provide substance use disorder assessment and 55911
treatment through community treatment providers to help reduce 55912
substance use relapses and recidivism for qualified prisoners 55913
while preparing them for reentry into the community and improving 55914
public safety. 55915

(C)(1) The department shall determine which qualified 55916
prisoners in its custody should be placed in the substance use 55917
disorder treatment program established under division (B) of this 55918
section. The department has full discretion in making that 55919
determination. If the department determines that a qualified 55920
prisoner should be placed in the program, the department may refer 55921
the prisoner to a community treatment provider the department has 55922
approved under division (E) of this section for participation in 55923
the program and transfer the prisoner from the state correctional 55924
institution to the provider's approved and licensed facility. 55925
Except as otherwise provided in division (C)(3) of this section, 55926
no prisoner shall be placed under the program in any facility 55927
other than a facility of a community treatment provider that has 55928
been so approved. If the department places a prisoner in the 55929
program, the prisoner shall receive credit against the prisoner's 55930
prison term for all time served in the provider's approved and 55931
licensed facility and may earn days of credit under section 55932
2967.193 of the Revised Code, but otherwise neither the placement 55933
nor the prisoner's participation in or completion of the program 55934
shall result in any reduction of the prisoner's prison term. 55935

(2) If the department places a prisoner in the substance use 55936
disorder treatment program, the prisoner does not satisfactorily 55937
participate in the program, and the prisoner has not served the 55938
prisoner's entire prison term, the department may remove the 55939

prisoner from the program and return the prisoner to a state 55940
correctional institution. 55941

(3) If the department places a prisoner in the substance use 55942
disorder treatment program and the prisoner is satisfactorily 55943
participating in the program, the department may permit the 55944
prisoner to reside at a residence approved by the department if 55945
the department determines, with input from the community treatment 55946
provider, that residing at the approved residence will help the 55947
prisoner prepare for reentry into the community and will help 55948
reduce substance use relapses and recidivism for the prisoner. If 55949
a prisoner is permitted under this division to reside at a 55950
residence approved by the department, the prisoner shall be 55951
monitored during the period of that residence by an electronic 55952
monitoring device. 55953

(D)(1) When a prisoner has been placed in the substance use 55954
disorder treatment program established under division (B) of this 55955
section, before the prisoner is released from custody of the 55956
department upon completion of the prisoner's prison term, the 55957
department shall conduct and prepare an evaluation of the 55958
prisoner, the prisoner's participation in the program, and the 55959
prisoner's needs regarding substance use disorder treatment upon 55960
release. Before the prisoner is released from custody of the 55961
department upon completion of the prisoner's prison term, the 55962
parole board or the court acting pursuant to an agreement under 55963
section 2967.29 of the Revised Code shall consider the evaluation, 55964
in addition to all other information and materials considered, as 55965
follows: 55966

(a) If the prisoner is a prisoner for whom post-release 55967
control is mandatory under section 2967.28 of the Revised Code, 55968
the board or court shall consider it in determining which 55969
post-release control sanction or sanctions to impose upon the 55970
prisoner under that section. 55971

(b) If the prisoner is a prisoner for whom post-release control is not mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining whether a post-release control sanction is necessary and, if so, which post-release control sanction or sanctions to impose upon the prisoner under that section.

(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 of the Revised Code for sealing the record of the conviction, the director may issue a letter to the court in support of the application.

(E)(1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E)(2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state.

(2) Each community treatment provider that applies under division (E)(1) of this section to participate in the program shall have the provider's alcohol and drug addiction services that provide substance use disorder treatment certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. A community treatment provider is not required to have the provider's halfway house or residential treatment certified by the department of mental health and addiction services.

(F) The department of rehabilitation and correction shall

adopt rules for the operation of the substance use disorder 56004
treatment program it establishes under division (B) of this 56005
section and shall operate the program in accordance with this 56006
section and those rules. The rules shall establish, at a minimum, 56007
all of the following: 56008

(1) Criteria that establish which qualified prisoners are 56009
eligible for the program; 56010

(2) Criteria that must be satisfied to transfer a qualified 56011
prisoner to a residence pursuant to division (C)(3) of this 56012
section; 56013

(3) Criteria for the removal of a prisoner from the program 56014
pursuant to division (C)(2) of this section; 56015

(4) Criteria for determining when an offender has 56016
successfully completed the program for purposes of division (D)(2) 56017
of this section; 56018

(5) Criteria for community treatment providers to provide 56019
assessment and treatment, including minimum standards for 56020
treatment. 56021

Sec. 5120.62. The director ~~or~~ of rehabilitation and 56022
correction shall adopt rules under Chapter 119. of the Revised 56023
Code that govern the establishment and operation of a system that 56024
provides limited and monitored access to the internet for 56025
prisoners ~~who are participating in an approved educational program~~ 56026
~~with direct supervision that requires the use of the internet for~~ 56027
~~training or research purposes~~ solely for a use or purpose approved 56028
by the managing officer of that prisoner's institution or by the 56029
managing officer's designee. The rules shall include all of the 56030
following: 56031

(A) Criteria by which inmates may be screened and approved 56032
for access or training involving the internet; 56033

(B) Designation of the authority to approve internet sites 56034
for authorized use; 56035

(C) A requirement that only pre-approved sites will be 56036
accessible ~~on the computers used by prisoners in the educational~~ 56037
~~program;~~ 56038

(D) A process for the periodic review of the operation of the 56039
system, including users of the system and the sites accessed by 56040
the system; 56041

(E) Sanctions that must be imposed against prisoners and 56042
staff members who violate department rules governing prisoner 56043
access to the internet. 56044

Sec. 5123.025. It is hereby declared to be the policy of this 56045
state that individuals with developmental disabilities shall have 56046
access to innovative technology solutions. Technology can ensure 56047
that people with developmental disabilities have increased 56048
opportunities to live, work, and thrive in their homes, 56049
communities, and places of employment through state of the art 56050
planning, innovative technology, and supports that focus on their 56051
talents, interests, and skills. 56052

The departments of developmental disabilities, education, 56053
medicaid, aging, job and family services, mental health and 56054
addiction services, and transportation; the opportunities for 56055
Ohioans with disabilities agency; and each other state agency that 56056
provides technology services to individuals with developmental 56057
disabilities shall implement the policy of this state and ensure 56058
that it is followed whenever technology services are provided to 56059
individuals with developmental disabilities. 56060

The department of developmental disabilities, in partnership 56061
with the office of innovateohio, shall coordinate the actions 56062
taken by state agencies to comply with the state's policy. 56063

Agencies shall collaborate within their divisions and with each other to ensure that state programs, policies, procedures, and funding support the development of access to technology for individuals with developmental disabilities. State agencies shall share information with the department, and the department shall track progress toward full implementation of the policy. The department, in coordination with the technology first task force established under section 5123.026 of Revised Code, shall compile data and annually submit to the governor and lieutenant governor a report on implementation of the policy.

The department and state agencies may adopt rules to implement the state's policy.

Sec. 5123.026. (A) The director of developmental disabilities shall establish a technology first task force consisting of representatives from the office of innovateohio; the departments of developmental disabilities, education, medicaid, aging, job and family services, mental health and addiction services, and transportation; and the opportunities for Ohioans with disabilities agency.

(B) The task force shall do all of the following:

(1) Expand innovative technology solutions within the operation and delivery of services to individuals with developmental disabilities;

(2) Use technology to reduce the barriers individuals with developmental disabilities experience;

(3) Align policies for all state agencies on the task force.

(C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following:

(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities; 56094
56095
56096

(2) The projects and activities of the task force. 56097

(D) The department and state agencies may adopt rules to implement the task force. 56098
56099

Sec. 5123.034. (A) As used in this section, "developmental center" has the same meaning as in section 5123.032 of the Revised Code. 56100
56101
56102

(B) A developmental center of the department of developmental disabilities may provide services to both of the following: 56103
56104

(1) Individuals with developmental disabilities who reside in the community in which the developmental center is located; 56105
56106

(2) Providers who provide services to individuals with developmental disabilities who reside in the community in which the developmental center is located. 56107
56108
56109

(C) The department may develop a method for recovering the costs associated with providing these services. 56110
56111

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code: 56112
56113

(1) "Independent living arrangement" means an arrangement in which an individual with a developmental disability resides in an individualized setting chosen by the individual or the individual's guardian, which is not dedicated principally to the provision of residential services for individuals with developmental disabilities, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services. 56114
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(2) "Licensee" means the person or government agency that has 56122

applied for a license to operate a residential facility and to 56123
which the license was issued under this section. 56124

(3) "Political subdivision" means a municipal corporation, 56125
county, or township. 56126

(4) "Related party" has the same meaning as in section 56127
5123.16 of the Revised Code except that "provider" as used in the 56128
definition of "related party" means a person or government entity 56129
that held or applied for a license to operate a residential 56130
facility, rather than a person or government entity certified to 56131
provide supported living. 56132

(5)(a) Except as provided in division (A)(5)(b) of this 56133
section, "residential facility" means a home or facility, 56134
including an ICF/IID, in which an individual with a developmental 56135
disability resides. 56136

(b) "Residential facility" does not mean any of the 56137
following: 56138

(i) The home of a relative or legal guardian in which an 56139
individual with a developmental disability resides; 56140

(ii) A respite care home certified under section 5126.05 of 56141
the Revised Code; 56142

(iii) A county home or district home operated pursuant to 56143
Chapter 5155. of the Revised Code; 56144

(iv) A dwelling in which the only residents with 56145
developmental disabilities are in independent living arrangements 56146
or are being provided supported living. 56147

(B) Every person or government agency desiring to operate a 56148
residential facility shall apply for licensure of the facility to 56149
the director of developmental disabilities unless the residential 56150
facility is subject to section 3721.02, 5103.03, 5119.33, or 56151
division (B)(1)(b) of section 5119.34 of the Revised Code. 56152

(C) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered.

(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (J)

of this section is not given. 56185

(3) The director may issue an order for the suspension of 56186
admissions to a facility for any violation that may result in 56187
sanctions under division (D)(1) of this section and for any other 56188
violation specified in rules adopted under division (G)(2) of this 56189
section. If the suspension of admissions is imposed for a 56190
violation that may result in sanctions under division (D)(1) of 56191
this section, the director may impose the suspension before 56192
providing an opportunity for an adjudication under Chapter 119. of 56193
the Revised Code. The director shall lift an order for the 56194
suspension of admissions when the director determines that the 56195
violation that formed the basis for the order has been corrected. 56196

(4) The director may order the placement of a monitor at a 56197
residential facility for any violation specified in rules adopted 56198
under division (G)(2) of this section. The director shall lift the 56199
order when the director determines that the violation that formed 56200
the basis for the order has been corrected. 56201

(5) When the director initiates license revocation 56202
proceedings, no opportunity for submitting a plan of correction 56203
shall be given. The director shall notify the licensee by letter 56204
of the initiation of the proceedings. The letter shall list the 56205
deficiencies of the residential facility and inform the licensee 56206
that no plan of correction will be accepted. The director shall 56207
also send a copy of the letter to the county board of 56208
developmental disabilities. Except in the case of a licensee that 56209
is an ICF/IID, the county board shall send a copy of the letter to 56210
each of the following: 56211

(a) Each resident who receives services from the licensee; 56212

(b) The guardian of each resident who receives services from 56213
the licensee if the resident has a guardian; 56214

(c) The parent or guardian of each resident who receives 56215

services from the licensee if the resident is a minor. 56216

(6) Pursuant to rules which shall be adopted in accordance 56217
with Chapter 119. of the Revised Code, the director may order the 56218
immediate removal of residents from a residential facility 56219
whenever conditions at the facility present an immediate danger of 56220
physical or psychological harm to the residents. 56221

(7) In determining whether a residential facility is being 56222
operated in compliance with a provision of this chapter that 56223
applies to residential facilities or the rules adopted under such 56224
a provision, or whether conditions at a residential facility 56225
present an immediate danger of physical or psychological harm to 56226
the residents, the director may rely on information obtained by a 56227
county board of developmental disabilities or other governmental 56228
agencies. 56229

(8) In proceedings initiated to deny, refuse to renew, or 56230
revoke licenses, the director may deny, refuse to renew, or revoke 56231
a license regardless of whether some or all of the deficiencies 56232
that prompted the proceedings have been corrected at the time of 56233
the hearing. 56234

(E)(1) Except as provided in division (E)(2) of this section, 56235
appeals from proceedings initiated to impose a sanction under 56236
division (D) of this section shall be conducted in accordance with 56237
Chapter 119. of the Revised Code. 56238

(2) Appeals from proceedings initiated to order the 56239
suspension of admissions to a facility shall be conducted in 56240
accordance with Chapter 119. of the Revised Code, unless the order 56241
was issued before providing an opportunity for an adjudication, in 56242
which case all of the following apply: 56243

(a) The licensee may request a hearing not later than ten 56244
days after receiving the notice specified in section 119.07 of the 56245
Revised Code. 56246

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:

- (i) The close of the hearing;
- (ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;
- (iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(F) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Classifications for the various types of residential facilities;

(6) The maximum number of individuals who may be served in a particular type of residential facility;

(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities; 56307
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(8) Other standards for the operation of residential facilities and the services provided at residential facilities; 56310
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(9) Procedures for waiving any provision of any rule adopted under this section. 56312
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(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. 56314
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The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to conduct any survey or inspection under this section. 56316
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(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in conducting the survey. 56324
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(3) Following each survey, the director shall provide the licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or rules that purportedly have been violated and are the bases of the citations. The director shall also do both of the following: 56332
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(a) Specify a date by which the licensee may appeal any of 56337

the citations; 56338

(b) When appropriate, specify a timetable within which the 56339
licensee must submit a plan of correction describing how the 56340
problems specified in the citations will be corrected and, the 56341
date by which the licensee anticipates the problems will be 56342
corrected. 56343

(4) If the director initiates a proceeding to revoke a 56344
license, the director shall include the report required by 56345
division (H)(3) of this section with the notice of the proposed 56346
revocation the director sends to the licensee. In this 56347
circumstance, the licensee may not submit a plan of correction. 56348

(5) After a plan of correction is submitted, the director 56349
shall approve or disapprove the plan. If the plan of correction is 56350
approved, a copy of the approved plan shall be provided, not later 56351
than five business days after it is approved, to any person or 56352
government entity who requests it and made available on the 56353
internet web site maintained by the department of developmental 56354
disabilities. If the plan of correction is not approved and the 56355
director initiates a proceeding to revoke the license, a copy of 56356
the survey report shall be provided to any person or government 56357
entity that requests it and shall be made available on the 56358
internet web site maintained by the department. 56359

(6) The director shall initiate disciplinary action against 56360
any department employee who notifies or causes the notification to 56361
any unauthorized person of an unannounced survey of a residential 56362
facility by an authorized representative of the department. 56363

(I) In addition to any other information which may be 56364
required of applicants for a license pursuant to this section, the 56365
director shall require each applicant to provide a copy of an 56366
approved plan for a proposed residential facility pursuant to 56367
section 5123.042 of the Revised Code. This division does not apply 56368

to renewal of a license or to an applicant for an initial or 56369
modified license who meets the requirements of section 5123.197 of 56370
the Revised Code. 56371

(J)(1) A licensee shall notify the owner of the building in 56372
which the licensee's residential facility is located of any 56373
significant change in the identity of the licensee or management 56374
contractor before the effective date of the change if the licensee 56375
is not the owner of the building. 56376

(a) Division (J)(1)(b) of this section applies to a 56377
residential facility that meets both of the following criteria: 56378

(i) The building in which the residential facility is located 56379
was leased by the licensee between July 1, 1995, and July 1, 1996. 56380

(ii) The residential facility was operated at that building 56381
without a lease agreement for more than four years. 56382

(b) For a residential facility described in division 56383
(J)(1)(a) of this section, a license that specifies the location 56384
of a residential facility is not transferrable to a different 56385
location if the licensee is not the owner of the building where 56386
the residential facility is located. If a licensee no longer 56387
operates the residential facility at the location specified in the 56388
license, the owner of the building in which the residential 56389
facility is located may request that the director transfer the 56390
license to a different licensee or management contractor that is 56391
willing to operate the residential facility at that location. The 56392
director shall grant the license to the owner of the residential 56393
facility upon the owner's request. 56394

(c) Nothing in division (J)(1)(b) of this section shall be 56395
construed to require the director to increase the number of 56396
residential facility licenses in this state. 56397

(2) Pursuant to rules, which shall be adopted in accordance 56398
with Chapter 119. of the Revised Code, the director may require 56399

notification to the department of any significant change in the 56400
ownership of a residential facility or in the identity of the 56401
licensee or management contractor. If the director determines that 56402
a significant change of ownership is proposed, the director shall 56403
consider the proposed change to be an application for development 56404
by a new operator pursuant to section 5123.042 of the Revised Code 56405
and shall advise the applicant within sixty days of the 56406
notification that the current license shall continue in effect or 56407
a new license will be required pursuant to this section. If the 56408
director requires a new license, the director shall permit the 56409
facility to continue to operate under the current license until 56410
the new license is issued, unless the current license is revoked, 56411
refused to be renewed, or terminated in accordance with Chapter 56412
119. of the Revised Code. 56413

(3) A licensee shall transfer to the new licensee or 56414
management contractor all records related to the residents of the 56415
facility following any significant change in the identity of the 56416
licensee or management contractor. 56417

(K) A county board of developmental disabilities and any 56418
interested person may file complaints alleging violations of 56419
statute or department rule relating to residential facilities with 56420
the department. All complaints shall state the facts constituting 56421
the basis of the allegation. The department shall not reveal the 56422
source of any complaint unless the complainant agrees in writing 56423
to waive the right to confidentiality or until so ordered by a 56424
court of competent jurisdiction. 56425

The department shall adopt rules in accordance with Chapter 56426
119. of the Revised Code establishing procedures for the receipt, 56427
referral, investigation, and disposition of complaints filed with 56428
the department under this division. 56429

(L) Before issuing a license under this section to a 56430
residential facility that will accommodate at any time more than 56431

one individual with a developmental disability, the director shall, by first class mail, notify the following:

(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation;

(2) If the facility will be located in unincorporated territory, the clerk of the appropriate board of county commissioners and the fiscal officer of the appropriate board of township trustees.

The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in which to comment on the proposed issuance.

Any legislative authority of a municipal corporation, board of county commissioners, or board of township trustees that receives notice under this division of the proposed issuance of a license for a residential facility may comment on it in writing to the director within ten days after the director mailed the notice, excluding Saturdays, Sundays, and legal holidays. If the director receives written comments from any notified officials within the specified time, the director shall make written findings concerning the comments and the director's decision on the issuance of the license. If the director does not receive written comments from any notified local officials within the specified time, the director shall continue the process for issuance of the license.

(M) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but not more than eight individuals with developmental disabilities as a permitted use in any residential district or zone, including any

single-family residential district or zone, of any political 56463
subdivision. These residential facilities may be required to 56464
comply with area, height, yard, and architectural compatibility 56465
requirements that are uniformly imposed upon all single-family 56466
residences within the district or zone. 56467

(N) Any person may operate a licensed residential facility 56468
that provides room and board, personal care, habilitation 56469
services, and supervision in a family setting for at least nine 56470
but not more than sixteen individuals with developmental 56471
disabilities as a permitted use in any multiple-family residential 56472
district or zone of any political subdivision, except that a 56473
political subdivision that has enacted a zoning ordinance or 56474
resolution establishing planned unit development districts may 56475
exclude these residential facilities from those districts, and a 56476
political subdivision that has enacted a zoning ordinance or 56477
resolution may regulate these residential facilities in 56478
multiple-family residential districts or zones as a conditionally 56479
permitted use or special exception, in either case, under 56480
reasonable and specific standards and conditions set out in the 56481
zoning ordinance or resolution to: 56482

(1) Require the architectural design and site layout of the 56483
residential facility and the location, nature, and height of any 56484
walls, screens, and fences to be compatible with adjoining land 56485
uses and the residential character of the neighborhood; 56486

(2) Require compliance with yard, parking, and sign 56487
regulation; 56488

(3) Limit excessive concentration of these residential 56489
facilities. 56490

(O) This section does not prohibit a political subdivision 56491
from applying to residential facilities nondiscriminatory 56492
regulations requiring compliance with health, fire, and safety 56493

regulations and building standards and regulations. 56494

(P) Divisions (M) and (N) of this section are not applicable 56495
to municipal corporations that had in effect on June 15, 1977, an 56496
ordinance specifically permitting in residential zones licensed 56497
residential facilities by means of permitted uses, conditional 56498
uses, or special exception, so long as such ordinance remains in 56499
effect without any substantive modification. 56500

(Q)(1) The director may issue an interim license to operate a 56501
residential facility to an applicant for a license under this 56502
section if either of the following is the case: 56503

(a) The director determines that an emergency exists 56504
requiring immediate placement of individuals in a residential 56505
facility, that insufficient licensed beds are available, and that 56506
the residential facility is likely to receive a permanent license 56507
under this section within thirty days after issuance of the 56508
interim license. 56509

(b) The director determines that the issuance of an interim 56510
license is necessary to meet a temporary need for a residential 56511
facility. 56512

(2) To be eligible to receive an interim license, an 56513
applicant must meet the same criteria that must be met to receive 56514
a permanent license under this section, except for any differing 56515
procedures and time frames that may apply to issuance of a 56516
permanent license. 56517

(3) An interim license shall be valid for thirty days and may 56518
be renewed by the director for a period not to exceed one hundred 56519
eighty days. 56520

(4) The director shall adopt rules in accordance with Chapter 56521
119. of the Revised Code as the director considers necessary to 56522
administer the issuance of interim licenses. 56523

(R) Notwithstanding rules adopted pursuant to this section 56524
establishing the maximum number of individuals who may be served 56525
in a particular type of residential facility, a residential 56526
facility shall be permitted to serve the same number of 56527
individuals being served by the facility on the effective date of 56528
the rules or the number of individuals for which the facility is 56529
authorized pursuant to a current application for a certificate of 56530
need with a letter of support from the department of developmental 56531
disabilities and which is in the review process prior to April 4, 56532
1986. 56533

This division does not preclude the department from 56534
suspending new admissions to a residential facility pursuant to a 56535
written order issued under section 5124.70 of the Revised Code. 56536

(S) The director may enter at any time, for purposes of 56537
investigation, any home, facility, or other structure that has 56538
been reported to the director or that the director has reasonable 56539
cause to believe is being operated as a residential facility 56540
without a license issued under this section. 56541

The director may petition the court of common pleas of the 56542
county in which an unlicensed residential facility is located for 56543
an order enjoining the person or governmental agency operating the 56544
facility from continuing to operate without a license. The court 56545
may grant the injunction on a showing that the person or 56546
governmental agency named in the petition is operating a 56547
residential facility without a license. The court may grant the 56548
injunction, regardless of whether the residential facility meets 56549
the requirements for receiving a license under this section. 56550

Sec. 5123.35. (A) There is hereby created the Ohio 56551
developmental disabilities council, which shall serve as an 56552
advocate for all persons with developmental disabilities. The 56553
council shall act in accordance with the "Developmental 56554

Disabilities Assistance and Bill of Rights Act of 2000," ~~98 Stat.~~ 56555
~~2662 (1984)~~, 42 U.S.C. ~~6001~~, as amended 15001. The governor shall 56556
appoint the members of the council in accordance with 42 U.S.C. 56557
~~6024~~ 15025. 56558

(B) The council shall develop the state plan required by 56559
federal law as a condition of receiving federal assistance under 56560
42 U.S.C. ~~6021 to 6030~~ 15021 to 15029. The department of 56561
developmental disabilities, as the state agency selected by the 56562
governor for purposes of receiving the federal assistance, shall 56563
receive, account for, and disburse funds based on the state plan 56564
and shall provide assurances and other administrative support 56565
services required as a condition of receiving the federal 56566
assistance. 56567

(C) The federal funds may be disbursed through grants to or 56568
contracts with persons and government agencies for the provision 56569
of necessary or useful goods and services for persons with 56570
developmental disabilities. The council may award the grants or 56571
enter into the contracts. 56572

(D) The council may award grants to or enter into contracts 56573
with a member of the council or an entity that the member 56574
represents if all of the following apply: 56575

(1) The member serves on the council as a representative of 56576
one of the principal state agencies concerned with services for 56577
persons with developmental disabilities as specified in 42 U.S.C. 56578
~~6024(b)(3)~~ 15025(b)(4), a representative of a university 56579
affiliated program as defined in 42 U.S.C. ~~6001(18)~~ 15002(5), or a 56580
representative of the Ohio protection and advocacy system, as 56581
defined in section 5123.60 of the Revised Code. 56582

(2) The council determines that the member or the entity the 56583
member represents is capable of providing the goods or services 56584
specified under the terms of the grant or contract. 56585

(3) The member has not taken part in any discussion or vote of the council related to awarding the grant or entering into the contract, including service as a member of a review panel established by the council to award grants or enter into contracts or to make recommendations with regard to awarding grants or entering into contracts.

(E) A member of the council is not in violation of Chapter 102. or section 2921.42 of the Revised Code with regard to receiving a grant or entering into a contract under this section if the requirements of division (D) of this section have been met.

(F)(1) Notwithstanding division (C) of section 121.22 of the Revised Code, the requirement for a member's presence in person at a meeting in order to be part of a quorum or to vote does not apply if the council holds a meeting by interactive video conference and all of the following apply:

(a) A primary meeting location that is open and accessible to the public is established for the meeting of the council;

(b) A clear video and audio connection is established that enables all meeting participants at the primary meeting location to witness the participation of each member;

(c) A roll call vote is recorded for each vote taken;

(d) The minutes of the council identify which members participated by interactive video conference.

(2) Notwithstanding division (C) of section 121.22 of the Revised Code, the requirement for a member's presence in person at a meeting in order to be part of a quorum or to vote does not apply if the council holds a meeting by teleconference and all of the following apply:

(a) The council has determined its membership does not have access to and the council cannot provide access to the equipment

needed to conduct interactive video conferencing;	56616
(b) A primary meeting location that is open and accessible to the public is established for the meeting of the council;	56617 56618
(c) A clear audio connection is established that enables all meeting participants at the primary meeting location to hear the participation of each member;	56619 56620 56621
(d) A roll call vote is recorded for each vote taken;	56622
(e) The minutes of the council identify which members participated by teleconference.	56623 56624
(3) The council shall adopt any rules the council considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. At a minimum, the rules shall do all of the following:	56625 56626 56627 56628
(a) Authorize council members to remotely attend a council meeting by interactive video conference or teleconference in lieu of attending the meeting in person;	56629 56630 56631
(b) Establish a minimum number of members required to be physically present in person at the primary meeting location if the council conducts a meeting by interactive video conference or teleconference;	56632 56633 56634 56635
(c) Establish geographic restrictions for participation in meetings by interactive video conference or teleconference;	56636 56637
(d) Establish a policy for distributing and circulating necessary documents to council members, the public, and the media in advance of a meeting at which members are permitted to attend by interactive video conference or teleconference;	56638 56639 56640 56641
(e) Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference.	56642 56643
Sec. 5123.89. (A) As used in this section:	56644

(1) "Family" means a parent, brother, sister, spouse, son, daughter, grandparent, aunt, uncle, or cousin. 56645
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(2) "Payment" means activities undertaken by a service provider or government entity to obtain or provide reimbursement for services provided to a person. 56647
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(3) "Treatment" means the provision of services to a person, including the coordination or management of services provided to the person. 56650
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(B) All certificates, applications, records, and reports made for the purpose of this chapter, other than court journal entries or court docket entries, that directly or indirectly identify a resident or former resident of an institution for persons with intellectual disabilities or person whose institutionalization has been sought under this chapter shall be kept confidential and shall not be disclosed by any person except in the following situations: 56653
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(1) It is the judgment of the court for judicial records, and the managing officer for institution records, that disclosure is in the best interest of the person identified, and that person or that person's guardian or, if that person is a minor, that person's parent or guardian consents. 56661
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(2) Disclosure is provided for in other sections of this chapter. 56666
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(3) Disclosure is of a record deposited with the Ohio history connection pursuant to division (C) of section 5123.31 of the Revised Code and the disclosure is made to the closest living relative of the person identified, on the relative's request. 56668
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(4) Disclosure is needed for the treatment of a person who is a resident or former resident of an institution for persons with intellectual disabilities or a person whose institutionalization has been sought under this chapter or is needed for the payment of 56672
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services provided to the person. 56676

(5) Disclosure is needed for a guardianship proceeding under Chapter 2111. of the Revised Code. 56677
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(C) The department of developmental disabilities shall adopt rules with respect to the systematic and periodic destruction of residents' records. 56679
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(D) Upon the death of a resident or former resident of an institution for persons with intellectual disabilities or a person whose institutionalization was sought under this chapter, the managing officer of an institution shall provide access to the certificates, applications, records, and reports made for the purposes of this chapter to the resident's, former resident's, or person's guardian if the guardian makes a written request. If a deceased resident, former resident, or person whose institutionalization was sought under this chapter did not have a guardian at the time of death, the managing officer shall provide access to the certificates, applications, records, and reports made for purposes of this chapter to a member of the person's family, upon that family member's written request. 56682
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(E) No person shall reveal the contents of a record of a resident except as authorized by this chapter. 56695
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Sec. 5124.01. As used in this chapter: 56697

(A) "Addition" means an increase in an ICF/IID's square footage. 56698
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(B) "Affiliated operator" means an operator affiliated with either of the following: 56700
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(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator 56702
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owes; 56706

(2) The entering operator involved in the change of operator 56707
with the exiting operator specified in division (B)(1) of this 56708
section. 56709

(C) "Allowable costs" means an ICF/IID's costs that the 56710
department of developmental disabilities determines are 56711
reasonable. Fines paid under section 5124.99 of the Revised Code 56712
are not allowable costs. 56713

(D) "Capital costs" means an ICF/IID's costs of ownership and 56714
costs of nonextensive renovation. 56715

(E) "Case-mix score" means the measure determined under 56716
section 5124.192, or 5124.193, ~~or 5124.197~~ of the Revised Code of 56717
the relative direct-care resources needed to provide care and 56718
habilitation to an ICF/IID resident. 56719

(F) "Change of operator" means an entering operator becoming 56720
the operator of an ICF/IID in the place of the exiting operator. 56721

(1) Actions that constitute a change of operator include the 56722
following: 56723

(a) A change in an exiting operator's form of legal 56724
organization, including the formation of a partnership or 56725
corporation from a sole proprietorship; 56726

(b) A transfer of all the exiting operator's ownership 56727
interest in the operation of the ICF/IID to the entering operator, 56728
regardless of whether ownership of any or all of the real property 56729
or personal property associated with the ICF/IID is also 56730
transferred; 56731

(c) A lease of the ICF/IID to the entering operator or the 56732
exiting operator's termination of the exiting operator's lease; 56733

(d) If the exiting operator is a partnership, dissolution of 56734
the partnership; 56735

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 56736
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(i) The change in composition does not cause the partnership's dissolution under state law. 56738
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(ii) The partners agree that the change in composition does not constitute a change in operator. 56740
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(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 56742
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(2) The following, alone, do not constitute a change of operator: 56746
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(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions; 56748
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(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator; 56751
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(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 56755
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(G) "Cost center" means the following: 56759

(1) Capital costs; 56760

(2) Direct care costs; 56761

(3) Indirect care costs; 56762

(4) Other protected costs. 56763

(H)(1) Except as provided in division (H)(2) of this section, 56764

"cost report year" means the calendar year immediately preceding the calendar year in which a fiscal year for which a medicaid payment rate determination is made begins. 56765
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(2) When a cost report the department of developmental disabilities accepts under division (A) or (C)(1)(b) of section 5124.101 of the Revised Code is used in determining an ICF/IID's medicaid payment rate, "cost report year" means the period that the cost report covers. 56768
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(I) "Costs of nonextensive renovations" means ~~the following:~~ 56773

~~(1) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code,~~ the actual expense incurred by ~~the~~ an ICF/IID for depreciation or amortization and interest on renovations approved by the department of developmental disabilities as nonextensive renovations: 56774
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~~(2) For the purpose of determining an ICF/IID's per medicaid day payment rate for reasonable capital costs under section 5124.171 of the Revised Code,~~ the actual expense incurred by the ICF/IID for depreciation or amortization and interest on renovations that are not extensive renovations. 56780
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(J)(1) "Costs of ownership" means the actual expenses incurred by an ICF/IID for all of the following: 56785
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(a) Subject to division (J)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following: 56787
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(i) Buildings; 56790

(ii) Building improvements that are not approved as nonextensive renovations for the purpose of section 5124.17 ~~or~~ 5124.171 of the Revised Code; 56791
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(iii) Equipment; 56794

(iv) Transportation equipment;	56795
(v) For the purpose of determining an ICF/IID's per medicaid day payment rate for reasonable capital costs under section 5124.171 of the Revised Code, extensive renovations.	56796 56797 56798
(b) Amortization and interest on land improvements and leasehold improvements;	56799 56800
(c) Amortization of financing costs;	56801
(d) Except as provided in division (BB) (AA) of this section, lease and rent of land, building, and equipment.	56802 56803
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	56804 56805 56806
(K)(1) "Date of licensure" means the following:	56807
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;	56808 56809 56810 56811 56812
(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;	56813 56814 56815
(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.	56816 56817 56818 56819 56820 56821
(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has	56822 56823 56824

a different date of licensure for the additional beds or 56825
extensively renovated portion of the ICF/IID. This does not apply, 56826
however, to additional beds when both of the following apply: 56827

(a) The additional beds are located in a part of the ICF/IID 56828
that was constructed at the same time as the continuing beds 56829
already located in that part of the ICF/IID. 56830

(b) The part of the ICF/IID in which the additional beds are 56831
located was constructed as part of the ICF/IID at a time when the 56832
ICF/IID was not required by law to be licensed as a nursing home 56833
or residential facility. 56834

(3) The definition of "date of licensure" in this section 56835
applies in determinations of ICFs/IID's medicaid payment rates but 56836
does not apply in determinations of ICFs/IID's franchise permit 56837
fees under sections 5168.60 to 5168.71 of the Revised Code. 56838

(L) "Desk-reviewed" means that an ICF/IID's costs as reported 56839
on a cost report filed under section 5124.10 or 5124.101 of the 56840
Revised Code have been subjected to a desk review under section 56841
5124.108 of the Revised Code and preliminarily determined to be 56842
allowable costs. 56843

(M) "Developmental center" means a residential facility that 56844
is maintained and operated by the department of developmental 56845
disabilities. 56846

(N) "Direct care costs" means all of the following costs 56847
incurred by an ICF/IID: 56848

(1) Costs for registered nurses, licensed practical nurses, 56849
and nurse aides employed by the ICF/IID; 56850

(2) Costs for direct care staff, administrative nursing 56851
staff, medical directors, respiratory therapists, physical 56852
therapists, physical therapy assistants, occupational therapists, 56853
occupational therapy assistants, speech therapists, audiologists, 56854

habilitation staff (including habilitation supervisors), qualified	56855
intellectual disability professionals, program directors, social	56856
services staff, activities staff, psychologists, psychology	56857
assistants, social workers, counselors, and other persons holding	56858
degrees qualifying them to provide therapy;	56859
(3) Costs of purchased nursing services;	56860
(4) Costs of training and staff development, employee	56861
benefits, payroll taxes, and workers' compensation premiums or	56862
costs for self-insurance claims and related costs as specified in	56863
rules adopted under section 5124.03 of the Revised Code, for	56864
personnel listed in divisions (N)(1), (2), and (3) of this	56865
section;	56866
(5) Costs of quality assurance;	56867
(6) Costs of consulting and management fees related to direct	56868
care;	56869
(7) Allocated direct care home office costs;	56870
(8) Costs of off-site day programming, including day	56871
programming that is provided in an area that is not certified by	56872
the director of health as an ICF/IID under Title XIX and	56873
regardless of either of the following:	56874
(a) Whether or not the area in which the day programming is	56875
provided is less than two hundred feet away from the ICF/IID;	56876
(b) Whether or not the day programming is provided by an	56877
individual or organization that is a related party to the ICF/IID	56878
provider.	56879
(9) Costs of other direct-care resources that are specified	56880
as direct care costs in rules adopted under section 5124.03 of the	56881
Revised Code.	56882
(O) "Downsized ICF/IID" means an ICF/IID that permanently	56883
reduced its medicaid-certified capacity pursuant to a plan	56884

approved by the department of developmental disabilities under 56885
section 5123.042 of the Revised Code. 56886

(P) "Effective date of a change of operator" means the day 56887
the entering operator becomes the operator of the ICF/IID. 56888

(Q) "Effective date of a facility closure" means the last day 56889
that the last of the residents of the ICF/IID resides in the 56890
ICF/IID. 56891

(R) "Effective date of an involuntary termination" means the 56892
date the department of medicaid terminates the operator's provider 56893
agreement for the ICF/IID or the last day that such a provider 56894
agreement is in effect when the department cancels or refuses to 56895
revalidate it. 56896

(S) "Effective date of a voluntary termination" means the day 56897
the ICF/IID ceases to accept medicaid recipients. 56898

(T) "Entering operator" means the person or government entity 56899
that will become the operator of an ICF/IID when a change of 56900
operator occurs or following an involuntary termination. 56901

(U) "Exiting operator" means any of the following: 56902

(1) An operator that will cease to be the operator of an 56903
ICF/IID on the effective date of a change of operator; 56904

(2) An operator that will cease to be the operator of an 56905
ICF/IID on the effective date of a facility closure; 56906

(3) An operator of an ICF/IID that is undergoing or has 56907
undergone a voluntary termination; 56908

(4) An operator of an ICF/IID that is undergoing or has 56909
undergone an involuntary termination. 56910

(V) ~~(1) For the purpose of determining an ICF/IID's per 56911
medicaid day payment rate for reasonable capital costs under 56912
section 5124.171 of the Revised Code, "extensive renovation" means 56913
the following: 56914~~

~~(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:~~ 56915
56916

~~(i) It was started before July 1, 1993.~~ 56917

~~(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.~~ 56918
56919
56920

~~(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:~~ 56921
56922

~~(i) It was started on or after July 1, 1993.~~ 56923

~~(ii) Except as provided in division (V)(2) of this section, it costs more than sixty five per cent and not more than eighty five per cent of the cost of constructing a new bed.~~ 56924
56925
56926

~~(iii) It extends the useful life of the assets for at least ten years.~~ 56927
56928

~~(2) The department of developmental disabilities may treat a renovation that costs more than eighty five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.~~ 56929
56930
56931
56932
56933

~~(3) For the purpose of division (V)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~ 56934
56935
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56941

~~(W)(1) Subject to divisions (W)(2) (V)(2) and (3) of this section, "facility closure" means either of the following:~~ 56942
56943

~~(a) Discontinuance of the use of the building, or part of the~~ 56944

building, that houses the facility as an ICF/IID that results in 56945
the relocation of all of the facility's residents; 56946

(b) Conversion of the building, or part of the building, that 56947
houses an ICF/IID to a different use with any necessary license or 56948
other approval needed for that use being obtained and one or more 56949
of the facility's residents remaining in the facility to receive 56950
services under the new use. 56951

(2) A facility closure occurs regardless of any of the 56952
following: 56953

(a) The operator completely or partially replacing the 56954
ICF/IID by constructing a new ICF/IID or transferring the 56955
ICF/IID's license to another ICF/IID; 56956

(b) The ICF/IID's residents relocating to another of the 56957
operator's ICFs/IID; 56958

(c) Any action the department of health takes regarding the 56959
ICF/IID's medicaid certification that may result in the transfer 56960
of part of the ICF/IID's survey findings to another of the 56961
operator's ICFs/IID; 56962

(d) Any action the department of developmental disabilities 56963
takes regarding the ICF/IID's license under section 5123.19 of the 56964
Revised Code. 56965

(3) A facility closure does not occur if all of the ICF/IID's 56966
residents are relocated due to an emergency evacuation and one or 56967
more of the residents return to a medicaid-certified bed in the 56968
ICF/IID not later than thirty days after the evacuation occurs. 56969

~~(X)~~(W) "Fiscal year" means the fiscal year of this state, as 56970
specified in section 9.34 of the Revised Code. 56971

~~(Y)~~(X) "Franchise permit fee" means the fee imposed by 56972
sections 5168.60 to 5168.71 of the Revised Code. 56973

~~(Z)~~(Y) "Home and community-based services" has the same 56974

meaning as in section 5123.01 of the Revised Code. 56975

~~(AA)~~(Z) "ICF/IID services" has the same meaning as in 42 56976
C.F.R. 440.150. 56977

~~(BB)~~(1)~~(AA)~~(1) "Indirect care costs" means all reasonable 56978
costs incurred by an ICF/IID other than capital costs, direct care 56979
costs, and other protected costs. "Indirect care costs" includes 56980
costs of habilitation supplies, pharmacy consultants, medical and 56981
habilitation records, program supplies, incontinence supplies, 56982
food, enterals, dietary supplies and personnel, laundry, 56983
housekeeping, security, administration, liability insurance, 56984
bookkeeping, purchasing department, human resources, 56985
communications, travel, dues, license fees, subscriptions, home 56986
office costs not otherwise allocated, legal services, accounting 56987
services, minor equipment, maintenance and repair expenses, 56988
help-wanted advertising, informational advertising, start-up 56989
costs, organizational expenses, other interest, property 56990
insurance, employee training and staff development, employee 56991
benefits, payroll taxes, and workers' compensation premiums or 56992
costs for self-insurance claims and related costs, as specified in 56993
rules adopted under section 5124.03 of the Revised Code, for 56994
personnel listed in this division. Notwithstanding division (J) of 56995
this section, "indirect care costs" also means the cost of 56996
equipment, including vehicles, acquired by operating lease 56997
executed before December 1, 1992, if the costs are reported as 56998
administrative and general costs on the ICF/IID's cost report for 56999
the cost reporting period ending December 31, 1992. 57000

(2) For the purpose of division ~~(BB)~~(1)~~(AA)~~(1) of this 57001
section, an operating lease shall be construed in accordance with 57002
generally accepted accounting principles. 57003

~~(CC)~~(BB) "Inpatient days" means both of the following: 57004

(1) All days during which a resident, regardless of payment 57005

source, occupies a bed in an ICF/IID that is included in the 57006
ICF/IID's medicaid-certified capacity; 57007

(2) All days for which payment is made under section 5124.34 57008
of the Revised Code. 57009

~~(DD)~~(CC) "Intermediate care facility for individuals with 57010
intellectual disabilities" and "ICF/IID" mean an intermediate care 57011
facility for the mentally retarded as defined in the "Social 57012
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 57013

~~(EE)~~(DD) "Involuntary termination" means the department of 57014
medicaid's termination of, cancellation of, or refusal to 57015
revalidate the operator's provider agreement for the ICF/IID when 57016
such action is not taken at the operator's request. 57017

~~(FF)~~(EE) "Maintenance and repair expenses" means, ~~except as~~ 57018
~~provided in division (XX)(2)(b) of this section,~~ expenditures that 57019
are necessary and proper to maintain an asset in a normally 57020
efficient working condition and that do not extend the useful life 57021
of the asset two years or more. "Maintenance and repair expenses" 57022
includes the costs of ordinary repairs such as painting and 57023
wallpapering. 57024

~~(GG)~~(FF) "Medicaid-certified capacity" means the number of an 57025
ICF/IID's beds that are certified for participation in medicaid as 57026
ICF/IID beds. 57027

~~(HH)~~(GG) "Medicaid days" means both of the following: 57028

(1) All days during which a resident who is a medicaid 57029
recipient eligible for ICF/IID services occupies a bed in an 57030
ICF/IID that is included in the ICF/IID's medicaid-certified 57031
capacity; 57032

(2) All days for which payment is made under section 5124.34 57033
of the Revised Code. 57034

~~(II)~~(1)(HH)(1) "New ICF/IID" means an ICF/IID for which the 57035

provider obtains an initial provider agreement following the 57036
director of health's medicaid certification of the ICF/IID, 57037
including such an ICF/IID that replaces one or more ICFs/IID for 57038
which a provider previously held a provider agreement. 57039

(2) "New ICF/IID" does not mean either of the following: 57040

(a) An ICF/IID for which the entering operator seeks a 57041
provider agreement pursuant to section 5124.511 or 5124.512 or 57042
(pursuant to section 5124.515) section 5124.07 of the Revised 57043
Code; 57044

(b) A downsized ICF/IID or partially converted ICF/IID. 57045

~~(JJ)~~(II) "Nursing home" has the same meaning as in section 57046
3721.01 of the Revised Code. 57047

~~(KK)~~(JJ) "Operator" means the person or government entity 57048
responsible for the daily operating and management decisions for 57049
an ICF/IID. 57050

~~(LL)~~(KK) "Other protected costs" means costs incurred by an 57051
ICF/IID for medical supplies; real estate, franchise, and property 57052
taxes; natural gas, fuel oil, water, electricity, sewage, and 57053
refuse and hazardous medical waste collection; allocated other 57054
protected home office costs; and any additional costs defined as 57055
other protected costs in rules adopted under section 5124.03 of 57056
the Revised Code. 57057

~~(MM)~~(1)(LL)(1) "Owner" means any person or government entity 57058
that has at least five per cent ownership or interest, either 57059
directly, indirectly, or in any combination, in any of the 57060
following regarding an ICF/IID: 57061

(a) The land on which the ICF/IID is located; 57062

(b) The structure in which the ICF/IID is located; 57063

(c) Any mortgage, contract for deed, or other obligation 57064
secured in whole or in part by the land or structure on or in 57065

which the ICF/IID is located; 57066

(d) Any lease or sublease of the land or structure on or in 57067
which the ICF/IID is located. 57068

(2) "Owner" does not mean a holder of a debenture or bond 57069
related to an ICF/IID and purchased at public issue or a regulated 57070
lender that has made a loan related to the ICF/IID unless the 57071
holder or lender operates the ICF/IID directly or through a 57072
subsidiary. 57073

~~(NN)~~(MM) "Partially converted ICF/IID" means an ICF/IID that 57074
converted some, but not all, of its beds to providing home and 57075
community-based services under the individual options waiver 57076
pursuant to section 5124.60 or 5124.61 of the Revised Code. 57077

~~(OO)~~(1)(NN) For the purpose of the total per medicaid day 57078
payment rate determined for an ICF/IID under division ~~(B)~~(A) of 57079
section 5124.15 of the Revised Code and the initial total per 57080
medicaid day payment rate determined for a new ICF/IID under 57081
section 5124.151 of the Revised Code: 57082

~~(a)~~(1) "Peer group ~~1-A1~~" means each ICF/IID with a 57083
medicaid-certified capacity exceeding sixteen. 57084

~~(b)~~(2) "Peer group ~~2-A2~~" means each ICF/IID with a 57085
medicaid-certified capacity exceeding eight but not exceeding 57086
sixteen. 57087

~~(c)~~(3) "Peer group ~~3-A3~~" means each ICF/IID with a 57088
medicaid-certified capacity of seven or eight. 57089

~~(d)~~(4) "Peer group ~~4-A4~~" means each ICF/IID with a 57090
medicaid-certified capacity not exceeding six, other than an 57091
ICF/IID that is in peer group 5-A. 57092

~~(e)~~(5) "Peer group ~~5-A5~~" means each ICF/IID to which all of 57093
the following apply: 57094

~~(i)~~(a) The ICF/IID is first certified as an ICF/IID after 57095

July 1, 2014. 57096

~~(ii)(b)~~ The ICF/IID has a medicaid-certified capacity not exceeding six. 57097
57098

~~(iii)(c)~~ The ICF/IID has a contract with the department of developmental disabilities that is for fifteen years and includes a provision for the department to approve all admissions to, and discharges from, the ICF/IID. 57099
57100
57101
57102

~~(iv)(d)~~ The ICF/IID's residents are admitted to the ICF/IID directly from a developmental center or have been determined by the department to be at risk of admission to a developmental center. 57103
57104
57105
57106

~~(2)~~ For the purpose of the total per medicaid day payment rate determined for an ICF/IID under division (C) of section 5124.15 of the Revised Code: 57107
57108
57109

~~(a)~~ "Peer group 1 B" means each ICF/IID with a medicaid certified capacity exceeding eight. 57110
57111

~~(b)~~ "Peer group 2 B" means each ICF/IID with a medicaid certified capacity not exceeding eight, other than an ICF/IID that is in peer group 3. 57112
57113
57114

~~(c)~~ "Peer group 3 B" means each ICF/IID to which all of the following apply: 57115
57116

~~(i)~~ The ICF/IID is first certified as an ICF/IID after July 1, 2014; 57117
57118

~~(ii)~~ The ICF/IID has a medicaid certified capacity not exceeding six; 57119
57120

~~(iii)~~ The ICF/IID has a contract with the department of developmental disabilities that is for fifteen years and includes a provision for the department to approve all admissions to, and discharges from, the ICF/IID; 57121
57122
57123
57124

~~(iv)~~ The ICF/IID's residents are admitted to the ICF/IID 57125

~~directly from a developmental center or have been determined by~~ 57126
~~the department to be at risk of admission to a developmental~~ 57127
~~center.~~ 57128

~~(PP)(1)(OO)(1)~~ Except as provided in ~~divisions (PP)(2) and~~ 57129
~~(3) division (OO)(2)~~ of this section, "per diem" means an 57130
ICF/IID's desk-reviewed, actual, allowable costs in a given cost 57131
center in a cost reporting period, divided by the facility's 57132
inpatient days for that cost reporting period. 57133

~~(2) When determining capital costs for the purpose of section~~ 57134
~~5124.171 of the Revised Code, "per diem" means an ICF/IID's~~ 57135
~~actual, allowable capital costs in a cost reporting period divided~~ 57136
~~by the greater of the facility's inpatient days for that period or~~ 57137
~~the number of inpatient days the ICF/IID would have had during~~ 57138
~~that period if its occupancy rate had been ninety five per cent.~~ 57139

~~(3) When determining indirect care costs for the purpose of~~ 57140
~~section 5124.21 or 5124.211 of the Revised Code, "per diem" means~~ 57141
an ICF/IID's actual, allowable indirect care costs in a cost 57142
reporting period divided by the greater of the ICF/IID's inpatient 57143
days for that period or the number of inpatient days the ICF/IID 57144
would have had during that period if its occupancy rate had been 57145
eighty-five per cent. 57146

~~(OO)(PP)~~ "Provider" means an operator with a valid provider 57147
agreement. 57148

~~(RR)(OO)~~ "Provider agreement" means a provider agreement, as 57149
defined in section 5164.01 of the Revised Code, that is between 57150
the department of medicaid and the operator of an ICF/IID for the 57151
provision of ICF/IID services under the medicaid program. 57152

~~(SS)(RR)~~ "Purchased nursing services" means services that are 57153
provided in an ICF/IID by registered nurses, licensed practical 57154
nurses, or nurse aides who are not employees of the ICF/IID. 57155

~~(TT)(SS)~~ "Reasonable" means that a cost is an actual cost 57156

that is appropriate and helpful to develop and maintain the 57157
operation of resident care facilities and activities, including 57158
normal standby costs, and that does not exceed what a prudent 57159
buyer pays for a given item or services. Reasonable costs may vary 57160
from provider to provider and from time to time for the same 57161
provider. 57162

~~(UU)~~(TT) "Related party" means an individual or organization 57163
that, to a significant extent, has common ownership with, is 57164
associated or affiliated with, has control of, or is controlled 57165
by, a provider. 57166

(1) An individual who is a relative of an owner is a related 57167
party. 57168

(2) Common ownership exists when an individual or individuals 57169
possess significant ownership or equity in both the provider and 57170
the other organization. Significant ownership or equity exists 57171
when an individual or individuals possess five per cent ownership 57172
or equity in both the provider and a supplier. Significant 57173
ownership or equity is presumed to exist when an individual or 57174
individuals possess ten per cent ownership or equity in both the 57175
provider and another organization from which the provider 57176
purchases or leases real property. 57177

(3) Control exists when an individual or organization has the 57178
power, directly or indirectly, to significantly influence or 57179
direct the actions or policies of an organization. 57180

(4) An individual or organization that supplies goods or 57181
services to a provider shall not be considered a related party if 57182
all of the following conditions are met: 57183

(a) The supplier is a separate bona fide organization. 57184

(b) A substantial part of the supplier's business activity of 57185
the type carried on with the provider is transacted with others 57186
than the provider and there is an open, competitive market for the 57187

types of goods or services the supplier furnishes. 57188

(c) The types of goods or services are commonly obtained by 57189
other ICFs/IID from outside organizations and are not a basic 57190
element of resident care ordinarily furnished directly to 57191
residents by the ICFs/IID. 57192

(d) The charge to the provider is in line with the charge for 57193
the goods or services in the open market and no more than the 57194
charge made under comparable circumstances to others by the 57195
supplier. 57196

~~(VV)~~(UU) "Relative of owner" means an individual who is 57197
related to an owner of an ICF/IID by one of the following 57198
relationships: 57199

(1) Spouse; 57200

(2) Natural parent, child, or sibling; 57201

(3) Adopted parent, child, or sibling; 57202

(4) Stepparent, stepchild, stepbrother, or stepsister; 57203

(5) Father-in-law, mother-in-law, son-in-law, 57204
daughter-in-law, brother-in-law, or sister-in-law; 57205

(6) Grandparent or grandchild; 57206

(7) Foster caregiver, foster child, foster brother, or foster 57207
sister. 57208

~~(WW)~~(VV) For the purpose of determining an ICF/IID's per 57209
medicaid day capital component rate under section 5124.17 of the 57210
Revised Code, "renovation" means an ICF/IID's betterment, 57211
improvement, or restoration, other than an addition, through a 57212
capital expenditure. 57213

~~(XX)(1) For the purpose of determining an ICF/IID's per 57214
medicaid day payment rate for reasonable capital costs under 57215
section 5124.171 of the Revised Code, "renovation" means the 57216~~

following: 57217

~~(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply: 57218~~

~~(i) It was started before July 1, 1993. 57219~~

~~(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992. 57220~~

~~(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply: 57221~~

~~(i) It was started on or after July 1, 1993. 57222~~

~~(ii) It betters, improves, or restores the ICF/IID beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed. 57223~~

~~(2) For the purpose of division (XX)(1) of this section, a renovation started on or after July 1, 1993, may include both of the following: 57224~~

~~(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years; 57225~~

~~(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project. 57226~~

~~(3) For the purpose of division (XX)(1) of this section, "renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid certified capacity. 57227~~

~~(YY)(WW) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code. 57228~~

~~(ZZ)(XX) "Secondary building" means a building or part of a 57229~~

building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored.

~~(AAA)~~(YY) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.

~~(BBB)~~(ZZ) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.

~~(CCC)~~(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.

~~(DDD)~~(BBB) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

Sec. 5124.101. (A) The provider of an ICF/IID in peer group ~~1-A1~~, peer group ~~2-A2~~, peer group ~~3-A3~~, or peer group ~~4-A~~, ~~peer group 1-B~~, ~~or peer group 2-B~~ 4 that becomes a downsized ICF/IID or partially converted ICF/IID on or after July 1, 2013, or becomes a new ICF/IID on or after that date, may file with the department of developmental disabilities a cost report covering the period specified in division (B) of this section if the following applies to the ICF/IID:

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID, the ICF/IID has either of the following on the day it becomes a downsized ICF/IID or partially converted ICF/IID:

(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID or

partially converted ICF/IID; 57276

(b) At least five fewer beds certified as ICF/IID beds than 57277
it has on the day immediately preceding the day it becomes a 57278
downsized ICF/IID or partially converted ICF/IID. 57279

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 57280
a downsized ICF/IID and the downsized ICF/IID has either of the 57281
following on the day it becomes a downsized ICF/IID: 57282

(a) A medicaid-certified capacity that is at least ten per 57283
cent less than its medicaid-certified capacity on the day 57284
immediately preceding the day it becomes a downsized ICF/IID; 57285

(b) At least five fewer beds certified as ICF/IID beds than 57286
it has on the day immediately preceding the day it becomes a 57287
downsized ICF/IID. 57288

(B) A cost report filed under division (A) of this section 57289
shall cover the period that begins and ends as follows: 57290

(1) In the case of an ICF/IID that becomes a downsized 57291
ICF/IID or partially converted ICF/IID: 57292

(a) The period begins with the day that the ICF/IID becomes a 57293
downsized ICF/IID or partially converted ICF/IID. 57294

(b) The period ends on the last day of the last month of the 57295
first three full months of operation as a downsized ICF/IID or 57296
partially converted ICF/IID. 57297

(2) In the case of a new ICF/IID: 57298

(a) The period begins with the day that the provider 57299
agreement for the ICF/IID takes effect. 57300

(b) The period ends on the last day of the last month of the 57301
first three full months that the provider agreement is in effect. 57302

(C)(1) If the department accepts a cost report filed under 57303
division (A) of this section for an ICF/IID that becomes a 57304

downsized ICF/IID or partially converted ICF/IID on or before the 57305
first day of October of a calendar year, the provider also shall 57306
do both of the following: 57307

(a) File with the department a cost report for the ICF/IID in 57308
accordance with division (A) of section 5124.10 of the Revised 57309
Code; 57310

(b) File with the department another cost report for the 57311
ICF/IID that covers the portion of the initial calendar year that 57312
the ICF/IID operated as a downsized ICF/IID or partially converted 57313
ICF/IID. 57314

(2) If the department accepts a cost report filed under 57315
division (A) of this section for an ICF/IID that becomes a 57316
downsized ICF/IID or partially converted ICF/IID after the first 57317
day of October of a calendar year, the provider is not required to 57318
file a cost report that covers that calendar year in accordance 57319
with division (A) of section 5124.10 of the Revised Code. Instead, 57320
the provider shall file a cost report for the ICF/IID in 57321
accordance with division (A) of section 5124.10 of the Revised 57322
Code covering the immediately following calendar year. 57323

(3) If the department accepts a cost report filed under 57324
division (A) of this section for a new ICF/IID that has a provider 57325
agreement that takes effect on or before the first day of October 57326
of a calendar year, the provider also shall file a cost report for 57327
the ICF/IID in accordance with division (A) of section 5124.10 of 57328
the Revised Code covering the portion of that calendar year that 57329
the provider agreement was in effect. 57330

(4) If the department accepts a cost report filed under 57331
division (A) of this section for a new ICF/IID that has a provider 57332
agreement that takes effect after the first day of October of a 57333
calendar year, the provider is not required to file a cost report 57334
that covers that calendar year in accordance with division (A) of 57335

section 5124.10 of the Revised Code. The provider shall file a 57336
cost report for the ICF/IID in accordance with division (A) of 57337
section 5124.10 of the Revised Code covering the immediately 57338
following calendar year. 57339

(D) The department shall refuse to accept a cost report filed 57340
under division (A) or (C)(1)(b) of this section if either of the 57341
following apply: 57342

(1) Except as provided in division (E) of section 5124.10 of 57343
the Revised Code, the provider fails to file the cost report with 57344
the department not later than ninety days after the last day of 57345
the period the cost report covers; 57346

(2) The cost report is incomplete or inadequate. 57347

(E) If the department accepts a cost report filed under 57348
division (A) or (C)(1)(b) of this section, the department shall 57349
use that cost report, rather than the cost report that otherwise 57350
would be used pursuant to section 5124.17, ~~5124.171~~, 5124.19, 57351
~~5124.195~~, 5124.21, ~~5124.211~~, or 5124.23, ~~or 5124.231~~ of the 57352
Revised Code, to determine the ICF/IID's medicaid payment rate in 57353
accordance with this chapter for ICF/IID services the ICF/IID 57354
provides during the period that begins and ends as follows: 57355

(1) For a cost report filed under division (A) of this 57356
section, the period begins on the following: 57357

(a) In the case of an ICF/IID that becomes a downsized 57358
ICF/IID or partially converted ICF/IID: 57359

(i) The day that the ICF/IID becomes a downsized ICF/IID or 57360
partially converted ICF/IID if that day is the first day of a 57361
month; 57362

(ii) The first day of the month immediately following the 57363
month that the ICF/IID becomes a downsized ICF/IID or partially 57364
converted ICF/IID if division (E)(1)(a)(i) of this section does 57365

not apply. 57366

(b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect. 57367
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(2) For a cost report filed under division (A) of this section, the period ends on the following: 57369
57370

(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID: 57371
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(i) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID is paid a rate determined using a cost report filed under division (C)(1)(b) of this section if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year; 57373
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(ii) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (C)(2) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year. 57378
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(b) In the case of a new ICF/IID, the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (C)(3) or (4) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code. 57385
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(3) For a cost report filed under division (C)(1)(b) of this section, the period begins on the day immediately following the day specified in division (E)(2)(a)(i) of this section. 57391
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(4) For a cost report filed under division (C)(1)(b) of this section, the period ends on the last day of the fiscal year that 57394
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immediately precedes the fiscal year for which the ICF/IID begins 57396
to be paid a rate determined using the cost report filed with the 57397
department in accordance with division (A) of section 5124.10 of 57398
the Revised Code that covers the calendar year that immediately 57399
follows the initial calendar year that the ICF/IID operated as a 57400
downsized ICF/IID or partially converted ICF/IID. 57401

~~(F) If the department accepts a cost report filed under 57402
division (A) or (C)(1)(b) of this section by the provider of a 57403
downsized ICF/IID or partially converted ICF/IID, the following 57404
modifications shall be made for the purpose of determining the 57405
medicaid payment rate for ICF/IID services the ICF/IID provides 57406
during the period specified in division (E) of this section:~~ 57407

~~(1) In place of the quarterly case_mix score otherwise used 57408
in determining the ICF/IID's per medicaid day direct care costs 57409
component rate under division (A) of section 5124.19 of the 57410
Revised Code, the ICF/IID's case_mix score in effect on the last 57411
day of the calendar quarter that ends during the period the cost 57412
report covers (or, if more than one calendar quarter ends during 57413
that period, the last of those calendar quarters) shall be used to 57414
determine the ICF/IID's per medicaid day direct care costs 57415
component rate if the department accepts a cost report filed under 57416
division (A) or (C)(1)(b) of this section by the provider of a 57417
downsized ICF/IID or partially converted ICF/IID. 57418~~

~~(2) In place of the annual average casemix score otherwise 57419
used in determining the ICF/IID's per medicaid day payment rate 57420
for direct care costs under division (A) of section 5124.195 of 57421
the Revised Code, the ICF/IID's casemix score in effect on the 57422
last day of the calendar quarter that ends during the period the 57423
cost report covers (or, if more than one calendar quarter ends 57424
during that period, the last of those calendar quarters) shall be 57425
used to determine the ICF/IID's per medicaid day payment rate for 57426
direct care costs.~~ 57427

~~(3) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.171 of the Revised Code.~~ 57428
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~~(4) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.171 of the Revised Code.~~ 57431
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~~(5) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.171 of the Revised Code regardless of whether the ICF/IID is in peer group 1-B or peer group 2-B.~~ 57435
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Sec. 5124.15. (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and divisions ~~(D)~~(B) and ~~(E)~~(C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following: 57440
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~~(1) Until July 1, 2021, the greater of the total per medicaid day payment rates determined under divisions (B) and (C) of this section;~~ 57447
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~~(2) Beginning July 1, 2021, the total per medicaid day payment rate determined under division (B) of this section.~~ 57450
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~~(B) The total per medicaid day payment rate determined under this division is the sum of all of the following:~~ 57452
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~~(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;~~ 57454
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~~(2) The per medicaid day direct care costs component rate determined for the ICF/IID under section 5124.19 of the Revised~~ 57456
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Code;	57458
(3) The per medicaid day indirect care costs component rate	57459
determined for the ICF/IID under section 5124.21 of the Revised	57460
Code;	57461
(4) The per medicaid day other protected costs component rate	57462
determined for the ICF/IID under section 5124.23 of the Revised	57463
Code;	57464
(5) Until July 1, 2021, a direct support personnel payment	57465
equal to three and four hundredths per cent of the ICF/IID's	57466
desk-reviewed, actual, allowable, per medicaid day direct care	57467
costs from the applicable cost report year;	57468
(6) Beginning July 1, 2021, the <u>The</u> sum of the following:	57469
(a) The per medicaid day quality incentive payment determined	57470
for the ICF/IID under section 5124.24 of the Revised Code;	57471
(b) A direct support personnel payment equal to two and	57472
four-hundredths per cent of the ICF/IID's desk-reviewed, actual,	57473
allowable, per medicaid day direct care costs from the applicable	57474
cost report year.	57475
(C) The total per medicaid day payment rate determined under	57476
this division is the sum of all of the following:	57477
(1) The per medicaid day payment rate for capital costs	57478
determined for the ICF/IID under section 5124.171 of the Revised	57479
Code;	57480
(2) The per medicaid day payment rate for direct care costs	57481
determined for the ICF/IID under section 5124.195 of the Revised	57482
Code;	57483
(3) The per medicaid day payment rate for indirect care costs	57484
determined for the ICF/IID under section 5124.211 of the Revised	57485
Code;	57486
(4) The per medicaid day payment rate for other protected	57487

~~costs determined for the ICF/IID under section 5124.231 of the Revised Code;~~ 57488
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~~(5) A direct support personnel payment equal to three and four hundredths per cent of the ICF/IID's desk reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.~~ 57490
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~~(D)(B)~~ The total per medicaid day payment rate for ~~the following an ICF/IID that is in peer group 5~~ shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers; 57494
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~~(1) An ICF/IID that is in peer group 5 A for the purpose of the total per medicaid day payment rate determined under division (B) of this section;~~ 57498
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~~(2) An ICF/IID that is in peer group 3 B for the purpose of the total per medicaid day payment rate determined under division (C) of this section.~~ 57501
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~~(E)(C)~~ The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under ~~divisions (B) and (C)~~ of this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers. 57504
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~~(F)(1)(D)(1)~~ In addition to paying an ICF/IID provider the total per medicaid day payment rate determined for the provider's ICF/IID under divisions (A), (B), and (C), ~~(D)~~, and ~~(E)~~ of this section for a fiscal year, the department may do either or both of the following: 57509
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(a) In accordance with section 5124.25 of the Revised Code, pay the provider a rate add-on for ventilator-dependent outlier ICF/IID services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on; 57514
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(b) In accordance with section 5124.26 of the Revised Code, 57519
pay the provider for outlier ICF/IID services the ICF/IID provides 57520
to residents identified as needing intensive behavioral health 57521
support services if the rate add-on is to be paid under that 57522
section and the department approves the provider's application for 57523
the rate add-on. 57524

(2) The rate add-ons are not to be part of the ICF/IID's 57525
total per medicaid day payment rate. 57526

Sec. 5124.151. (A) The total per medicaid day payment rate 57527
determined under section 5124.15 of the Revised Code shall not be 57528
the initial rate for ICF/IID services provided by a new ICF/IID. 57529
Instead, the initial total per medicaid day payment rate for 57530
ICF/IID services provided by a new ICF/IID shall be determined in 57531
accordance with this section. 57532

(B) The initial total per medicaid day payment rate for 57533
ICF/IID services provided by a new ICF/IID, other than an ICF/IID 57534
in peer group ~~5-A5~~, shall be determined in the following manner: 57535

(1) The initial per medicaid day capital component rate shall 57536
be the median per medicaid day capital component rate for the 57537
ICF/IID's peer group for the fiscal year. 57538

(2) The initial per medicaid day direct care costs component 57539
rate shall be determined as follows: 57540

(a) If there are no cost or resident assessment data for the 57541
new ICF/IID as necessary to determine a rate under section 5124.19 57542
of the Revised Code, the rate shall be determined as follows: 57543

(i) Determine the median cost per case-mix unit under 57544
division (B) of section 5124.19 of the Revised Code for the new 57545
ICF/IID's peer group for the applicable cost report year; 57546

(ii) Multiply the amount determined under division 57547
(B)(2)(a)(i) of this section by the median annual average case-mix 57548

score for the new ICF/IID's peer group for that period; 57549

(iii) Adjust the product determined under division 57550
(B)(2)(a)(ii) of this section by the rate of inflation estimated 57551
under division (D) of section 5124.19 of the Revised Code. 57552

(b) If the new ICF/IID is a replacement ICF/IID and the 57553
ICF/IID or ICFs/IID that are being replaced are in operation 57554
immediately before the new ICF/IID opens, the rate shall be the 57555
same as the rate for the replaced ICF/IID or ICFs/IID, 57556
proportionate to the number of ICF/IID beds in each replaced 57557
ICF/IID. 57558

(c) If the new ICF/IID is a replacement ICF/IID and the 57559
ICF/IID or ICFs/IID that are being replaced are not in operation 57560
immediately before the new ICF/IID opens, the rate shall be 57561
determined under division (B)(2)(a) of this section. 57562

(3) The initial per medicaid day indirect care costs 57563
component rate shall be the maximum rate for the new ICF/IID's 57564
peer group as determined for the fiscal year in accordance with 57565
division (C) of section 5124.21 of the Revised Code. 57566

(4) The initial per medicaid day other protected costs 57567
component rate shall be one hundred fifteen per cent of the median 57568
rate for ICFs/IID determined for the fiscal year under section 57569
5124.23 of the Revised Code. 57570

(C) The initial total medicaid day payment rate for ICF/IID 57571
services provided by a new ICF/IID in peer group ~~5-A5~~ shall be 57572
determined in the following manner: 57573

(1) The initial per medicaid day capital component rate shall 57574
be \$29.61. 57575

(2) The initial per medicaid day direct care costs component 57576
rate shall be \$264.89. 57577

(3) The initial per medicaid day indirect care costs 57578

component rate shall be \$59.85. 57579

(4) The initial per medicaid day other protected costs 57580
component rate shall be \$25.99. 57581

(D)(1) Except as provided in division (D)(2) of this section, 57582
the department of developmental disabilities shall adjust a new 57583
ICF/IID's initial total per medicaid day payment rate determined 57584
under this section effective the first day of July, to reflect new 57585
rate determinations for all ICFs/IID under this chapter. 57586

(2) If the department accepts, under division (A) of section 57587
5124.101 of the Revised Code, a cost report filed by the provider 57588
of a new ICF/IID, the department shall adjust the ICF/IID's 57589
initial total per medicaid day payment rate in accordance with 57590
divisions (E) and (F) of that section rather than division (D)(1) 57591
of this section. 57592

Sec. 5124.152. (A) The total per medicaid day payment rate 57593
determined under section 5124.15 of the Revised Code shall not be 57594
paid for ICF/IID services provided by an ICF/IID, or discrete unit 57595
of an ICF/IID, designated by the department of developmental 57596
disabilities as an outlier ICF/IID or unit. Instead, the provider 57597
of a designated outlier ICF/IID or unit shall be paid each fiscal 57598
year a total per medicaid day payment rate that the department 57599
shall prospectively determine in accordance with a methodology 57600
established in rules authorized by this section. 57601

(B) The department may designate an ICF/IID, or discrete unit 57602
of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or 57603
unit serves residents who have either of the following: 57604

(1) Diagnoses or special care needs that require direct care 57605
resources that are not measured adequately by the resident 57606
assessment instrument specified in rules authorized by ~~sections~~ 57607
section 5124.191 and ~~5124.196~~ of the Revised Code; 57608

(2) Diagnoses or special care needs that are specified in rules authorized by this section as otherwise qualifying for consideration under this section.

(C) Notwithstanding any other provision of this chapter, the costs incurred by a designated outlier ICF/IID or unit shall not be considered in establishing medicaid payment rates for other ICFs/IID or units.

(D) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section.

(1)(a) The rules shall do both of the following:

(i) Specify the criteria and procedures the department will apply when designating an ICF/IID, or discrete unit of an ICF/IID, as an outlier ICF/IID or unit;

(ii) Establish a methodology for prospectively determining the total per medicaid day payment rate that will be paid each fiscal year for ICF/IID services provided by a designated outlier ICF/IID or unit.

(b) The rules adopted under division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall do both of the following:

(i) Provide for consideration of whether all of the allowable costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid by the rate determined under section 5124.15 of the Revised Code;

(ii) Specify the minimum number of ICF/IID beds that an ICF/IID, or discrete unit of an ICF/IID, must have to be designated an outlier ICF/IID or unit.

(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall not limit the designation to ICFs/IID, or discrete

units of ICFs/IID, located in large cities. 57639

(d) The rules authorized by division (D)(1)(a)(ii) of this 57640
section regarding the methodology for prospectively determining 57641
the rates of designated outlier ICFs/IID and units shall provide 57642
for the methodology to consider the historical costs of providing 57643
ICF/IID services to the residents of designated outlier ICFs/IID 57644
and units. 57645

(2)(a) The rules may do both of the following: 57646

(i) Include for designation as an outlier ICF/IID or unit, an 57647
ICF/IID, or discrete unit of an ICF/IID, that serves residents who 57648
have complex medical conditions or severe behavioral problems; 57649

(ii) Require that a designated outlier ICF/IID or unit 57650
receive authorization from the department before admitting or 57651
retaining a resident. 57652

(b) If the director adopts rules authorized by division 57653
(D)(2)(a)(ii) of this section regarding the authorization of a 57654
designated outlier ICF/IID or unit to admit or retain a resident, 57655
the rules shall specify the criteria and procedures the department 57656
will apply when granting the authorization. 57657

Sec. 5124.17. (A) For each fiscal year, the department of 57658
developmental disabilities shall determine each ICF/IID's per 57659
medicaid day capital component rate. An ICF/IID's rate for a 57660
fiscal year shall equal the sum of the following: 57661

(1) The lesser of the following: 57662

(a) The sum of all of the following: 57663

(i) The ICF/IID's per diem fair rental value rate for the 57664
fiscal year as determined under division (B) of this section; 57665

(ii) The ICF/IID's per diem equipment rate for the fiscal 57666
year as determined under division (D) of this section; 57667

(iii) The ICF/IID's per diem secondary building rate for the fiscal year as determined under division (E) of this section.	57668 57669
(b) The sum determined for the fiscal year under division (G) of this section.	57670 57671
(2) The ICF/IID's per diem nonextensive renovation rate for the fiscal year as determined under division (H) of this section.	57672 57673
(B) An ICF/IID's per diem fair rental value rate for a fiscal year is the quotient of the following:	57674 57675
(1) The ICF/IID's fair rental value as determined under division (C) of this section;	57676 57677
(2) The greater of the following:	57678
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	57679 57680
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	57681 57682 57683
(C)(1) An ICF/IID's fair rental value is the product of the following:	57684 57685
(a) The sum of the following:	57686
(i) The ICF/IID's depreciated current asset value as determined under division (C)(2) of this section;	57687 57688
(ii) The ICF/IID's land value as determined under division (C)(10) of this section.	57689 57690
(b) Eleven per cent.	57691
(2) An ICF/IID's depreciated current asset value is its current asset value, as determined under division (C)(3) of this section, depreciated by the product of the following:	57692 57693 57694
(a) The ICF/IID's effective age as determined under division (C)(5) of this section;	57695 57696

(b) One and six-tenths per cent.	57697
(3) An ICF/IID's current asset value is the product of the following:	57698 57699
(a) The ICF/IID's value per square foot as determined under division (C)(4) of this section;	57700 57701
(b) The lesser of the ICF/IID's square footage and the following:	57702 57703
(i) If the ICF/IID is in peer group 1-A1 and is a downsized ICF/IID, its medicaid-certified capacity on the last day of the applicable cost report year multiplied by one thousand;	57704 57705 57706
(ii) If the ICF/IID is in peer group 1-A1 and is not a downsized ICF/IID, its medicaid-certified capacity on the last day of the applicable cost report year multiplied by five hundred fifty;	57707 57708 57709 57710
(iii) If the ICF/IID is in peer group 2-A2 and is a downsized ICF/IID, its medicaid-certified capacity on the last day of the applicable cost report year multiplied by one thousand;	57711 57712 57713
(iv) If the ICF/IID is in peer group 2-A2 and is not a downsized ICF/IID, its medicaid-certified capacity on the last day of the applicable cost report year multiplied by seven hundred fifty;	57714 57715 57716 57717
(v) If the ICF/IID is in peer group 3-A3 , its medicaid-certified capacity on the last day of the applicable cost report year multiplied by eight hundred fifty;	57718 57719 57720
(vi) If the ICF/IID is in peer group 4-A4 or peer group 5-A5 , its medicaid-certified capacity on the last day of the applicable cost report year multiplied by nine hundred.	57721 57722 57723
(4)(a) An ICF/IID's value per square foot shall be determined by using the version of the following RS means data that was most recently published at the time the determination is made:	57724 57725 57726

- (i) If the ICF/IID is in peer group ~~1-A1~~ or peer group ~~2-A2~~, 57727
the RS means data for assisted-senior living facility construction 57728
costs; 57729
- (ii) If the ICF/IID is in peer group ~~3-A3~~, peer group ~~4-A4~~, 57730
or peer group ~~5-A5~~, the RS means data for nursing home 57731
construction costs. 57732
- (b) Except as provided in division (C)(4)(c) of this section, 57733
in determining an ICF/IID's value per square foot, the following 57734
modifier shall be used: 57735
- (i) If the ICF/IID is located in Summit county, the modifier 57736
specified in the applicable RS means data for Akron; 57737
- (ii) If the ICF/IID is located in Athens county, the modifier 57738
specified in the applicable RS means data for Athens; 57739
- (iii) If the ICF/IID is located in Ashtabula, Geauga, Lake, 57740
Medina, Portage, Stark, Trumbull, or Wayne county, the modifier 57741
specified in the applicable RS means data for Canton; 57742
- (iv) If the ICF/IID is located in Ross county, the modifier 57743
specified in the applicable RS means data for Chillicothe; 57744
- (v) If the ICF/IID is located in Hamilton county, the 57745
modifier specified in the applicable RS means data for Cincinnati; 57746
- (vi) If the ICF/IID is located in Cuyahoga county, the 57747
modifier specified in the applicable RS means data for Cleveland; 57748
- (vii) If the ICF/IID is located in Franklin county, the 57749
modifier specified in the applicable RS means data for Columbus; 57750
- (viii) If the ICF/IID is located in Montgomery county, the 57751
modifier specified in the applicable RS means data for Dayton; 57752
- (ix) If the ICF/IID is located in Brown, Butler, Clermont, 57753
Clinton, Champaign, Darke, Greene, Logan, Miami, Preble, Shelby, 57754
or Warren county, the modifier specified in the applicable RS 57755
means data for Hamilton; 57756

- (x) If the ICF/IID is located in Allen, Auglaize, Defiance, 57757
Erie, Fulton, Hancock, Henry, Huron, Mercer, Paulding, Putnam, 57758
Ottawa, Sandusky, Seneca, Van Wert, Williams, or Wood county, the 57759
modifier specified in the applicable RS means data for Lima; 57760
- (xi) If the ICF/IID is located in Lorain county, the modifier 57761
specified in the applicable RS means data for Lorain; 57762
- (xii) If the ICF/IID is located in Ashland, Crawford, 57763
Delaware, Fairfield, Fayette, Hardin, Knox, Licking, Madison, 57764
Morrow, Pickaway, Richland, Union, or Wyandot county, the modifier 57765
specified in the applicable RS means data for Mansfield; 57766
- (xiii) If the ICF/IID is located in Marion county, the 57767
modifier specified in the applicable RS means data for Marion; 57768
- (xiv) If the ICF/IID is located in Clark county, the modifier 57769
specified in the applicable RS means data for Springfield; 57770
- (xv) If the ICF/IID is located in Jefferson county, the 57771
modifier specified in the applicable RS means data for 57772
Steubenville; 57773
- (xvi) If the ICF/IID is located in Lucas county, the modifier 57774
specified in the applicable RS means data for Toledo; 57775
- (xvii) If the ICF/IID is located in Mahoning county, the 57776
modifier specified in the applicable RS means data for Youngstown; 57777
- (xviii) If the ICF/IID is located in Adams, Belmont, Carroll, 57778
Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, 57779
Hocking, Holmes, Jackson, Lawrence, Meigs, Monroe, Morgan, 57780
Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, Vinton, or 57781
Washington county, the modifier specified in the applicable RS 57782
means data for Zanesville. 57783
- (c) If a modifier ceases to be specified in the applicable RS 57784
means data for a city listed in division (C)(4)(b) of this 57785
section, the director of developmental disabilities shall specify 57786

in rules adopted under section 5124.03 of the Revised Code a 57787
different modifier for the counties that are affected by the 57788
change. 57789

(5) An ICF/IID's effective age shall be determined as 57790
follows: 57791

(a) Determine the sum of the numbers of the ICF/IID's new bed 57792
equivalents for renovations for the applicable cost report year 57793
and the immediately preceding thirty-nine calendar years as 57794
determined for each of those years under division (C)(7)(a) of 57795
this section; 57796

(b) Determine the sum of the numbers of the ICF/IID's new bed 57797
equivalents for additions that do not increase the ICF/IID's 57798
medicaid-certified capacity for the applicable cost report year 57799
and the immediately preceding thirty-nine calendar years as 57800
determined for each of those years under division (C)(8)(a) of 57801
this section; 57802

(c) Determine the sum of the numbers of the ICF/IID's new 57803
beds resulting from additions that increase the ICF/IID's 57804
medicaid-certified capacity for the applicable cost report year 57805
and the immediately preceding thirty-nine calendar years as 57806
determined for each of those years under division (C)(9)(a) of 57807
this section; 57808

(d) Determine the sum of the sums determined under divisions 57809
(C)(5)(a), (b), and (c) of this section; 57810

(e) Determine the difference of the following: 57811

(i) The ICF/IID's medicaid-certified capacity on the last day 57812
of the applicable cost report year; 57813

(ii) The lesser of the amount specified in division 57814
(C)(5)(e)(i) of this section and the sum determined under division 57815
(C)(5)(d) of this section. 57816

(f) For the purpose of determining the weighted age of the ICF/IID's original beds, determine the product of the following:	57817 57818
(i) The difference determined under division (C)(5)(e) of this section;	57819 57820
(ii) The ICF/IID's age as determined under division (C)(6) of this section.	57821 57822
(g) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for renovations for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(7)(c) of this section;	57823 57824 57825 57826 57827
(h) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(8)(d) of this section;	57828 57829 57830 57831 57832 57833
(i) Determine the sum of the weighted ages of the ICF/IID's new beds resulting from additions that increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for that period and each of those years under division (C)(9)(b) of this section;	57834 57835 57836 57837 57838 57839
(j) Determine the sum of the following:	57840
(i) The product determined under division (C)(5)(f) of this section;	57841 57842
(ii) The sum of the sums determined under divisions (C)(5)(g), (h), and (i) of this section.	57843 57844
(k) Determine the quotient of the following:	57845
(i) The sum determined under division (C)(5)(j) of this	57846

section;	57847
(ii) The ICF/IID's medicaid-certified capacity on the last day of the applicable cost report year.	57848 57849
(6) An ICF/IID's age is the lesser of the following:	57850
(a) The difference between the following:	57851
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	57852 57853 57854
(ii) The calendar year in which the ICF/IID was initially constructed.	57855 57856
(b) Forty.	57857
(7)(a) The number, for a year, of an ICF/IID's new bed equivalents for renovations is the quotient of the following:	57858 57859
(i) The ICF/IID's desk-reviewed, actual, allowable renovation costs for the year;	57860 57861
(ii) Seventy thousand dollars.	57862
(b) The age of an ICF/IID's new bed equivalents for renovations is the difference of the following:	57863 57864
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	57865 57866 57867
(ii) The calendar year the renovations were completed.	57868
(c) The weighted age, for a year, of an ICF/IID's new bed equivalents for renovations is the product of the following:	57869 57870
(i) The number, for that year, of the ICF/IID's new bed equivalents for renovations as determined under division (C)(7)(a) of this section;	57871 57872 57873
(ii) The age of those new bed equivalents as determined under	57874

division (C)(7)(b) of this section.	57875
(8)(a) The number, for a year, of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the quotient of the following:	57876 57877 57878
(i) The value of such additions made to the ICF/IID that year as determined under division (C)(8)(b) of this section;	57879 57880
(ii) Seventy thousand dollars.	57881
(b) The value of additions that do not increase an ICF/IID's medicaid-certified capacity is the product of the following:	57882 57883
(i) The total square footage of the additions;	57884
(ii) The ICF/IID's value per square foot as determined under division (C)(4) of this section.	57885 57886
(c) The age of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the difference of the following:	57887 57888 57889
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	57890 57891 57892
(ii) The calendar year the additions were completed.	57893
(d) The weighted age, for a year, of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the product of the following:	57894 57895 57896
(i) The number, for that year, of the ICF/IID's new bed equivalents for such additions as determined under division (C)(8)(a) of this section;	57897 57898 57899
(ii) The age of those new bed equivalents as determined under division (C)(8)(c) of this section.	57900 57901
(9)(a) The number, for a year, of new beds resulting from additions that increase an ICF/IID's medicaid-certified capacity	57902 57903

is the number by which the new beds increased the ICF/IID's 57904
medicaid-certified capacity that year. 57905

(b) The weighted age, for a year, of new beds resulting from 57906
additions that increase an ICF/IID's medicaid-certified capacity 57907
is the product of the following: 57908

(i) The number by which those new beds increased the 57909
ICF/IID's medicaid-certified capacity that year; 57910

(ii) The difference of the calendar year in which occurs the 57911
last day of the period covered by the cost report being used to 57912
determine the ICF/IID's rate under this section and the calendar 57913
year the ICF/IID's medicaid-certified capacity was so increased. 57914

(10) An ICF/IID's land value is the product of the following: 57915

(a) The ICF/IID's current asset value as determined under 57916
division (C)(3) of this section; 57917

(b) Ten per cent. 57918

(D) An ICF/IID's per diem equipment rate for a fiscal year 57919
shall be the lesser of the following: 57920

(1) The quotient of the following: 57921

(a) The ICF/IID's costs for capital equipment for the 57922
applicable cost report year; 57923

(b) The greater of the following: 57924

(i) The number of the ICF/IID's inpatient days for the 57925
applicable cost report year; 57926

(ii) The number of inpatient days the ICF/IID would have had 57927
during the applicable cost report year if its occupancy rate had 57928
been ninety-two per cent that year. 57929

(2) The following amount: 57930

(a) If the ICF/IID is in peer group ~~1-A1~~, five dollars; 57931

(b) If the ICF/IID is in peer group 2-A2 , six dollars and fifty cents;	57932 57933
(c) If the ICF/IID is in peer group 3-A3 , eight dollars;	57934
(d) If the ICF/IID is in peer group 4-A4 <u>4</u> or peer group 5-A5 , nine dollars.	57935 57936
(E) An ICF/IID's per diem secondary building rate for a fiscal year is the quotient of the following:	57937 57938
(1) The ICF/IID's secondary building value as determined under division (F) of this section;	57939 57940
(2) The greater of the following:	57941
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	57942 57943
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	57944 57945 57946
(F)(1) An ICF/IID's secondary building value is the product of the following:	57947 57948
(a) The sum of the following:	57949
(i) The sum of the depreciated current asset values of the ICF/IID's secondary buildings as determined under division (F)(2) of this section;	57950 57951 57952
(ii) The sum of the land values of the ICF/IID's secondary buildings as determined under division (F)(6) of this section.	57953 57954
(b) A rental rate of eleven per cent.	57955
(2) The depreciated current asset value of an ICF/IID's secondary building is the current asset value of the secondary building, as determined under division (F)(3) of this section, depreciated by the product of the following:	57956 57957 57958 57959
(a) The age of the secondary building as determined under	57960

division (F)(5) of this section;	57961
(b) One and six-tenths per cent.	57962
(3) The current asset value of an ICF/IID's secondary building is the product of the following:	57963 57964
(a) The part of the secondary building's square footage that is allocated to the ICF/IID;	57965 57966
(b) The secondary building's value per square foot as determined under division (F)(4) of this section.	57967 57968
(4) The value per square foot of an ICF/IID's secondary building shall be determined by using the following:	57969 57970
(a) Except as provided in division (F)(4)(b) of this section, the most recent national average commercial cost estimate for office/warehouse buildings according to information available at buildingjournal.com on the last day of the applicable cost report year;	57971 57972 57973 57974 57975
(b) If the national average commercial cost estimate for office/warehouse buildings ceases to be available at buildingjournal.com, the most recent comparable cost estimate as specified in rules the director of developmental disabilities shall adopt under section 5124.03 of the Revised Code.	57976 57977 57978 57979 57980
(5) The age of an ICF/IID's secondary building is the lesser of the following:	57981 57982
(a) The difference of the following:	57983
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	57984 57985 57986
(ii) The calendar year the secondary building was initially constructed.	57987 57988
(b) Forty.	57989

(6) The land value of an ICF/IID's secondary building is the product of the following:	57990 57991
(a) The current asset value of the ICF/IID's secondary building as determined under division (F)(3) of this section;	57992 57993
(b) Ten per cent.	57994
(G) For the purposes of divisions (A)(1)(b) and (H)(1)(b)(ii) of this section, the department shall determine the sum of the following for each ICF/IID for each fiscal year:	57995 57996 57997
(1) The quotient of the following:	57998
(a) The ICF/IID's desk-reviewed, actual, allowable capital costs for the applicable cost report year;	57999 58000
(b) The greater of the following:	58001
(i) The number of the ICF/IID's inpatient days for the applicable cost report year;	58002 58003
(ii) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	58004 58005 58006
(2) The following amount:	58007
(a) If the ICF/IID is in peer group 1-A1 or peer group 2-A2 , three dollars;	58008 58009
(b) If the ICF/IID is in peer group 3-A3 , peer group 4-A4 , or peer group 5-A5 , five dollars.	58010 58011
(3) The greater of the following:	58012
(a) Ten per cent of the difference of the following:	58013
(i) The sum of the quotient determined for the fiscal year under division (G)(1) of this section and the applicable amount specified in division (G)(2) of this section;	58014 58015 58016
(ii) The sum determined for the fiscal year under division	58017

(A)(1)(a) of this section.	58018
(b) Zero.	58019
(H) An ICF/IID's per diem nonextensive renovation rate for a fiscal year is the following:	58020 58021
(1) If the sum of the ICF/IID's per diem costs of nonextensive renovations for the applicable cost report year as determined under division (I) of this section and the ICF/IID's per diem costs of ownership for the applicable cost report year as determined under division (J) of this section is greater than the sum determined for the ICF/IID for the fiscal year under division (G) of this section, the lesser of the following:	58022 58023 58024 58025 58026 58027 58028
(a) The ICF/IID's per diem costs of nonextensive renovations for the applicable cost report year as determined under division (I) of this section;	58029 58030 58031
(b) The difference of the following:	58032
(i) The sum of the ICF/IID's per diem costs of nonextensive renovation for the applicable cost report year as determined under division (I) of this section and the ICF/IID's per diem costs of ownership for the applicable cost report year as determined under division (J) of this section;	58033 58034 58035 58036 58037
(ii) The sum determined for the ICF/IID for the fiscal year under division (G) of this section.	58038 58039
(2) If the sum of the ICF/IID's per diem costs of nonextensive renovation for the applicable cost report year as determined under division (I) of this section and the ICF/IID's per diem costs of ownership for the applicable cost report year as determined under division (J) of this section is less than or equal to the sum determined for the ICF/IID for the fiscal year under division (G) of this section, zero.	58040 58041 58042 58043 58044 58045 58046
(I) An ICF/IID's per diem costs of nonextensive renovations	58047

for an applicable cost report year are the quotient of the	58048
following:	58049
(1) The ICF/IID's desk-reviewed, actual, allowable costs of	58050
nonextensive renovations for the applicable cost report year;	58051
(2) The greater of the following:	58052
(a) The number of the ICF/IID's inpatient days for the	58053
applicable cost report year;	58054
(b) The number of inpatient days the ICF/IID would have had	58055
during the applicable cost report year if its occupancy rate had	58056
been ninety-two per cent that year.	58057
(J) An ICF/IID's per diem costs of ownership for an	58058
applicable cost report year are the quotient of the following:	58059
(1) The ICF/IID's desk-reviewed, actual, allowable costs of	58060
ownership for the applicable cost report year;	58061
(2) The greater of the following:	58062
(a) The number of the ICF/IID's inpatient days for the	58063
applicable cost report year;	58064
(b) The number of inpatient days the ICF/IID would have had	58065
during the applicable cost report year if its occupancy rate had	58066
been ninety-two per cent that year.	58067
Sec. 5124.19. (A) For each fiscal year, the department of	58068
developmental disabilities shall determine each ICF/IID's per	58069
medicaid day direct care costs component rate. An ICF/IID's rate	58070
shall be determined as follows:	58071
(1) Determine the product of the following:	58072
(a) The ICF/IID's quarterly case-mix score determined or	58073
assigned under section 5124.193 of the Revised Code for the	58074
following calendar quarter:	58075

(i) For the rate determined for fiscal year 2019, the 58076
calendar quarter ending December 31, 2017; 58077

(ii) For the rate determined for each subsequent fiscal year, 58078
the calendar quarter ending on the last day of March of the 58079
calendar year in which the fiscal year begins. 58080

(b) The lesser of the following: 58081

(i) The ICF/IID's cost per case-mix unit for the applicable 58082
cost report year as determined under division (B) of this section; 58083

(ii) The maximum cost per case-mix unit for the ICF/IID's 58084
peer group for the fiscal year for which the rate is determined as 58085
determined under division (C) of this section. 58086

(2) Adjust the product determined under division (A)(1) of 58087
this section by the inflation rate estimated under division (D) of 58088
this section. 58089

(B) To determine an ICF/IID's cost per case-mix unit for a 58090
cost report year, the department shall determine the quotient of 58091
the following: 58092

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 58093
direct care costs for the cost report year; 58094

(2) The ICF/IID's annual average case-mix score as determined 58095
under section 5124.193 of the Revised Code for the fiscal year for 58096
which the rate is determined. 58097

(C)(1) The maximum cost per case-mix unit for a peer group 58098
for a fiscal year, other than peer group ~~5-A5~~, is the following 58099
percentage above the peer group's median cost per case-mix unit 58100
for that fiscal year: 58101

(a) For peer group ~~1-A1~~, sixteen per cent; 58102

(b) For peer group ~~2-A2~~, fourteen per cent; 58103

(c) For peer group ~~3-A3~~, eighteen per cent; 58104

(d) For peer group ~~4-A4~~, twenty-two per cent. 58105

(2) The maximum cost per case-mix unit for peer group ~~5-A5~~ 58106
for a fiscal year is the ninety-fifth percentile of all ICFs/IID 58107
in peer group ~~5-A5~~ for the applicable cost report year. 58108

(3) In determining the maximum cost per case-mix unit for a 58109
peer group under division (C)(1) of this section, the department 58110
shall exclude from its determination the cost per case-mix unit of 58111
any ICF/IID in the peer group that participated in the medicaid 58112
program under the same provider for less than twelve months during 58113
the applicable cost report year. 58114

(4) In determining the maximum cost per case-mix unit for a 58115
peer group under division (C)(1) or (2) of this section, the 58116
department shall exclude from its determination the cost per 58117
case-mix unit of any ICF/IID in the peer group that has a case-mix 58118
score that was assigned by the department to the ICF/IID under 58119
division (B) of section 5124.193 of the Revised Code. 58120

(5) The department shall not reset a peer group's maximum 58121
cost per case-mix unit for a fiscal year under division (C)(1) or 58122
(2) of this section based on additional information that the 58123
department receives after it sets the maximum for that fiscal 58124
year. The department shall reset a peer group's maximum cost per 58125
case-mix unit for a fiscal year only if it made an error in 58126
setting the maximum for that fiscal year based on information 58127
available to the department at the time it originally sets the 58128
maximum for that fiscal year. 58129

(D) The department shall estimate the rate of inflation for 58130
the eighteen-month period beginning on the first day of July of 58131
the applicable cost report year and ending on the last day of 58132
December of the fiscal year for which the rate is determined, 58133
using the following: 58134

(1) Subject to division (D)(2) of this section, the 58135

employment cost index for total compensation, health care and 58136
social assistance component, published by the United States bureau 58137
of labor statistics; 58138

(2) If the United States bureau of labor statistics ceases to 58139
publish the index specified in division (D)(1) of this section, 58140
the index that is subsequently published by the bureau and covers 58141
the staff costs of ICFs/IID. 58142

Sec. 5124.191. (A) As used in sections 5124.191 to 5124.193 58143
of the Revised Code, "ICF/IID resident" includes an individual who 58144
is on hospital or therapeutic leave from an ICF/IID. 58145

(B) In accordance with rules adopted under section 5124.03 of 58146
the Revised Code, the department of developmental disabilities 58147
shall assess each ICF/IID resident regardless of payment source 58148
and compile complete assessment data on the residents. The 58149
department shall perform the initial assessment of an ICF/IID 58150
resident. The department may perform a subsequent assessment of an 58151
ICF/IID resident under any of the following circumstances: 58152

(1) The provider of the ICF/IID in which the resident resides 58153
or from which the resident is on hospital or therapeutic leave has 58154
submitted to the department under division (D) of this section 58155
revised assessment data for the resident or an attestation of no 58156
changes in the resident's assessment data and the department has 58157
reason to believe that the revised assessment data or attestation 58158
is inaccurate; 58159

(2) The department has reason to believe that the resident's 58160
most recent assessment no longer accurately reflects the 58161
resident's condition; 58162

(3) The department determines that the resident's most recent 58163
assessment should be updated because of the passage of time since 58164
that assessment was performed. 58165

(C) If an ICF/IID provider disagrees with the results of an assessment performed by the department under this section, the provider may request that the department reconsider the results in accordance with rules adopted under section 5124.03 of the Revised Code.

(D) After the department assesses an ICF/IID resident under this section, the provider of the ICF/IID in which the resident resides or from which the resident is on hospital or therapeutic leave shall submit to the department, not later than fifteen days after the end of each subsequent calendar quarter and through the medium or media specified in rules adopted under section 5124.03 of the Revised Code, either of the following:

(1) Revised assessment data for the resident if there are changes in the resident's assessment data;

(2) An attestation that there are no changes in the resident's assessment data.

(E) A resident assessment instrument specified in rules adopted under section 5124.03 of the Revised Code shall be used to compile or revise assessment data of ICF/IID residents under this section. ~~The resident assessment instrument used for the purpose of this section may be different from the resident assessment instrument used for the purpose of section 5124.196 of the Revised Code.~~

Sec. 5124.21. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day indirect care costs component rate. An ICF/IID's rate shall be the lesser of the individual rate determined under division (B) of this section and the maximum rate determined for the ICF/IID's peer group under division (C) of this section.

(B) An ICF/IID's individual rate is the sum of the following:

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem indirect care costs for the applicable cost report year, adjusted for the inflation rate estimated under division (E) of this section; 58196
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(2) Subject to division (D) of this section, an efficiency incentive equal to the difference between the amount of the per diem indirect care costs for the applicable cost report year determined for the ICF/IID under division (B)(1) of this section and the maximum rate established for the ICF/IID's peer group under division (C) of this section for that year. 58200
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(C)(1) The maximum rate for an ICF/IID's peer group shall be the following percentage above the peer group's median per diem indirect care costs for the applicable cost report year: 58206
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(a) For ICFs/IID in peer group ~~1-A1~~, eight per cent; 58209

(b) For ICFs/IID in peer group ~~2-A2~~ or peer group ~~3-A3~~, ten per cent; 58210
58211

(c) For ICFs/IID in peer group ~~4-A4~~ or peer group ~~5-A5~~, twelve per cent. 58212
58213

(2) The department shall not redetermine a peer group's maximum rate under division (C)(1) of this section based on additional information that it receives after the maximum rate is set. The department shall redetermine a peer group's maximum rate only if the department made an error in computing the maximum rate based on the information available to the department at the time of the original calculation. 58214
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(D) The efficiency incentive for an ICF/IID shall not exceed the following: 58221
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(1) If the ICF/IID is in peer group ~~1-A1~~, five per cent of the peer group's maximum rate established under division (C)(1)(a) of this section; 58223
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(2) If the ICF/IID is in peer group ~~2-A2~~, peer group ~~3-A3~~,
peer group ~~4-A4~~, or peer group ~~5-A5~~, six per cent of the peer
group's maximum rate established under division (C)(1)(b) or (c)
of this section.

(E) When adjusting rates for inflation under division (B)(1)
of this section, the department shall estimate the rate of
inflation for the eighteen-month period beginning on the first day
of July of the applicable cost report year and ending on the
thirty-first day of December of the fiscal year for which the rate
is determined. To estimate the rate of inflation, the department
shall use the following:

(1) Subject to division (E)(2) of this section, the consumer
price index for all items for all urban consumers for the midwest
region, published by the United States bureau of labor statistics;

(2) If the United States bureau of labor statistics ceases to
publish the index specified in division (E)(1) of this section, a
comparable index that the bureau publishes and the department
determines is appropriate.

Sec. 5124.23. For each fiscal year, the department of
developmental disabilities shall determine each ICF/IID's per
medicaid day other protected costs component rate. An ICF/IID's
rate shall be the ICF/IID's desk-reviewed, actual, allowable, per
diem other protected costs from the applicable cost report year,
adjusted for inflation using the following:

(A) Subject to division (B) of this section, the consumer
price index for all urban consumers for nonprescription drugs and
medical supplies, as published by the United States bureau of
labor statistics;

(B) If the United States bureau of labor statistics ceases to
publish the index specified in division ~~(B)(1)~~(A) of this section,

the index that is subsequently published by the bureau and covers 58256
nonprescription drugs and medical supplies. 58257

Sec. 5124.29. Except as otherwise provided in section 5124.30 58258
of the Revised Code, the department of developmental disabilities, 58259
in determining whether an ICF/IID's direct care costs and indirect 58260
care costs are allowable, shall place no limit on specific 58261
categories of reasonable costs other than compensation of owners, 58262
compensation of relatives of owners, and compensation of 58263
administrators. 58264

Compensation cost limits for owners and relatives of owners 58265
shall be based on compensation costs for individuals who hold 58266
comparable positions but who are not owners or relatives of 58267
owners, as reported on ICFs/IID's cost reports. As used in this 58268
section, "comparable position" means the position that is held by 58269
the owner or the owner's relative, if that position is listed 58270
separately on the cost report form, or if the position is not 58271
listed separately, the group of positions that is listed on the 58272
cost report form and that includes the position held by the owner 58273
or the owner's relative. In the case of an owner or owner's 58274
relative who serves the ICFs/IID in a capacity such as corporate 58275
officer, proprietor, or partner for which no comparable position 58276
or group of positions is listed on the cost report form, the 58277
compensation cost limit shall be based on civil service 58278
equivalents and shall be specified in rules adopted under section 58279
5124.03 of the Revised Code. 58280

Compensation cost limits for administrators shall be based on 58281
compensation costs for administrators who are not owners or 58282
relatives of owners, as reported on ICFs/IID's cost reports. ~~For~~ 58283
~~the purpose of determining an ICF/IID's total per medicaid day~~ 58284
~~payment rate under division (C) of section 5124.15 of the Revised~~ 58285
~~Code, compensation cost limits for administrators of four or more~~ 58286

~~ICFs/IID shall be the same as the limits for administrators of~~ 58287
~~ICFs/IID with one hundred fifty or more beds.~~ 58288

Sec. 5124.30. Except as provided in ~~sections~~ section 5124.17 58289
~~and 5124.171~~ of the Revised Code, the costs of goods, services, 58290
and facilities, furnished to an ICF/IID provider by a related 58291
party are includable in the allowable costs of the provider at the 58292
reasonable cost to the related party. 58293

Sec. 5124.38. (A) The director of developmental disabilities 58294
shall establish a process under which an ICF/IID provider, or a 58295
group or association of ICF/IID providers, may seek 58296
reconsideration of medicaid payment rates established under this 58297
chapter, ~~including a rate for direct care costs redetermined~~ 58298
~~before the effective date of the rate as a result of an exception~~ 58299
~~review conducted under section 5124.198 of the Revised Code.~~ 58300
Except as provided in divisions (B) to (E) of this section, the 58301
only issue that a provider, group, or association may raise in the 58302
rate reconsideration is whether the rate was calculated in 58303
accordance with this chapter and the rules adopted under section 58304
5124.03 of the Revised Code. The provider, group, or association 58305
may submit written arguments or other materials that support its 58306
position. The provider, group, or association and department shall 58307
take actions regarding the rate reconsideration within time frames 58308
specified in rules authorized by this section. 58309

If the department determines, as a result of the rate 58310
reconsideration, that the rate established for one or more 58311
ICFs/IID is less than the rate to which the ICF/IID is entitled, 58312
the department shall increase the rate. If the department has paid 58313
the incorrect rate for a period of time, the department shall pay 58314
the provider of the ICF/IID the difference between the amount the 58315
provider was paid for that period for the ICF/IID and the amount 58316
the provider should have been paid for the ICF/IID. 58317

(B)(1) The department, through the rate reconsideration process, may increase during a fiscal year the medicaid payment rate determined for an ICF/IID under this chapter if the provider demonstrates that the ICF/IID's actual, allowable costs have increased because of any of the following extreme circumstances:

(a) A natural disaster;

~~(b) A nonextensive renovation approved under division (E) of section 5124.171 of the Revised Code;~~

~~(c)~~ If the ICF/IID has an appropriate claims management program, an increase in the ICF/IID's workers' compensation experience rating of greater than five per cent;

~~(d)~~(c) If the ICF/IID is an inner-city ICF/IID, increased security costs;

~~(e)~~(d) A change of ownership that results from bankruptcy, foreclosure, or findings by the department of health of violations of medicaid certification requirements;

~~(f)~~(e) Other extreme circumstances specified in rules authorized by this section.

(2) An ICF/IID may qualify for a rate increase under this division only if its per diem, actual, allowable costs have increased to a level that exceeds its total rate. An increase under this division is subject to any rate limitations or maximum rates established by this chapter for specific cost centers. Any rate increase granted under this division shall take effect on the first day of the first month after the department receives the request.

(C) The department, through the rate reconsideration process, may increase an ICF/IID's rate as determined under this chapter if the department, in the department's sole discretion, determines that the rate as determined under those sections works an extreme

hardship on the ICF/IID. 58348

(D)(1) ~~When~~ Subject to any applicable limitation under 58349
section 5124.17 of the Revised Code, when beds certified for the 58350
medicaid program are added to an existing ICF/IID or replaced at 58351
the same site, the department, through the rate reconsideration 58352
process, ~~may do either of the following to account for the costs~~ 58353
~~of the beds that are added or replaced:~~ 58354

~~(a) Subject to any applicable limitation under section~~ 58355
~~5124.17 of the Revised Code,~~ proportionately increase the 58356
ICF/IID's per medicaid day capital component rate determined under 58357
that section. 58358

~~(b) Subject to any applicable limitation under section~~ 58359
~~5124.171 of the Revised Code,~~ proportionately increase the 58360
ICF/IID's per medicaid day payment rate for reasonable capital 58361
costs determined under that section to account for the costs of 58362
the beds that are added or replaced. 58363

(2) If the department grants an increase under division 58364
(D)(1)~~(a) or (b)~~ of this section, the increase shall go into 58365
effect one month after the first day of the month after the 58366
department receives sufficient documentation needed to determine 58367
the amount of the increase. 58368

(3) ~~Any rate increase of an ICF/IID's per medicaid day~~ 58369
~~payment rate for reasonable capital costs determined under section~~ 58370
~~5124.171 of the Revised Code that is granted under division~~ 58371
~~(D)(1)(b) of this section after June 30, 1993, shall remain in~~ 58372
~~effect until the earlier of the following:~~ 58373

~~(a) The effective date of a per medicaid day payment rate for~~ 58374
~~reasonable capital costs determined under section 5124.171 of the~~ 58375
~~Revised Code that includes costs incurred for a full calendar year~~ 58376
~~for the bed addition or bed replacement;~~ 58377

~~(b) The date the provider of the ICF/IID begins to be paid a~~ 58378

~~rate determined under division (B) of section 5124.15 of the~~ 58379
~~Revised Code.~~ 58380

~~(4)~~ The provider of an ICF/IID that has its per medicaid day 58381
payment rate for reasonable capital costs increased under division 58382
~~(D)(1)(b)(D)(1)~~ of this section shall report double accumulated 58383
depreciation in an amount equal to the depreciation included in 58384
the rate adjustment on its cost report for the first year of 58385
operation. During the term of any loan used to finance a project 58386
for which the rate increase is granted, the provider, if the 58387
ICF/IID is operated by the same provider, shall subtract from the 58388
interest costs it reports on the ICF/IID's cost report an amount 58389
equal to the difference between the following: 58390

(a) The actual, allowable interest costs for the loan during 58391
the calendar year for which the costs are being reported; 58392

(b) The actual, allowable interest costs attributable to the 58393
loan that were used to calculate the rates paid to the provider 58394
for the ICF/IID during the same calendar year. 58395

(E) If the provider of an ICF/IID submits to the department 58396
revised assessment data for a resident of the ICF/IID under 58397
division (D) of section 5124.191 of the Revised Code and the 58398
revised assessment data results in at least a fifteen per cent 58399
increase in the ICF/IID's case-mix score determined under section 58400
5124.193 of the Revised Code, the provider may request that the 58401
department, through the rate reconsideration process, increase the 58402
ICF/IID's per medicaid day direct care costs component rate 58403
determined under section 5124.19 of the Revised Code to account 58404
for the increase in the ICF/IID's case-mix score. If the 58405
department determines that the revised assessment data so 58406
increases the ICF/IID's case-mix score, the department shall grant 58407
the rate increase. The increase shall go into effect one month 58408
after the first day of the month after the department receives 58409
sufficient documentation needed to determine the amount of the 58410

increase. 58411

(F) The department's decision at the conclusion of a rate 58412
reconsideration process is not subject to any administrative 58413
proceedings under Chapter 119. or any other provision of the 58414
Revised Code. 58415

(G) The director of developmental disabilities shall adopt 58416
rules under section 5124.03 of the Revised Code as necessary to 58417
implement this section. 58418

Sec. 5124.39. (A) Except as provided in divisions (B) and (C) 58419
of this section, if the provider of an ICF/IID in former peer 58420
group 1-B, as that group existed on the date immediately preceding 58421
the effective date of this amendment, obtained approval from the 58422
department of developmental disabilities to become a downsized 58423
ICF/IID not later than July 1, 2018, and the ICF/IID does not 58424
become a downsized ICF/IID by that date, the department shall 58425
recoup from the provider an amount equal to the sum of the 58426
following: 58427

(1) The difference between the amount of the efficiency 58428
incentive payments the ICF/IID earned under former sections 58429
5124.171 and 5124.211 of the Revised Code, as those sections 58430
existed on the date immediately preceding the effective date of 58431
this amendment, because the provider obtained such approval and 58432
the amount of the efficiency incentive payments the ICF/IID would 58433
have earned under those sections had the provider not obtained 58434
such approval; 58435

(2) An amount of interest on the difference determined under 58436
division (A)(1) of this section. 58437

(B) The department shall exempt an ICF/IID provider from a 58438
recoupment otherwise required by this section if the provider 58439
voluntarily repays the department the difference determined under 58440

division (A)(1) of this section. No interest shall be charged on 58441
the amount voluntarily repaid. 58442

(C) The department may exempt an ICF/IID provider from a 58443
recoupment otherwise required by this section if both of the 58444
following apply: 58445

(1) The provider, on or before July 1, 2018, demonstrates to 58446
the department's satisfaction that the provider made a good faith 58447
effort to complete the downsizing by July 1, 2018, but the ICF/IID 58448
did not become a downsized ICF/IID by that date for reasons beyond 58449
the provider's control; 58450

(2) The ICF/IID becomes a downsized ICF/IID within a period 58451
of time after July 1, 2018, that the department determines is 58452
reasonable. 58453

(D) An ICF/IID provider subject to a recoupment under 58454
division (A) of this section or voluntarily making a repayment 58455
under division (B) of this section shall choose one of the 58456
following methods by which the recoupment or voluntary repayment 58457
shall be made: 58458

(1) In a lump sum payment; 58459

(2) Subject to the department's approval, in installment 58460
payments; 58461

(3) In a single deduction from the next available medicaid 58462
payment made to the provider if that payment at least equals the 58463
total amount of the recoupment or voluntary repayment; 58464

(4) Subject to the department's approval, in installment 58465
deductions from medicaid payments made to the provider. 58466

(E) An ICF/IID provider may request that the director of 58467
developmental disabilities reconsider either or both of the 58468
following: 58469

(1) A decision that the provider is subject to a recoupment 58470

under this section; 58471

(2) A determination under this section of the amount to be 58472
recouped from the provider. 58473

(F) The director shall adopt rules under section 5124.03 of 58474
the Revised Code as necessary to implement this section, including 58475
rules specifying how the amount of interest charged under division 58476
(A)(2) of this section is to be determined. 58477

Sec. 5124.40. If an ICF/IID provider properly amends a cost 58478
report for an ICF/IID under section 5124.107 of the Revised Code 58479
and the amended report shows that the provider received a lower 58480
medicaid payment rate under the original cost report than the 58481
provider was entitled to receive, the department of developmental 58482
disabilities shall adjust the provider's rate for the ICF/IID 58483
prospectively to reflect the corrected information. The department 58484
shall pay the adjusted rate beginning two months after the first 58485
day of the month after the provider files the amended cost report. 58486

~~If the department finds, from an exception review of resident 58487
assessment data conducted pursuant to section 5124.198 of the 58488
Revised Code after the effective date of an ICF/IID's rate for 58489
direct care costs that is based on the resident assessment data, 58490
that inaccurate resident assessment data resulted in the provider 58491
receiving a lower rate for the ICF/IID than the provider was 58492
entitled to receive, the department prospectively shall adjust the 58493
provider's rate for the ICF/IID accordingly. The department shall 58494
make payments to the provider using the adjusted rate for the 58495
remainder of the calendar quarter for which the resident 58496
assessment data is used to determine the rate, beginning one month 58497
after the first day of the month after the exception review is 58498
completed. 58499~~

Sec. 5124.41. (A) The department of developmental 58500

disabilities shall redetermine a provider's medicaid payment rate 58501
for an ICF/IID using revised information if ~~any~~ either of the 58502
following results in a determination that the provider received a 58503
higher medicaid payment rate for the ICF/IID than the provider was 58504
entitled to receive: 58505

(1) The provider properly amends a cost report for the 58506
ICF/IID under section 5124.107 of the Revised Code; 58507

(2) The department makes a finding based on an audit under 58508
section 5124.109 of the Revised Code; 58509

~~(3) The department makes a finding based on an exception 58510
review of resident assessment data conducted under section 58511
5124.198 of the Revised Code after the effective date of the 58512
ICF/IID's rate for direct care costs that is based on the resident 58513
assessment data. 58514~~

(B) The department shall apply the redetermined rate to the 58515
periods when the provider received the incorrect rate to determine 58516
the amount of the overpayment. The provider shall refund the 58517
amount of the overpayment. The department may charge the provider 58518
the following amount of interest from the time the overpayment was 58519
made: 58520

(1) If the overpayment resulted from costs reported for 58521
calendar year 1993, the interest shall be not greater than one and 58522
one-half times the current average bank prime rate. 58523

(2) If the overpayment resulted from costs reported for a 58524
subsequent calendar year: 58525

(a) The interest shall be not greater than two times the 58526
current average bank prime rate if the overpayment was not more 58527
than one per cent of the total medicaid payments to the provider 58528
for the fiscal year for which the incorrect information was used 58529
to determine a rate. 58530

(b) The interest shall be not greater than two and one-half 58531
times the current average bank prime rate if the overpayment was 58532
more than one per cent of the total medicaid payments to the 58533
provider for the fiscal year for which the incorrect information 58534
was used to determine a rate. 58535

Sec. 5124.46. All of the following are subject to an 58536
adjudication conducted in accordance with Chapter 119. of the 58537
Revised Code: 58538

(A) Any audit disallowance that the department of 58539
developmental disabilities makes as the result of an audit under 58540
section 5124.109 of the Revised Code; 58541

~~(B) Any adverse finding that results from an exception review 58542
of resident assessment data conducted for an ICF/IID under section 58543
5124.198 of the Revised Code after the effective date of the 58544
ICF/IID's medicaid payment rate for direct care costs that is 58545
based on the resident assessment data; 58546~~

~~(C)~~ Any medicaid payment deemed an overpayment under section 58547
5124.523 of the Revised Code; 58548

~~(D)~~(C) Any penalty the department imposes under section 58549
5124.42 of the Revised Code or section 5124.523 of the Revised 58550
Code. 58551

Sec. 5126.044. (A) As used in this section: 58552

(1) "Eligible person" has the same meaning as in section 58553
5126.03 of the Revised Code. 58554

(2) "Treatment" means the provision, coordination, or 58555
management of services provided to an eligible person. 58556

(3) "Payment" means activities undertaken by a service 58557
provider or governmental entity to obtain or provide reimbursement 58558
for services to an eligible person. 58559

(B) Except as provided in division (C) of this section, no person shall disclose the identity of an individual who requests programs or services under this chapter or release a record or report regarding an eligible person that is maintained by a county board of developmental disabilities or an entity under contract with a county board unless one of the following circumstances exists:

(1) The individual, eligible person, or the individual's guardian, or, if the individual is a minor, the individual's parent or guardian, makes a written request to the county board or entity for or approves in writing disclosure of the individual's identity or release of the record or report regarding the eligible person.

(2) Disclosure of the identity of an individual is needed for approval of a direct services contract under section 5126.032 or 5126.033 of the Revised Code. The county board shall release only the individual's name and the general nature of the services to be provided.

(3) Disclosure of the identity of the individual is needed to ascertain that the county board's waiting lists for programs or services are being maintained in accordance with section 5126.042 of the Revised Code and the rules adopted under that section. The county board shall release only the individual's name, the general nature of the programs or services to be provided the individual, the individual's rank on each waiting list that includes the individual, and any circumstances under which the individual was given priority when placed on a waiting list.

(4) Disclosure of the identity of an individual who is an eligible person is needed for treatment of or payment for services provided to the individual.

(5) Release of a record or report regarding an individual

that is maintained by the county board or an entity under contract 58591
with a county board is requested by a probate court pursuant to a 58592
proceeding under Chapter 2111. of the Revised Code. Any record or 58593
report released under this division may only, in the court's 58594
discretion, be released to the parties to the proceeding. 58595

(6) Release of a record or report regarding an individual 58596
that is maintained by the county board or an entity under contract 58597
with a county board is requested by the department of 58598
developmental disabilities for purposes of a proceeding under 58599
sections 5123.69 to 5123.79 of the Revised Code or for the 58600
department to comply with any court order issued under sections 58601
2945.371 to 2945.402 of the Revised Code. 58602

(C)(1) At the request of an eligible person or the person's 58603
guardian or, if the eligible person is a minor, the person's 58604
parent or guardian, a county board or entity under contract with a 58605
county board shall provide the person who made the request access 58606
to records and reports regarding the eligible person. On written 58607
request, the county board or entity shall provide copies of the 58608
records and reports to the eligible person, guardian, or parent. 58609
The county board or entity may charge a reasonable fee to cover 58610
the costs of copying. The county board or entity may waive the fee 58611
in cases of hardship. 58612

(2) A county board shall provide access to any waiting list 58613
or record or report regarding an eligible person maintained by the 58614
board to any state agency responsible for monitoring and reviewing 58615
programs and services provided or arranged by the county board, 58616
any state agency involved in the coordination of services for an 58617
eligible person, and any agency under contract with the department 58618
of developmental disabilities for the provision of protective 58619
service pursuant to section 5123.56 of the Revised Code. 58620

(3) When an eligible person who requests programs or services 58621
under this chapter dies, the county board or entity under contract 58622

with the county board, shall, on written request, provide to both 58623
of the following persons any reports and records in the board or 58624
entity's possession concerning the eligible person: 58625

(a) If the report or records are necessary to administer the 58626
estate of the person who is the subject of the reports or records, 58627
to the executor or administrator of the person's estate; 58628

(b) To the guardian of the person who is the subject of the 58629
reports or records or, if the individual had no guardian at the 58630
time of death, to a person in the first applicable of the 58631
following categories: 58632

(i) The person's spouse; 58633

(ii) The person's children; 58634

(iii) The person's parents; 58635

(iv) The person's brothers or sisters; 58636

(v) The person's uncles or aunts; 58637

(vi) The person's closest relative by blood or adoption; 58638

(vii) The person's closest relative by marriage. 58639

The county board or entity shall provide the reports and 58640
records as required by division (C)(3) of this section not later 58641
than thirty days after receipt of the request. 58642

(D) A county board shall notify an eligible person, the 58643
person's guardian, or, if the eligible person is a minor, the 58644
person's parent or guardian, prior to destroying any record or 58645
report regarding the eligible person. 58646

Sec. 5126.05. (A) Subject to the rules established by the 58647
director of developmental disabilities pursuant to Chapter 119. of 58648
the Revised Code for programs and services offered pursuant to 58649
this chapter, and subject to the rules established by the state 58650
board of education pursuant to Chapter 119. of the Revised Code 58651

for programs and services offered pursuant to Chapter 3323. of the Revised Code, the county board of developmental disabilities shall:

(1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;

(2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with developmental disabilities;

(3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;

(4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;

(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;

(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and ~~5126.12~~ 5126.131 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;

(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of

employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits. A county board may provide benefits through an individual or joint self-insurance program as provided under section 9.833 of the Revised Code.

(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;

(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities;

(10) Implement an employment first policy that clearly identifies community employment as the desired outcome for every individual of working age who receives services from the board;

(11) Set benchmarks for improving community employment outcomes.

(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.

(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.

(D) A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children

enrolled in classes funded under sections 3317.0213 and 3317.20 of 58714
the Revised Code. 58715

(E) A county board may purchase all necessary insurance 58716
policies, may purchase equipment and supplies through the 58717
department of administrative services or from other sources, and 58718
may enter into agreements with public agencies or nonprofit 58719
organizations for cooperative purchasing arrangements. 58720

(F) A county board may receive by gift, grant, devise, or 58721
bequest any moneys, lands, or property for the benefit of the 58722
purposes for which the board is established and hold, apply, and 58723
dispose of the moneys, lands, and property according to the terms 58724
of the gift, grant, devise, or bequest. All money received by 58725
gift, grant, bequest, or disposition of lands or property received 58726
by gift, grant, devise, or bequest shall be deposited in the 58727
county treasury to the credit of such board and shall be available 58728
for use by the board for purposes determined or stated by the 58729
donor or grantor, but may not be used for personal expenses of the 58730
board members. Any interest or earnings accruing from such gift, 58731
grant, devise, or bequest shall be treated in the same manner and 58732
subject to the same provisions as such gift, grant, devise, or 58733
bequest. 58734

(G) The board of county commissioners shall levy taxes and 58735
make appropriations sufficient to enable the county board of 58736
developmental disabilities to perform its functions and duties, 58737
and may utilize any available local, state, and federal funds for 58738
such purpose. 58739

Sec. 5126.054. Annually, on or before the thirty-first day of 58740
December each year, each county board of developmental 58741
disabilities shall, ~~by resolution, develop and~~ submit to the 58742
department of developmental disabilities ~~an annual plan that~~ 58743
~~includes both of~~ the following ~~components:~~ 58744

~~(A) The number of individuals with developmental disabilities residing in the county who are placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;~~ 58745
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~~(B) The An annual waiver allocation projection that contains the projected number of individuals to whom the board intends to provide home and community-based services based on available funding as projected in the board's annual five-year projection report submitted pursuant to section 5126.053 of the Revised Code;~~ 58750
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~~(C) How the services are to be phased in over the period the plan covers, including how the county board will serve the individuals identified in divisions (A)(1) and (2) of this section;~~ 58755
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~~(D) Any other applicable information or conditions that the department requires as a condition of approving the plan under section 5123.046 of the Revised Code~~(B) Assurances that the county board does both of the following: 58759
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(1) Employs or contracts with a business manager, or has entered into an agreement with another county board that employs or contracts with a business manager to have that business manager serve both counties. The superintendent of a county board shall not serve as the business manager of the county board. 58763
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(2) Employs or contracts with a medicaid services manager, or has entered into an agreement with another county board that employs or contracts with a medicaid services manager to have that medicaid services manager serve both counties. The superintendent of a county board shall not serve as the medicaid services manager of the county board. 58768
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Sec. 5126.055. (A) Except as provided in section 5126.056 of 58774

the Revised Code, a county board of developmental disabilities has 58775
medicaid local administrative authority to, and shall, do all of 58776
the following for an individual with a developmental disability 58777
who resides in the county that the county board serves and seeks 58778
or receives home and community-based services: 58779

(1) Perform assessments and evaluations of the individual. As 58780
part of the assessment and evaluation process, all of the 58781
following apply: 58782

(a) The county board shall make a recommendation to the 58783
department of developmental disabilities on whether the department 58784
should approve or deny the individual's application for the 58785
services, including on the basis of whether the individual needs 58786
the level of care an ICF/IID provides. 58787

(b) If the individual's application is denied because of the 58788
county board's recommendation and the individual appeals pursuant 58789
to section 5160.31 of the Revised Code, the county board shall 58790
present, with the department of developmental disabilities or 58791
department of medicaid, whichever denies the application, the 58792
reasons for the recommendation and denial at the hearing. 58793

(c) If the individual's application is approved, the county 58794
board shall recommend to the departments of developmental 58795
disabilities and medicaid the services that should be included in 58796
the individual service plan. If either department under section 58797
5166.21 of the Revised Code approves, reduces, denies, or 58798
terminates a service included in the plan because of the county 58799
board's recommendation, the board shall present, with the 58800
department that made the approval, reduction, denial, or 58801
termination, the reasons for the recommendation and approval, 58802
reduction, denial, or termination at a hearing held pursuant to an 58803
appeal made under section 5160.31 of the Revised Code. 58804

(2) Perform any duties assigned to the county board in rules 58805

adopted under section 5126.046 of the Revised Code regarding the 58806
individual's right to choose a qualified and willing provider of 58807
the services and, at a hearing held pursuant to an appeal made 58808
under section 5160.31 of the Revised Code, present evidence of the 58809
process for appropriate assistance in choosing providers; 58810

(3) If the county board is certified under section 5123.161 58811
of the Revised Code to provide the services and agrees to provide 58812
the services to the individual and the individual chooses the 58813
county board to provide the services, furnish, in accordance with 58814
the county board's medicaid provider agreement and for the 58815
authorized reimbursement rate, the services the individual 58816
requires; 58817

(4) Monitor the services provided to the individual and 58818
ensure the individual's health, safety, and welfare. The 58819
monitoring shall include quality assurance activities. If the 58820
county board provides the services, the department of 58821
developmental disabilities shall also monitor the services. 58822

(5) Develop, with the individual and the provider of the 58823
individual's services, an effective individual service plan that 58824
includes coordination of services, recommend that the departments 58825
of developmental disabilities and medicaid approve the plan, and 58826
implement the plan unless either department disapproves it. The 58827
plan shall include a summary page, agreed to by the county board, 58828
provider, and individual receiving services, that clearly outlines 58829
the amount, duration, and scope of services to be provided under 58830
the plan. 58831

(6) Have an investigative agent conduct investigations under 58832
section 5126.313 of the Revised Code that concern the individual; 58833

(7) Have a service and support administrator perform the 58834
duties under division (B)(8) of section 5126.15 of the Revised 58835
Code that concern the individual. 58836

(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following:

~~(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the Revised Code;~~

~~(2)~~ All applicable federal and state laws;

~~(3)~~ (2) All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services;

~~(4)~~ (3) The department of medicaid's supervision under its authority as the single state medicaid agency;

~~(5)~~ (4) The department of developmental disabilities' oversight.

(C) The departments of developmental disabilities and medicaid shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.

(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of developmental disabilities. The notice shall include the tasks and responsibilities that the

contract gives to the person or government entity. The person or 58868
government entity shall comply in full with all requirements to 58869
which the county board is subject regarding the person or 58870
government entity's tasks and responsibilities under the contract. 58871
The county board remains ultimately responsible for the tasks and 58872
responsibilities. 58873

(E) A county board that has medicaid local administrative 58874
authority under this section shall, through the departments of 58875
developmental disabilities and medicaid, reply to, and cooperate 58876
in arranging compliance with, a program or fiscal audit or program 58877
violation exception that a state or federal audit or review 58878
discovers. The department of medicaid shall timely notify the 58879
department of developmental disabilities and the county board of 58880
any adverse findings. After receiving the notice, the county 58881
board, in conjunction with the department of developmental 58882
disabilities, shall cooperate fully with the department of 58883
medicaid and timely prepare and send to the department a written 58884
plan of correction or response to the adverse findings. The county 58885
board is liable for any adverse findings that result from an 58886
action it takes or fails to take in its implementation of medicaid 58887
local administrative authority. 58888

(F) If the department of developmental disabilities or 58889
department of medicaid determines that a county board's 58890
implementation of its medicaid local administrative authority 58891
under this section is deficient, the department that makes the 58892
determination shall require that county board do the following: 58893

(1) If the deficiency affects the health, safety, or welfare 58894
of an individual with a developmental disability, correct the 58895
deficiency within twenty-four hours; 58896

(2) If the deficiency does not affect the health, safety, or 58897
welfare of an individual with a developmental disability, receive 58898
technical assistance from the department or submit a plan of 58899

correction to the department that is acceptable to the department 58900
within sixty days and correct the deficiency within the time 58901
required by the plan of correction. 58902

Sec. 5126.056. (A) The department of developmental 58903
disabilities shall take action under division (B) of this section 58904
against a county board of developmental disabilities if ~~any~~ either 58905
of the following are the case: 58906

~~(1) The county board fails to submit to the department all 58907
the components of its annual plan required by section 5126.054 of 58908
the Revised Code. 58909~~

~~(2) The department disapproves the county board's annual plan 58910
under section 5123.046 of the Revised Code. 58911~~

~~(3) The county board fails to implement its annual plan 58912
approved by the department. 58913~~

~~(4) The county board fails to correct a deficiency within the 58914
time required by division (F) of section 5126.055 of the Revised 58915
Code to the satisfaction of the department. 58916~~

~~(5) (2) The county board fails to submit an acceptable plan 58917
of correction to the department within the time required by 58918
division (F)(2) of section 5126.055 of the Revised Code. 58919~~

(B) If required by division (A) of this section to take 58920
action against a county board, the department shall issue an order 58921
terminating the county board's medicaid local administrative 58922
authority over all or part of home and community-based services, 58923
medicaid case management services, or all or part of both of those 58924
services. The department shall provide a copy of the order to the 58925
board of county commissioners, senior probate judge, county 58926
auditor, and president and superintendent of the county board. The 58927
department shall specify in the order the medicaid local 58928
administrative authority that the department is terminating, the 58929

reason for the termination, and the county board's option and 58930
responsibilities under this division. 58931

A county board whose medicaid local administrative authority 58932
is terminated may, not later than thirty days after the department 58933
issues the termination order, recommend to the department that 58934
another county board that has not had any of its medicaid local 58935
administrative authority terminated or another entity the 58936
department approves administer the services for which the county 58937
board's medicaid local administrative authority is terminated. The 58938
department may contract with the other county board or entity to 58939
administer the services. If the department enters into such a 58940
contract, the county board shall adopt a resolution giving the 58941
other county board or entity full medicaid local administrative 58942
authority over the services that the other county board or entity 58943
is to administer. The other county board or entity shall be known 58944
as the contracting authority. 58945

If the department rejects the county board's recommendation 58946
regarding a contracting authority, the county board may appeal the 58947
rejection under section 5123.043 of the Revised Code. 58948

If the county board does not submit a recommendation to the 58949
department regarding a contracting authority within the required 58950
time or the department rejects the county board's recommendation 58951
and the rejection is upheld pursuant to an appeal, if any, under 58952
section 5123.043 of the Revised Code, the department shall appoint 58953
an administrative receiver to administer the services for which 58954
the county board's medicaid local administrative authority is 58955
terminated. To the extent necessary for the department to appoint 58956
an administrative receiver, the department may utilize employees 58957
of the department, management personnel from another county board, 58958
or other individuals who are not employed by or affiliated with in 58959
any manner a person that provides home and community-based 58960
services or medicaid case management services pursuant to a 58961

contract with any county board. The administrative receiver shall 58962
assume full administrative responsibility for the county board's 58963
services for which the county board's medicaid local 58964
administrative authority is terminated. 58965

The contracting authority or administrative receiver shall 58966
develop and submit to the department a plan of correction to 58967
remediate the problems that caused the department to issue the 58968
termination order. If, after reviewing the plan, the department 58969
approves it, the contracting authority or administrative receiver 58970
shall implement the plan. 58971

The county board shall transfer control of state and federal 58972
funds it is otherwise eligible to receive for the services for 58973
which the county board's medicaid local administrative authority 58974
is terminated and funds the county board may use under division 58975
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 58976
share of the services that the county board is required by 58977
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 58978
county board shall transfer control of the funds to the 58979
contracting authority or administrative receiver administering the 58980
services. The amount the county board shall transfer shall be the 58981
amount necessary for the contracting authority or administrative 58982
receiver to fulfill its duties in administering the services, 58983
including its duties to pay its personnel for time worked, travel, 58984
and related matters. If the county board fails to make the 58985
transfer, the department may withhold the state and federal funds 58986
from the county board and bring a mandamus action against the 58987
county board in the court of common pleas of the county served by 58988
the county board or in the Franklin county court of common pleas. 58989
The mandamus action may not require that the county board transfer 58990
any funds other than the funds the county board is required by 58991
division (B) of this section to transfer. 58992

The contracting authority or administrative receiver has the 58993

right to authorize the payment of bills in the same manner that 58994
the county board may authorize payment of bills under this chapter 58995
and section 319.16 of the Revised Code. 58996

Sec. 5126.071. (A) As used in this section, "minority 58997
business enterprise" has the meaning given in division (E)(1) of 58998
section 122.71 of the Revised Code. 58999

(B) Any minority business enterprise that desires to bid on a 59000
contract under division (C) or (D) of this section shall first 59001
apply to the ~~equal employment opportunity coordinator in the~~ 59002
department of ~~administrative services~~development for certification 59003
as a minority business enterprise. The ~~coordinator~~director of 59004
development shall approve the application of any minority business 59005
enterprise that complies with the rules adopted under section 59006
122.71 of the Revised Code. The ~~coordinator~~director shall prepare 59007
and maintain a list of minority business enterprises certified 59008
under this section. 59009

(C) From the contracts to be awarded for the purchases of 59010
equipment, materials, supplies, insurance, and nonprogram 59011
services, other than contracts entered into and exempt under 59012
sections 307.86 and 5126.05 of the Revised Code, each county board 59013
of developmental disabilities shall select a number of contracts 59014
with an aggregate value of approximately fifteen per cent of the 59015
total estimated value of such contracts to be awarded in the 59016
current calendar year. The board shall set aside the contracts so 59017
selected for bidding by minority business enterprises only. The 59018
bidding procedures for such contracts shall be the same as for all 59019
other contracts awarded under section 307.86 of the Revised Code, 59020
except that only minority business enterprises certified and 59021
listed under division (B) of this section shall be qualified to 59022
submit bids. Contracts set aside and awarded under this section 59023
shall not include contracts for the purchase of services such as 59024

direct and ancillary services, service and support administration, 59025
residential services, and family support services. 59026

(D) To the extent that a board is authorized to enter into 59027
contracts for construction which are not exempt from the 59028
competitive bidding requirements of section 307.86 of the Revised 59029
Code, the board shall set aside a number of contracts the 59030
aggregate value of which equals approximately five per cent of the 59031
aggregate value of construction contracts for the current calendar 59032
year for bidding by minority business enterprises only. The 59033
bidding procedures for the contracts set aside for minority 59034
business enterprises shall be the same as for all other contracts 59035
awarded by the board, except that only minority business 59036
enterprises certified and listed under division (B) of this 59037
section shall be qualified to submit bids. 59038

Any contractor awarded a construction contract pursuant to 59039
this section shall make every effort to ensure that certified 59040
minority business subcontractors and materials suppliers 59041
participate in the contract. In the case of contracts specified in 59042
this division, the total value of subcontracts awarded to and 59043
materials and services purchased from minority businesses shall be 59044
at least ten per cent of the total value of the contract, wherever 59045
possible and whenever the contractor awards subcontracts or 59046
purchases materials or services. 59047

(E) In the case of contracts set aside under divisions (C) 59048
and (D) of this section, if no bid is submitted by a minority 59049
business enterprise, the contract shall be awarded according to 59050
normal bidding procedures. The board shall from time to time set 59051
aside such additional contracts as are necessary to replace those 59052
contracts previously set aside on which no minority business 59053
enterprise bid. 59054

(F) This section does not preclude any minority business 59055
enterprise from bidding on any other contract not specifically set 59056

aside for minority business enterprises. 59057

(G) Within ninety days after the beginning of each calendar 59058
year, each county board of developmental disabilities shall file a 59059
report with the department of developmental disabilities that 59060
shows for that calendar year the name of each minority business 59061
enterprise with which the board entered into a contract, the value 59062
and type of each such contract, the total value of contracts 59063
awarded under divisions (C) and (D) of this section, the total 59064
value of contracts awarded for the purchases of equipment, 59065
materials, supplies, or services, other than contracts entered 59066
into under the exemptions of sections 307.86 and 5126.05 of the 59067
Revised Code, and the total value of contracts entered into for 59068
construction. 59069

(H) Any person who intentionally misrepresents that person as 59070
owning, controlling, operating, or participating in a minority 59071
business enterprise for the purpose of obtaining contracts or any 59072
other benefits under this section shall be guilty of theft by 59073
deception as provided for in section 2913.02 of the Revised Code. 59074

Sec. 5126.131. (A)(1) Each regional council established under 59075
section 5126.13 of the Revised Code shall file with the department 59076
of developmental disabilities an annual cost report detailing the 59077
regional council's income and expenditures. 59078

(2) Each county board of developmental disabilities shall 59079
file with the department an annual cost report detailing the 59080
board's income and expenditures. 59081

(B)(1)(a) Unless the department establishes a later date for 59082
all regional council cost reports, each council shall file its 59083
cost report not later than the last day of April. At the written 59084
request of a regional council, the department may grant a 59085
fourteen-day extension for filing the cost report. 59086

(b) Unless the department establishes a later date for all county board cost reports, each board shall file its cost report not later than the last day of May. At the written request of a board, the department may grant a fourteen-day extension for filing the board's cost report.

(2) The cost report shall contain information on the previous calendar year's income and expenditures. Once filed by a regional council or board, no changes may be made to the cost report, including the submission of additional documentation, except as otherwise provided in this section.

(C) Each cost report filed under this section by a regional council or board ~~shall~~ may be audited by the department or an entity designated by the department, utilizing methodology approved by the United States centers for medicare and medicaid services. The department or designated entity shall notify the regional council or board of the date on which the audit is to begin. The department may permit a regional council or board to submit changes to the cost report before the audit begins.

If the department or designated entity determines that a filed cost report is not auditable, it shall provide written notification to the regional council or board of the cost report's deficiencies and may request additional documentation. If the department or designated entity requests additional documentation, the regional council or board shall be given sixty days after the request is made to provide the additional documentation. After sixty days, the department or designated entity shall determine whether the cost report is auditable with any additional documentation provided and shall notify the regional council or board of its determination. The determination of the department or designated entity is final.

(D) The department or designated entity shall certify its audit as complete and file a copy of the certified audit in the

office of the clerk of the governing body, executive officer of 59119
the governing body, and chief fiscal officer of the audited 59120
regional council or board. Changes may not be made to a cost 59121
report once the department or designated entity files the 59122
certified audit. The cost report is not a public record under 59123
section 149.43 of the Revised Code until copies of the cost report 59124
are filed pursuant to this section. 59125

(E) The department may withhold any funds that it distributes 59126
to a regional council or board as subsidy payments if either of 59127
the following is the case: 59128

(1) The cost report is not timely filed by the regional 59129
council or board with the department in accordance with division 59130
(B) of this section. 59131

(2) The cost report is determined not auditable under 59132
division (C) of this section after the department or designated 59133
entity gives the regional council or board sixty days to provide 59134
additional documentation. 59135

(F) Cost reports shall be retained by regional councils and 59136
boards for seven years. The department shall provide annual 59137
training to regional council and board employees regarding cost 59138
reports required by this section. 59139

(G) The department, in accordance with Chapter 119. of the 59140
Revised Code, may adopt any rules necessary to implement this 59141
section. 59142

Sec. 5145.31. (A) As used in this section, "computer," 59143
"computer network," "computer system," "computer services," 59144
"telecommunications service," and "information service" have the 59145
same meanings as in section 2913.01 of the Revised Code. 59146

(B) No officer or employee of a correctional institution 59147
under the control or supervision of the department of 59148

rehabilitation and correction shall provide a prisoner access to 59149
or permit a prisoner to have access to the internet through the 59150
use of a computer, computer network, computer system, computer 59151
services, telecommunications service, or information service 59152
unless both of the following apply: 59153

(1) The prisoner is ~~participating in an approved educational~~ 59154
~~program with direct supervision that requires the use of the~~ 59155
~~internet for training or research purposes~~ accessing the internet 59156
solely for a use or purpose approved by the managing officer of 59157
that prisoner's institution or by the managing officer's designee. 59158

(2) The provision of and access to the internet is in 59159
accordance with rules promulgated by the department of 59160
rehabilitation and correction pursuant to section 5120.62 of the 59161
Revised Code. 59162

(C)(1) No prisoner in a correctional institution under the 59163
control or supervision of the department of rehabilitation and 59164
correction shall access the internet through the use of a 59165
computer, computer network, computer system, computer services, 59166
telecommunications service, or information service unless both of 59167
the following apply: 59168

(a) The prisoner is ~~participating in an approved educational~~ 59169
~~program with direct supervision that requires the use of the~~ 59170
~~internet for training or research purposes~~ accessing the internet 59171
solely for a use or purpose approved by the managing officer of 59172
that prisoner's institution or by the managing officer's designee. 59173

(b) The provision of and access to the internet is in 59174
accordance with rules promulgated by the department of 59175
rehabilitation and correction pursuant to section 5120.62 of the 59176
Revised Code. 59177

(2) Whoever violates division (C)(1) of this section is 59178
guilty of improper internet access, a misdemeanor of the first 59179

degree. 59180

Sec. 5149.31. (A) The department of rehabilitation and 59181
correction shall do all of the following: 59182

(1) Establish and administer a program of subsidies for 59183
eligible counties and groups of counties for felony offenders and 59184
a program of subsidies for eligible municipal corporations, 59185
counties, and groups of counties for misdemeanor offenders for the 59186
development, implementation, and operation of community 59187
corrections programs. Department expenditures for administration 59188
of both programs of subsidies shall not exceed ten per cent of the 59189
moneys appropriated for each of the purposes of this division. 59190

(2) Adopt and promulgate rules, under Chapter 119. of the 59191
Revised Code, providing standards for community corrections 59192
programs. The standards adopted by the department shall specify 59193
the class of offender whose degree of felony, whose community 59194
control sanction revocation history, or whose risk level as 59195
assessed by the single validated risk assessment tool described in 59196
section 5120.114 of the Revised Code, make the offender suitable 59197
for participation in community corrections programs. The rules 59198
shall make the level of subsidy provided to every county or group 59199
of counties contingent upon the number of offenders participating 59200
in community corrections programs each fiscal year who satisfy the 59201
participation suitability standards established by the department 59202
and upon the outcomes of any performance-based standards 59203
established by the department. The standards shall be designed to 59204
improve the quality and efficiency of the programs, to support 59205
evidence-based policies and practices, as defined by the 59206
department, and to reduce the number of persons committed to state 59207
correctional institutions and to county, multicounty, municipal, 59208
municipal-county, or multicounty-municipal jails or workhouses for 59209
offenses for which community control sanctions are authorized 59210

under section 2929.13, 2929.15, or 2929.25 of the Revised Code. In 59211
developing the standards, the department shall consult with, and 59212
seek the advice of, local corrections agencies, law enforcement 59213
agencies, and other public and private agencies concerned with 59214
corrections. The department shall conduct, and permit 59215
participation by local corrections planning boards established 59216
under section 5149.34 of the Revised Code and joint county 59217
corrections planning boards established under section 5149.35 of 59218
the Revised Code in, an annual review of the standards to measure 59219
their effectiveness in promoting the purposes specified in this 59220
division and shall amend or rescind any existing rule providing a 59221
standard or adopt and promulgate additional rules providing 59222
standards, under Chapter 119. of the Revised Code, if the review 59223
indicates that the standards fail to promote the purposes. 59224

(3) Accept and use any funds, goods, or services from the 59225
federal government or any other public or private source for the 59226
support of the subsidy programs established under division (A) of 59227
this section. The department may comply with any conditions and 59228
enter into any agreements that it considers necessary to obtain 59229
these funds, goods, or services. 59230

(4) Adopt rules, in accordance with Chapter 119. of the 59231
Revised Code, and do all other things necessary to implement 59232
sections 5149.30 to 5149.37 of the Revised Code; 59233

(5) Evaluate or provide for the evaluation of community 59234
corrections programs funded by the subsidy programs established 59235
under division (A)(1) of this section and establish means of 59236
measuring their effectiveness; 59237

(6) Prepare an annual report evaluating the subsidy programs 59238
established under division (A)(1) of this section. The report 59239
shall include, but need not be limited to, analyses of the 59240
structure of the programs and their administration by the 59241
department, the effectiveness of the programs in the development 59242

and implementation of community corrections programs, the specific 59243
standards adopted and promulgated under division (A)(2) of this 59244
section and their effectiveness in promoting the purposes of the 59245
programs, and the findings of the evaluations conducted under 59246
division (A)(5) of this section. The director of rehabilitation 59247
and correction shall review and certify the accuracy of the report 59248
and provide copies of it, upon request, to members of the general 59249
assembly. 59250

(7) Provide training or assistance, upon the request of a 59251
local corrections planning board or a joint county corrections 59252
planning board, to any local unit of government, subject to 59253
available resources of the department. 59254

(B)(1) In order to be eligible for the subsidies under this 59255
section, counties, groups of counties, and municipal corporations 59256
shall satisfy all applicable requirements under sections 2301.27 59257
and 2301.30 of the Revised Code and, except for sentencing 59258
decisions made by a court when use of the risk assessment tool is 59259
discretionary, shall utilize the single validated risk assessment 59260
tool selected by the department under section 5120.114 of the 59261
Revised Code. 59262

(2) The department shall give any county, group of counties, 59263
or municipal corporation found to be noncompliant with the 59264
requirements described in division (B)(1) of this section a 59265
reasonable period of time to come into compliance. If the 59266
noncompliant county, group of counties, or municipal corporation 59267
does not become compliant after a reasonable period of time, the 59268
department shall reduce or eliminate the subsidy granted to that 59269
county, group of counties, or municipal corporation. 59270

Sec. 5149.38. (A) In each voluntary county, subject to 59271
division (B) of this section and not later than ~~October~~ September 59272
29, ~~2017~~ 2022, a county commissioner representing the board of 59273

county commissioners of the county, the administrative judge of 59274
the general division of the court of common pleas of the county, 59275
the sheriff of the county, and an official from any municipality 59276
operating a local correctional facility in the county to which 59277
courts of the county sentence offenders shall agree to, sign, and 59278
submit to the department of rehabilitation and correction for its 59279
approval a memorandum of understanding that does ~~both~~ all of the 59280
following: 59281

(1) Sets forth the plans by which the county will use grant 59282
money provided to the county in state fiscal year ~~2018~~ 2023 and 59283
succeeding state fiscal years under the targeting community 59284
alternatives to prison (T-CAP) program; 59285

(2) Specifies the manner in which the county will address a 59286
per diem reimbursement of local correctional facilities for 59287
prisoners who serve a prison term in the facility pursuant to 59288
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 59289
diem reimbursement rate shall be the rate determined in division 59290
(F)(1) of this section and shall be specified in the memorandum; 59291

(3) Specifies whether the memorandum of understanding will 59292
apply to prison terms for felonies of the fifth degree or prison 59293
terms for felonies of the fourth and fifth degree pursuant to 59294
division (B)(3)(c) of section 2929.34 of the Revised Code. 59295

(B) Two or more voluntary counties may join together to 59296
jointly establish a memorandum of understanding of the type 59297
described in division (A) of this section. Not later than ~~October~~ 59298
September 29, ~~2017~~2022, a county commissioner from each of the 59299
affiliating voluntary counties representing the county's board of 59300
county commissioners, the administrative judge of the general 59301
division of the court of common pleas of each affiliating 59302
voluntary county, the sheriff of each affiliating voluntary 59303
county, and an official from any municipality operating a local 59304

correctional facility in the affiliating voluntary counties to 59305
which courts of the counties sentence offenders shall agree to, 59306
sign, and submit to the department of rehabilitation and 59307
correction for its approval the memorandum of understanding. The 59308
memorandum of understanding shall set forth the plans by which, 59309
and specify the manner in which, the affiliating counties will 59310
complete the tasks identified in divisions (A)(1) ~~and (2)~~ to (3) 59311
of this section. 59312

(C) The department of rehabilitation and correction shall 59313
adopt rules establishing standards for approval of memorandums of 59314
understanding submitted to it under division (A) or (B) of this 59315
section. The department shall review the memorandums of 59316
understanding submitted to it and may require the county or 59317
counties that submit a memorandum to modify the memorandum. The 59318
director of rehabilitation and correction shall approve 59319
memorandums of understanding submitted to it under division (A) or 59320
(B) of this section that the director determines satisfy the 59321
standards adopted by the department within thirty days after 59322
receiving each memorandum submitted. 59323

(D) Any person responsible for agreeing to, signing, and 59324
submitting a memorandum of understanding under division (A) or (B) 59325
of this section may delegate the person's authority to do so to an 59326
employee of the agency, entity, or office served by the person. 59327

(E) The persons signing a memorandum of understanding under 59328
division (A) or (B) of this section, or their successors in 59329
office, may revise the memorandum as they determine necessary. Any 59330
revision of the memorandum shall be signed by the parties 59331
specified in division (A) or (B) of this section and submitted to 59332
the department of rehabilitation and correction for its approval 59333
under division (C) of this section within thirty days after the 59334
beginning of the state fiscal year. 59335

(F)(1) In each county, commencing in calendar year ~~2018~~ 2023, 59336

on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.

(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis.

(G) As used in this section:

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.

(2) "Voluntary county" has the same meanings as in section 2929.34 of the Revised Code.

Sec. 5153.122. Each PCSA caseworker hired after January 1, 2007, shall complete at least one hundred two hours of in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who

participated in the university partnership program described in 59367
division (E) of section 5101.141 of the Revised Code and as 59368
provided in section 5153.124 of the Revised Code. The training 59369
shall consist of courses in all of the following: 59370

(A) Recognizing, accepting reports of, and preventing child 59371
abuse, neglect, and dependency; 59372

(B) Assessing child safety; 59373

(C) Assessing risks; 59374

(D) Interviewing persons; 59375

(E) Investigating cases; 59376

(F) Intervening; 59377

(G) Providing services to children and their families; 59378

(H) The importance of and need for accurate data; 59379

(I) Preparation for court; 59380

(J) Maintenance of case record information; 59381

(K) The legal duties of PCSA caseworkers to protect the 59382
constitutional and statutory rights of children and families from 59383
the initial time of contact during investigation through 59384
treatment, including instruction regarding parents' rights and the 59385
limitations that the Fourth Amendment to the United States 59386
Constitution places upon caseworkers and their investigations; 59387

(L) Content on other topics relevant to child abuse, neglect, 59388
and dependency, including permanency strategies, concurrent 59389
planning, and adoption as an option for unintended pregnancies. 59390

After a PCSA caseworker's first year of continuous employment 59391
as a PCSA caseworker, the caseworker annually shall complete 59392
thirty-six hours of training in areas relevant to the caseworker's 59393
assigned duties. 59394

During the first two years of continuous employment as a PCSA 59395

caseworker, each PCSA caseworker shall complete at least twelve 59396
hours of training in recognizing the signs of domestic violence 59397
and its relationship to child abuse as established in rules the 59398
director of job and family services shall adopt pursuant to 59399
Chapter 119. of the Revised Code. The twelve hours may be in 59400
addition to the training required during the caseworker's first 59401
year of employment or part of the training required during the 59402
second year of employment. 59403

Sec. 5153.124. ~~(A)(A)(1)~~ The director of job and family 59404
services shall adopt rules as necessary to implement the training 59405
requirements of sections 5153.122 and 5153.123 of the Revised 59406
Code. 59407

(2) Not later than nine months after the effective date of 59408
the amendment to this section by H.B. 110 of the 134th general 59409
assembly, the director shall adopt rules in accordance with 59410
Chapter 119. of the Revised Code to establish the circumstances 59411
under which an executive director of a public children services 59412
agency may waive portions of in-service training for PCSA 59413
caseworkers, in addition to the waiver described in section 59414
5153.122 of the Revised Code. 59415

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 59416
5153.122 to 5153.127 of the Revised Code, the department of job 59417
and family services may require additional training for PCSA 59418
caseworkers and PCSA caseworker supervisors as necessary to comply 59419
with federal requirements. 59420

Sec. 5153.163. (A) As used in this section, ~~"adoptive:~~ 59421

(1) "Adoptive parent" means, as the context requires, a 59422
prospective adoptive parent or an adoptive parent. 59423

(2) "Relative" has the same meaning as in section 5101.141 of 59424
the Revised Code. 59425

(B)(1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance subsidy payments as needed on behalf of the child when all of the following apply:

(a) The child is a child with special needs.

(b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted.

(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child.

(d) The needs of the child are beyond the economic resources of the adoptive parent.

(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.

(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended.

(g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended.

(2) State adoption maintenance subsidy payment agreements must be made by either the public children services agency that has permanent custody of the child or the public children services agency of the county in which the private child placing agency

that has permanent custody of the child is located. 59456

(3) State adoption maintenance subsidy payments shall be made 59457
in accordance with the agreement between the public children 59458
services agency and the adoptive parent and are subject to an 59459
annual redetermination of need. 59460

(4) Payments under this division may begin either before or 59461
after issuance of the final adoption decree, except that payments 59462
made before issuance of the final adoption decree may be made only 59463
while the child is living in the adoptive parent's home. 59464
Preadoption payments may be made for not more than twelve months, 59465
unless the final adoption decree is not issued within that time 59466
because of a delay in court proceedings. Payments that begin 59467
before issuance of the final adoption decree may continue after 59468
its issuance. 59469

~~(C)(1) If, after the child's adoption is finalized, a public 59470
children services agency considers a child residing in the county 59471
served by the agency to be in need of public care or protective 59472
services, the agency may, to the extent state funds are available 59473
for this purpose, enter into an agreement with the child's 59474
adoptive parent under which the agency may make post adoption 59475
special services subsidy payments on behalf of the child as needed 59476
when both of the following apply: 59477~~

~~(a) The child has a physical or developmental handicap or 59478
mental or emotional condition that either: 59479~~

~~(i) Existed before the adoption petition was filed; or 59480~~

~~(ii) Developed after the adoption petition was filed and can 59481
be directly attributed to factors in the child's preadoption 59482
background, medical history, or biological family's background or 59483
medical history. 59484~~

~~(b) The agency determines the expenses necessitated by the 59485
child's handicap or condition are beyond the adoptive parent's 59486~~

~~economic resources.~~ 59487

~~(2) Services for which a public children services agency may 59488
make post adoption special services subsidy payments on behalf of 59489
a child under this division shall include medical, surgical, 59490
psychiatric, psychological, and counseling services, including 59491
residential treatment. 59492~~

~~(3) The department of job and family services shall establish 59493
clinical standards to evaluate a child's physical or developmental 59494
handicap or mental or emotional condition and assess the child's 59495
need for services. 59496~~

~~(4) The total dollar value of post adoption special services 59497
subsidy payments made on a child's behalf shall not exceed ten 59498
thousand dollars in any fiscal year, unless the department 59499
determines that extraordinary circumstances exist that necessitate 59500
further funding of services for the child. Under such 59501
extraordinary circumstances, the value of the payments made on the 59502
child's behalf shall not exceed fifteen thousand dollars in any 59503
fiscal year. 59504~~

~~(5) The adoptive parent or parents of a child who receives 59505
post adoption special services subsidy payments shall pay at least 59506
five per cent of the total cost of all services provided to the 59507
child; except that a public children services agency may waive 59508
this requirement if the gross annual income of the child's 59509
adoptive family is not more than two hundred per cent of the 59510
federal poverty guideline. 59511~~

~~(6) A public children services agency may use other sources 59512
of revenue to make post adoption special services subsidy 59513
payments, in addition to any state funds appropriated for that 59514
purpose A public children services agency may enter into an 59515
agreement with a child's relative under which the agency, to the 59516
extent state funds are available, may provide state kinship 59517~~

guardianship assistance as needed on behalf of the child when all 59518
of the following apply: 59519

(a) The relative has cared for the eligible child as a foster 59520
caregiver as defined by section 5103.02 of the Revised Code for at 59521
least six consecutive months. 59522

(b) Both of the following apply: 59523

(i) A juvenile court issued an order granting legal custody 59524
of the child to the relative, or a probate court issued an order 59525
granting guardianship of the child to the relative, and the order 59526
is not a temporary court order. 59527

(ii) The relative has committed to care for the child on a 59528
permanent basis. 59529

(c) The relative signed a state kinship guardianship 59530
assistance agreement prior to assuming legal guardianship or legal 59531
custody of the child. 59532

(d) The child had been removed from home pursuant to a 59533
voluntary placement agreement or as a result of a judicial 59534
determination to the effect that continuation in the home would be 59535
contrary to the welfare of the child. 59536

(e) Returning the child home or adoption are not appropriate 59537
permanency options for the child. 59538

(f) The child demonstrates a strong attachment to the 59539
relative and the relative has a strong commitment to caring 59540
permanently for the child. 59541

(g) With respect to a child who has attained fourteen years 59542
of age, the child has been consulted regarding the state kinship 59543
guardianship assistance arrangement. 59544

(h) The child is not eligible for kinship guardianship 59545
assistance payments under Title IV-E of the "Social Security Act," 59546
42 U.S.C. 673(d), as amended. 59547

(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative.

(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C)(1) of this section and is subject to an annual redetermination of need.

(4) Not later than fifteen months after the effective date of this section, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented.

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically handicapped person twenty-one years of age or older.

(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;

(2) The method to determine the amount of assistance payable under division (B) of this section;

(3) The definition of "child with special needs" for this

section; 59579

(4) The process whereby a child's continuing need for 59580
services provided under division (B) or (C) of this section is 59581
annually redetermined; 59582

(5) ~~The method of determining the amount, duration, and scope 59583
of services provided to a child under division (C) of this 59584
section;~~ 59585

~~(6)~~ Any other rule, requirement, or procedure the department 59586
considers appropriate for the implementation of this section. 59587

(F) The state adoption special services subsidy program 59588
ceases to exist on July 1, 2004, except that, subject to the 59589
findings of the annual redetermination process established under 59590
division (E) of this section and the child's individual need for 59591
services, a public children services agency may continue to 59592
provide state adoption special services subsidy payments on behalf 59593
of a child for whom payments were being made prior to July 1, 59594
2004. 59595

(G) ~~No public children services agency shall, pursuant to 59596
either section 2151.353 or 5103.15 of the Revised Code, place or 59597
maintain a child with special needs who is in the permanent 59598
custody of an institution or association certified by the 59599
department of job and family services under section 5103.03 of the 59600
Revised Code in a setting other than with a person seeking to 59601
adopt the child, unless the agency has determined and redetermined 59602
at intervals of not more than six months the impossibility of 59603
adoption by a person who wishes to adopt children, and is approved 59604
by an agency so empowered under Chapter 5103. of the Revised Code, 59605
or by a person who wishes to adopt a child with special needs as 59606
defined in rules adopted under this section, and who is approved 59607
by an agency so empowered under Chapter 5103. of the Revised Code, 59608
including the impossibility of entering into a payment agreement 59609~~

~~with such a person. The agency so maintaining such a child shall~~ 59610
~~report its reasons for doing so to the department of job and~~ 59611
~~family services. Benefits and services provided under this section~~ 59612
~~are inalienable whether by way of assignment, charge, or otherwise~~ 59613
~~and exempt from execution, attachment, garnishment, and other like~~ 59614
~~processes.~~ 59615

~~The department may take any action permitted under section~~ 59616
~~5101.24 of the Revised Code for an agency's failure to determine,~~ 59617
~~redetermine, and report on a child's status.~~ 59618

Sec. 5162.82. Before making any payment rate increases 59619
greater than ten per cent under the medicaid program, the medicaid 59620
director shall notify the joint medicaid oversight committee of 59621
the increase and be available to testify before the joint medicaid 59622
oversight committee regarding the increase. 59623

Sec. 5163.06. The medicaid program shall cover all of the 59624
following optional eligibility groups: 59625

(A) The group consisting of children placed with adoptive 59626
parents who are specified in the "Social Security Act," section 59627
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 59628

(B) Subject to section 5163.061 of the Revised Code, the 59629
group consisting of women during pregnancy and the ~~sixty-day~~ 59630
maximum postpartum period permitted under 42 U.S.C. 1396a(e) 59631
beginning on the last day of the pregnancy, infants, and children 59632
who are specified in the "Social Security Act," section 59633
1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 59634

(C) Subject to sections 5163.09 to 5163.098 of the Revised 59635
Code, the group consisting of employed individuals with 59636
disabilities who are specified in the "Social Security Act," 59637
section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 59638

(D) Subject to sections 5163.09 to 5163.098 of the Revised 59639

Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI); 59640
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(E) The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII); 59644
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(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII)+. 59648
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Sec. 5163.061. The income eligibility threshold is two hundred per cent of the federal poverty line for women during pregnancy and the ~~sixty-day~~ postpartum period beginning on the last day of the pregnancy who are covered by the medicaid program under division (B) of section 5163.06 of the Revised Code. 59652
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Sec. 5165.01. As used in this chapter: 59657

(A) "Affiliated operator" means an operator affiliated with either of the following: 59658
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(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes; 59660
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(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section. 59665
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(B) "Allowable costs" are a nursing facility's costs that the 59668

department of medicaid determines are reasonable. Fines paid under 59669
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 59670
Code are not allowable costs. 59671

(C) "Ancillary and support costs" means all reasonable costs 59672
incurred by a nursing facility other than direct care costs, tax 59673
costs, or capital costs. "Ancillary and support costs" includes, 59674
but is not limited to, costs of activities, social services, 59675
pharmacy consultants, habilitation supervisors, qualified 59676
intellectual disability professionals, program directors, medical 59677
and habilitation records, program supplies, incontinence supplies, 59678
food, enterals, dietary supplies and personnel, laundry, 59679
housekeeping, security, administration, medical equipment, 59680
utilities, liability insurance, bookkeeping, purchasing 59681
department, human resources, communications, travel, dues, license 59682
fees, subscriptions, home office costs not otherwise allocated, 59683
legal services, accounting services, minor equipment, maintenance 59684
and repairs, help-wanted advertising, informational advertising, 59685
start-up costs, organizational expenses, other interest, property 59686
insurance, employee training and staff development, employee 59687
benefits, payroll taxes, and workers' compensation premiums or 59688
costs for self-insurance claims and related costs as specified in 59689
rules adopted under section 5165.02 of the Revised Code, for 59690
personnel listed in this division. "Ancillary and support costs" 59691
also means the cost of equipment, including vehicles, acquired by 59692
operating lease executed before December 1, 1992, if the costs are 59693
reported as administrative and general costs on the nursing 59694
facility's cost report for the cost reporting period ending 59695
December 31, 1992. 59696

(D) "Applicable calendar year" means the calendar year 59697
immediately preceding the calendar year that precedes the first of 59698
the state fiscal years for which a rebasing is conducted. 59699

~~(E)(1)~~(E) For purposes of calculating a critical access 59700

nursing facility's occupancy rate and utilization rate under this 59701
chapter, "as of the last day of the calendar year" refers to the 59702
occupancy and utilization rates during the calendar year 59703
identified in the cost report filed under section 5165.10 of the 59704
Revised Code. 59705

(F)(1) "Capital costs" means the actual expense incurred by a 59706
nursing facility for all of the following: 59707

(a) Depreciation and interest on any capital assets that cost 59708
five hundred dollars or more per item, including the following: 59709

(i) Buildings; 59710

(ii) Building improvements; 59711

(iii) Except as provided in division ~~(C)~~(D) of this section, 59712
equipment; 59713

(iv) Transportation equipment. 59714

(b) Amortization and interest on land improvements and 59715
leasehold improvements; 59716

(c) Amortization of financing costs; 59717

(d) Lease and rent of land, buildings, and equipment. 59718

(2) The costs of capital assets of less than five hundred 59719
dollars per item may be considered capital costs in accordance 59720
with a provider's practice. 59721

~~(F)~~(G) "Capital lease" and "operating lease" shall be 59722
construed in accordance with generally accepted accounting 59723
principles. 59724

~~(G)~~(H) "Case-mix score" means a measure determined under 59725
section 5165.192 of the Revised Code of the relative direct-care 59726
resources needed to provide care and habilitation to a nursing 59727
facility resident. 59728

~~(H)~~(I) "Change of operator" means an entering operator 59729

becoming the operator of a nursing facility in the place of the 59730
exiting operator. 59731

(1) Actions that constitute a change of operator include the 59732
following: 59733

(a) A change in an exiting operator's form of legal 59734
organization, including the formation of a partnership or 59735
corporation from a sole proprietorship; 59736

(b) A transfer of all the exiting operator's ownership 59737
interest in the operation of the nursing facility to the entering 59738
operator, regardless of whether ownership of any or all of the 59739
real property or personal property associated with the nursing 59740
facility is also transferred; 59741

(c) A lease of the nursing facility to the entering operator 59742
or the exiting operator's termination of the exiting operator's 59743
lease; 59744

(d) If the exiting operator is a partnership, dissolution of 59745
the partnership; 59746

(e) If the exiting operator is a partnership, a change in 59747
composition of the partnership unless both of the following apply: 59748

(i) The change in composition does not cause the 59749
partnership's dissolution under state law. 59750

(ii) The partners agree that the change in composition does 59751
not constitute a change in operator. 59752

(f) If the operator is a corporation, dissolution of the 59753
corporation, a merger of the corporation into another corporation 59754
that is the survivor of the merger, or a consolidation of one or 59755
more other corporations to form a new corporation. 59756

(2) The following, alone, do not constitute a change of 59757
operator: 59758

(a) A contract for an entity to manage a nursing facility as 59759

the operator's agent, subject to the operator's approval of daily 59760
operating and management decisions; 59761

(b) A change of ownership, lease, or termination of a lease 59762
of real property or personal property associated with a nursing 59763
facility if an entering operator does not become the operator in 59764
place of an exiting operator; 59765

(c) If the operator is a corporation, a change of one or more 59766
members of the corporation's governing body or transfer of 59767
ownership of one or more shares of the corporation's stock, if the 59768
same corporation continues to be the operator. 59769

~~(I)~~(J) "Cost center" means the following: 59770

(1) Ancillary and support costs; 59771

(2) Capital costs; 59772

(3) Direct care costs; 59773

(4) Tax costs. 59774

~~(J)~~(K) "Custom wheelchair" means a wheelchair to which both 59775
of the following apply: 59776

(1) It has been measured, fitted, or adapted in consideration 59777
of either of the following: 59778

(a) The body size or disability of the individual who is to 59779
use the wheelchair; 59780

(b) The individual's period of need for, or intended use of, 59781
the wheelchair. 59782

(2) It has customized features, modifications, or components, 59783
such as adaptive seating and positioning systems, that the 59784
supplier who assembled the wheelchair, or the manufacturer from 59785
which the wheelchair was ordered, added or made in accordance with 59786
the instructions of the physician of the individual who is to use 59787
the wheelchair. 59788

~~(K)~~(1)(L)(1) "Date of licensure" means the following: 59789

(a) In the case of a nursing facility that was required by 59790
law to be licensed as a nursing home under Chapter 3721. of the 59791
Revised Code when it originally began to be operated as a nursing 59792
home, the date the nursing facility was originally so licensed; 59793

(b) In the case of a nursing facility that was not required 59794
by law to be licensed as a nursing home when it originally began 59795
to be operated as a nursing home, the date it first began to be 59796
operated as a nursing home, regardless of the date the nursing 59797
facility was first licensed as a nursing home. 59798

(2) If, after a nursing facility's original date of 59799
licensure, more nursing home beds are added to the nursing 59800
facility, the nursing facility has a different date of licensure 59801
for the additional beds. This does not apply, however, to 59802
additional beds when both of the following apply: 59803

(a) The additional beds are located in a part of the nursing 59804
facility that was constructed at the same time as the continuing 59805
beds already located in that part of the nursing facility; 59806

(b) The part of the nursing facility in which the additional 59807
beds are located was constructed as part of the nursing facility 59808
at a time when the nursing facility was not required by law to be 59809
licensed as a nursing home. 59810

(3) The definition of "date of licensure" in this section 59811
applies in determinations of nursing facilities' medicaid payment 59812
rates but does not apply in determinations of nursing facilities' 59813
franchise permit fees. 59814

~~(L)~~(M) "Desk-reviewed" means that a nursing facility's costs 59815
as reported on a cost report submitted under section 5165.10 of 59816
the Revised Code have been subjected to a desk review under 59817
section 5165.108 of the Revised Code and preliminarily determined 59818
to be allowable costs. 59819

(M) (N) "Direct care costs" means all of the following costs	59820
incurred by a nursing facility:	59821
(1) Costs for registered nurses, licensed practical nurses,	59822
and nurse aides employed by the nursing facility;	59823
(2) Costs for direct care staff, administrative nursing	59824
staff, medical directors, respiratory therapists, and except as	59825
provided in division (M) (8) (N) (8) of this section, other persons	59826
holding degrees qualifying them to provide therapy;	59827
(3) Costs of purchased nursing services;	59828
(4) Costs of quality assurance;	59829
(5) Costs of training and staff development, employee	59830
benefits, payroll taxes, and workers' compensation premiums or	59831
costs for self-insurance claims and related costs as specified in	59832
rules adopted under section 5165.02 of the Revised Code, for	59833
personnel listed in divisions (M) (1) (N) (1), (2), (4), and (8) of	59834
this section;	59835
(6) Costs of consulting and management fees related to direct	59836
care;	59837
(7) Allocated direct care home office costs;	59838
(8) Costs of habilitation staff (other than habilitation	59839
supervisors), medical supplies, emergency oxygen, over-the-counter	59840
pharmacy products, physical therapists, physical therapy	59841
assistants, occupational therapists, occupational therapy	59842
assistants, speech therapists, audiologists, habilitation	59843
supplies, and universal precautions supplies;	59844
(9) Costs of wheelchairs other than the following:	59845
(a) Custom wheelchairs;	59846
(b) Repairs to and replacements of custom wheelchairs and	59847
parts that are made in accordance with the instructions of the	59848
physician of the individual who uses the custom wheelchair.	59849

(10) Costs of other direct-care resources that are specified 59850
as direct care costs in rules adopted under section 5165.02 of the 59851
Revised Code. 59852

~~(N)~~(O) "Dual eligible individual" has the same meaning as in 59853
section 5160.01 of the Revised Code. 59854

~~(O)~~(P) "Effective date of a change of operator" means the day 59855
the entering operator becomes the operator of the nursing 59856
facility. 59857

~~(P)~~(Q) "Effective date of a facility closure" means the last 59858
day that the last of the residents of the nursing facility resides 59859
in the nursing facility. 59860

~~(Q)~~(R) "Effective date of an involuntary termination" means 59861
the date the department of medicaid terminates the operator's 59862
provider agreement for the nursing facility. 59863

~~(R)~~(S) "Effective date of a voluntary withdrawal of 59864
participation" means the day the nursing facility ceases to accept 59865
new medicaid residents other than the individuals who reside in 59866
the nursing facility on the day before the effective date of the 59867
voluntary withdrawal of participation. 59868

~~(S)~~(T) "Entering operator" means the person or government 59869
entity that will become the operator of a nursing facility when a 59870
change of operator occurs or following an involuntary termination. 59871

~~(T)~~(U) "Exiting operator" means any of the following: 59872

(1) An operator that will cease to be the operator of a 59873
nursing facility on the effective date of a change of operator; 59874

(2) An operator that will cease to be the operator of a 59875
nursing facility on the effective date of a facility closure; 59876

(3) An operator of a nursing facility that is undergoing or 59877
has undergone a voluntary withdrawal of participation; 59878

(4) An operator of a nursing facility that is undergoing or 59879

has undergone an involuntary termination. 59880

~~(U)~~(1)~~(V)~~(1) Subject to divisions ~~(U)~~(2)~~(V)~~(2) and (3) of 59881
this section, "facility closure" means either of the following: 59882

(a) Discontinuance of the use of the building, or part of the 59883
building, that houses the facility as a nursing facility that 59884
results in the relocation of all of the nursing facility's 59885
residents; 59886

(b) Conversion of the building, or part of the building, that 59887
houses a nursing facility to a different use with any necessary 59888
license or other approval needed for that use being obtained and 59889
one or more of the nursing facility's residents remaining in the 59890
building, or part of the building, to receive services under the 59891
new use. 59892

(2) A facility closure occurs regardless of any of the 59893
following: 59894

(a) The operator completely or partially replacing the 59895
nursing facility by constructing a new nursing facility or 59896
transferring the nursing facility's license to another nursing 59897
facility; 59898

(b) The nursing facility's residents relocating to another of 59899
the operator's nursing facilities; 59900

(c) Any action the department of health takes regarding the 59901
nursing facility's medicaid certification that may result in the 59902
transfer of part of the nursing facility's survey findings to 59903
another of the operator's nursing facilities; 59904

(d) Any action the department of health takes regarding the 59905
nursing facility's license under Chapter 3721. of the Revised 59906
Code. 59907

(3) A facility closure does not occur if all of the nursing 59908
facility's residents are relocated due to an emergency evacuation 59909

and one or more of the residents return to a medicaid-certified 59910
bed in the nursing facility not later than thirty days after the 59911
evacuation occurs. 59912

~~(V)~~(W) "Franchise permit fee" means the fee imposed by 59913
sections 5168.40 to 5168.56 of the Revised Code. 59914

~~(W)~~(X) "Inpatient days" means both of the following: 59915

(1) All days during which a resident, regardless of payment 59916
source, occupies a licensed bed in a nursing facility ~~that is~~ 59917
~~included in the nursing facility's medicaid-certified capacity;~~ 59918

(2) Fifty per cent of the days for which payment is made 59919
under section 5165.34 of the Revised Code. 59920

~~(X)~~(Y) "Involuntary termination" means the department of 59921
medicaid's termination of the operator's provider agreement for 59922
the nursing facility when the termination is not taken at the 59923
operator's request. 59924

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid 59925
recipient residing in a nursing facility who, for purposes of 59926
calculating the nursing facility's medicaid payment rate for 59927
direct care costs, is placed in either of the two lowest resource 59928
utilization groups, excluding any resource utilization group that 59929
is a default group used for residents with incomplete assessment 59930
data. 59931

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 59932
facility's expenditures that are necessary and proper to maintain 59933
an asset in a normally efficient working condition and that do not 59934
extend the useful life of the asset two years or more. 59935
"Maintenance and repair expenses" includes but is not limited to 59936
the costs of ordinary repairs such as painting and wallpapering. 59937

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 59938
nursing facility's beds that are certified for participation in 59939

medicaid as nursing facility beds. 59940

~~(BB)~~(CC) "Medicaid days" means both of the following: 59941

(1) All days during which a resident who is a medicaid 59942
recipient eligible for nursing facility services occupies a bed in 59943
a nursing facility that is included in the nursing facility's 59944
medicaid-certified capacity; 59945

(2) Fifty per cent of the days for which payment is made 59946
under section 5165.34 of the Revised Code. 59947

~~(CC)~~(1)(DD)(1) "New nursing facility" means a nursing 59948
facility for which the provider obtains an initial provider 59949
agreement following medicaid certification of the nursing facility 59950
by the director of health, including such a nursing facility that 59951
replaces one or more nursing facilities for which a provider 59952
previously held a provider agreement. 59953

(2) "New nursing facility" does not mean a nursing facility 59954
for which the entering operator seeks a provider agreement 59955
pursuant to section 5165.511 or 5165.512 or (pursuant to section 59956
5165.515) section 5165.07 of the Revised Code. 59957

~~(DD)~~(EE) "Nursing facility" has the same meaning as in the 59958
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 59959

~~(EE)~~(FF) "Nursing facility services" has the same meaning as 59960
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 59961

~~(FF)~~(GG) "Nursing home" has the same meaning as in section 59962
3721.01 of the Revised Code. 59963

~~(GG)~~(HH) "Occupancy rate" means the percentage of licensed 59964
beds that, regardless of payer source, are either of the 59965
following: 59966

(1) Reserved for use under section 5165.34 of the Revised 59967
Code; 59968

(2) Actually being used. 59969

(II) "Operator" means the person or government entity 59970
responsible for the daily operating and management decisions for a 59971
nursing facility. 59972

~~(HH)~~~~(1)~~(JJ)(1) "Owner" means any person or government entity 59973
that has at least five per cent ownership or interest, either 59974
directly, indirectly, or in any combination, in any of the 59975
following regarding a nursing facility: 59976

(a) The land on which the nursing facility is located; 59977

(b) The structure in which the nursing facility is located; 59978

(c) Any mortgage, contract for deed, or other obligation 59979
secured in whole or in part by the land or structure on or in 59980
which the nursing facility is located; 59981

(d) Any lease or sublease of the land or structure on or in 59982
which the nursing facility is located. 59983

(2) "Owner" does not mean a holder of a debenture or bond 59984
related to the nursing facility and purchased at public issue or a 59985
regulated lender that has made a loan related to the nursing 59986
facility unless the holder or lender operates the nursing facility 59987
directly or through a subsidiary. 59988

~~(II)~~(KK) "Per diem" means a nursing facility's actual, 59989
allowable costs in a given cost center in a cost reporting period, 59990
divided by the nursing facility's inpatient days for that cost 59991
reporting period. 59992

~~(JJ)~~(LL) "Provider" means an operator with a provider 59993
agreement. 59994

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as 59995
defined in section 5164.01 of the Revised Code, that is between 59996
the department of medicaid and the operator of a nursing facility 59997
for the provision of nursing facility services under the medicaid 59998
program. 59999

~~(LL)~~(NN) "Purchased nursing services" means services that are 60000
provided in a nursing facility by registered nurses, licensed 60001
practical nurses, or nurse aides who are not employees of the 60002
nursing facility. 60003

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost 60004
that is appropriate and helpful to develop and maintain the 60005
operation of patient care facilities and activities, including 60006
normal standby costs, and that does not exceed what a prudent 60007
buyer pays for a given item or services. Reasonable costs may vary 60008
from provider to provider and from time to time for the same 60009
provider. 60010

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the 60011
following using information from cost reports for an applicable 60012
calendar year that is later than the applicable calendar year used 60013
for the previous rebasing: 60014

(1) Each peer group's rate for ancillary and support costs as 60015
determined pursuant to division (C) of section 5165.16 of the 60016
Revised Code; 60017

(2) Each peer group's rate for capital costs as determined 60018
pursuant to division (C) of section 5165.17 of the Revised Code; 60019

(3) Each peer group's cost per case-mix unit as determined 60020
pursuant to division (C) of section 5165.19 of the Revised Code; 60021

(4) Each nursing facility's rate for tax costs as determined 60022
pursuant to section 5165.21 of the Revised Code. 60023

~~(OO)~~(QQ) "Related party" means an individual or organization 60024
that, to a significant extent, has common ownership with, is 60025
associated or affiliated with, has control of, or is controlled 60026
by, the provider. 60027

(1) An individual who is a relative of an owner is a related 60028
party. 60029

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other nursing facilities from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by nursing facilities.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

~~(PP)~~ (RR) "Relative of owner" means an individual who is related to an owner of a nursing facility by one of the following relationships:

(1) Spouse;	60061
(2) Natural parent, child, or sibling;	60062
(3) Adopted parent, child, or sibling;	60063
(4) Stepparent, stepchild, stepbrother, or stepsister;	60064
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	60065 60066
(6) Grandparent or grandchild;	60067
(7) Foster caregiver, foster child, foster brother, or foster sister.	60068 60069
(QQ) (SS) "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.	60070 60071
(RR) (TT) "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).	60072 60073 60074
(SS) (UU) "State fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	60075 60076
(TT) (VV) "Sponsor" has the same meaning as in section 3721.10 of the Revised Code.	60077 60078
(UU) (WW) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.	60079 60080 60081
(VV) (XX) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.	60082 60083
(WW) (YY) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	60084 60085
(XX) (ZZ) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.	60086 60087 60088 60089

Sec. 5165.15. Except as otherwise provided by sections 60090
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 60091
per medicaid day payment rate that the department of medicaid 60092
shall pay a nursing facility provider for nursing facility 60093
services the provider's nursing facility provides during a state 60094
fiscal year shall be determined as follows: 60095

(A) Determine the sum of all of the following: 60096

(1) The per medicaid day payment rate for ancillary and 60097
support costs determined for the nursing facility under section 60098
5165.16 of the Revised Code; 60099

(2) The per medicaid day payment rate for capital costs 60100
determined for the nursing facility under section 5165.17 of the 60101
Revised Code; 60102

(3) The per medicaid day payment rate for direct care costs 60103
determined for the nursing facility under section 5165.19 of the 60104
Revised Code; 60105

(4) The per medicaid day payment rate for tax costs 60106
determined for the nursing facility under section 5165.21 of the 60107
Revised Code; 60108

(5) If the nursing facility qualifies as a critical access 60109
nursing facility, the nursing facility's critical access incentive 60110
payment paid under section 5165.23 of the Revised Code. 60111

(B) To the sum determined under division (A) of this section, 60112
add sixteen dollars and forty-four cents. 60113

(C) From the sum determined under division (B) of this 60114
section, subtract one dollar and seventy-nine cents. 60115

~~(D) To the difference determined under division (C) of this 60116
section, add the per medicaid day quality payment rate determined 60117
for the nursing facility under section 5165.25 of the Revised 60118
Code. 60119~~

~~(E)~~ To the sum determined under division ~~(D)~~(C) of this 60120
section, add, for state fiscal year ~~2021~~ 2022 and for state fiscal 60121
year 2023, the per medicaid day quality incentive payment rate 60122
determined for the nursing facility under section 5165.26 of the 60123
Revised Code. 60124

Sec. 5165.151. (A) The total per medicaid day payment rate 60125
determined under section 5165.15 of the Revised Code shall not be 60126
the initial rate for nursing facility services provided by a new 60127
nursing facility. Instead, the initial total per medicaid day 60128
payment rate for nursing facility services provided by a new 60129
nursing facility shall be determined in the following manner: 60130

(1) The initial rate for ancillary and support costs shall be 60131
the rate for the new nursing facility's peer group determined 60132
under division (C) of section 5165.16 of the Revised Code. 60133

(2) The initial rate for capital costs shall be the rate for 60134
the new nursing facility's peer group determined under division 60135
(C) of section 5165.17 of the Revised Code; 60136

(3) The initial rate for direct care costs shall be the 60137
product of the cost per case-mix unit determined under division 60138
(C) of section 5165.19 of the Revised Code for the new nursing 60139
facility's peer group and the new nursing facility's case-mix 60140
score determined under division (B) of this section. 60141

(4) The initial rate for tax costs shall be the following: 60142

(a) If the provider of the new nursing facility submits to 60143
the department of medicaid the nursing facility's projected tax 60144
costs for the calendar year in which the provider obtains an 60145
initial provider agreement for the new nursing facility, an amount 60146
determined by dividing those projected tax costs by the number of 60147
inpatient days the nursing facility would have for that calendar 60148
year if its occupancy rate were one hundred per cent; 60149

(b) If division (A)(4)(a) of this section does not apply, the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (B) of section 5165.16 of the Revised Code.

~~(5) The quality payment shall be the mean quality payment rate determined for nursing facilities under section 5165.25 of the Revised Code.~~

~~(6)~~ Fourteen dollars and sixty-five cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to ~~(5)~~(4) of this section.

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following:

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group;

(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities.

(C) Subject to division (D) of this section, the department of medicaid shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter.

(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average

case-mix score for the new nursing facility's peer group, the rate 60181
shall be redetermined to reflect the new nursing facility's actual 60182
semiannual average case-mix score determined under section 60183
5165.192 of the Revised Code after the new nursing facility 60184
submits its first two quarterly assessment data that qualify for 60185
use in calculating a case-mix score in accordance with rules 60186
authorized by section 5165.192 of the Revised Code. If the new 60187
nursing facility's quarterly submissions do not qualify for use in 60188
calculating a case-mix score, the department shall continue to use 60189
the median annual average case-mix score for the new nursing 60190
facility's peer group in lieu of the new nursing facility's 60191
semiannual case-mix score until the new nursing facility submits 60192
two consecutive quarterly assessment data that qualify for use in 60193
calculating a case-mix score. 60194

Sec. 5165.16. (A) The department of medicaid shall determine 60195
each nursing facility's per medicaid day payment rate for 60196
ancillary and support costs. A nursing facility's rate shall be 60197
the rate determined under division (C) of this section for the 60198
nursing facility's peer group. 60199

(B) For the purpose of determining nursing facilities' rates 60200
for ancillary and support costs, the department shall establish 60201
six peer groups composed as follows: 60202

(1) Each nursing facility located in any of the following 60203
counties shall be placed in peer group one or two: Brown, Butler, 60204
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 60205
located in any of those counties that has fewer than one hundred 60206
beds shall be placed in peer group one. Each nursing facility 60207
located in any of those counties that has one hundred or more beds 60208
shall be placed in peer group two. 60209

(2) Each nursing facility located in any of the following 60210
counties shall be placed in peer group three or four: Allen, 60211

Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 60212
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 60213
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 60214
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 60215
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 60216
nursing facility located in any of those counties that has fewer 60217
than one hundred beds shall be placed in peer group three. Each 60218
nursing facility located in any of those counties that has one 60219
hundred or more beds shall be placed in peer group four. 60220

(3) Each nursing facility located in any of the following 60221
counties shall be placed in peer group five or six: Adams, 60222
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 60223
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 60224
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 60225
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 60226
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 60227
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 60228
and Wyandot. Each nursing facility located in any of those 60229
counties that has fewer than one hundred beds shall be placed in 60230
peer group five. Each nursing facility located in any of those 60231
counties that has one hundred or more beds shall be placed in peer 60232
group six. 60233

(C)(1) The department shall determine the rate for ancillary 60234
and support costs for each peer group established under division 60235
(B) of this section. The rate for ancillary and support costs 60236
determined under this division for a peer group shall be used for 60237
subsequent years until the department conducts a rebasing. To 60238
determine a peer group's rate for ancillary and support costs, the 60239
department shall do all of the following: 60240

(a) ~~Subject to division (C)(2) of this section, determine~~ 60241
Determine the rate for ancillary and support costs for each 60242
nursing facility in the peer group for the applicable calendar 60243

year by using the greater of the nursing facility's actual 60244
inpatient days for the applicable calendar year or the inpatient 60245
days the nursing facility would have had for the applicable 60246
calendar year if its occupancy rate had been ninety per cent; 60247

(b) Subject to division ~~(C)(3)~~ (C)(2) of this section, 60248
identify which nursing facility in the peer group is at the 60249
twenty-fifth percentile of the rate for ancillary and support 60250
costs for the applicable calendar year determined under division 60251
(C)(1)(a) of this section; 60252

(c) Multiply the rate for ancillary and support costs 60253
determined under division (C)(1)(a) of this section for the 60254
nursing facility identified under division (C)(1)(b) of this 60255
section by the rate of inflation for the eighteen-month period 60256
beginning on the first day of July of the applicable calendar year 60257
and ending the last day of December of the calendar year 60258
immediately following the applicable calendar year using the 60259
following: 60260

(i) Except as provided in division (C)(1)(c)(ii) of this 60261
section, the consumer price index for all items for all urban 60262
consumers for the midwest region, published by the United States 60263
bureau of labor statistics; 60264

(ii) If the United States bureau of labor statistics ceases 60265
to publish the index specified in division (C)(1)(c)(i) of this 60266
section, the index the bureau subsequently publishes that covers 60267
urban consumers' prices for items for the region that includes 60268
this state. 60269

~~(2) For the purpose of determining a nursing facility's 60270
occupancy rate under division (C)(1)(a) of this section, the 60271
department shall include any beds that the nursing facility 60272
removes from its medicaid certified capacity unless the nursing 60273
facility also removes the beds from its licensed bed capacity. 60274~~

~~(3)~~ In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

~~(4)~~(3) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

Sec. 5165.17. (A) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for capital costs. A nursing facility's rate shall be the rate determined under division (C) of this section for the nursing facility's peer group.

(B) For the purpose of determining nursing facilities' rates for capital costs, the department shall establish six peer groups.

(1) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds

shall be placed in peer group two. 60305

(2) Each nursing facility located in any of the following 60306
counties shall be placed in peer group three or four: Allen, 60307
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 60308
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 60309
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 60310
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 60311
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 60312
nursing facility located in any of those counties that has fewer 60313
than one hundred beds shall be placed in peer group three. Each 60314
nursing facility located in any of those counties that has one 60315
hundred or more beds shall be placed in peer group four. 60316

(3) Each nursing facility located in any of the following 60317
counties shall be placed in peer group five or six: Adams, 60318
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 60319
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 60320
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 60321
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 60322
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 60323
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 60324
and Wyandot. Each nursing facility located in any of those 60325
counties that has fewer than one hundred beds shall be placed in 60326
peer group five. Each nursing facility located in any of those 60327
counties that has one hundred or more beds shall be placed in peer 60328
group six. 60329

(C)(1) The department shall determine the rate for capital 60330
costs for each peer group established under division (B) of this 60331
section. The rate for capital costs determined under this division 60332
for a peer group shall be used for subsequent years until the 60333
department conducts a rebasing. A peer group's rate for capital 60334
costs shall be the rate for capital costs for the nursing facility 60335
in the peer group that is at the twenty-fifth percentile of the 60336

rate for capital costs for the applicable calendar year. 60337

(2) To identify the nursing facility in a peer group that is 60338
at the twenty-fifth percentile of the rate for capital costs for 60339
the applicable calendar year, the department shall do both of the 60340
following: 60341

(a) ~~Subject to division (C)(3) of this section, use~~ Use the 60342
greater of each nursing facility's actual inpatient days for the 60343
applicable calendar year or the inpatient days the nursing 60344
facility would have had for the applicable calendar year if its 60345
occupancy rate had been one hundred per cent; 60346

(b) Exclude both of the following: 60347

(i) Nursing facilities that participated in the medicaid 60348
program under the same provider for less than twelve months in the 60349
applicable calendar year; 60350

(ii) Nursing facilities whose capital costs are more than one 60351
standard deviation from the mean desk-reviewed, actual, allowable, 60352
per diem capital cost for all nursing facilities in the nursing 60353
facility's peer group for the applicable calendar year. 60354

(3) ~~For the purpose of determining a nursing facility's~~ 60355
~~occupancy rate under division (C)(2)(a) of this section, the~~ 60356
~~department shall include any beds that the nursing facility~~ 60357
~~removes from its medicaid certified capacity after June 30, 2005,~~ 60358
~~unless the nursing facility also removes the beds from its~~ 60359
~~licensed bed capacity.~~ 60360

~~(4)~~ The department shall not redetermine a peer group's rate 60361
for capital costs under this division based on additional 60362
information that it receives after the rate is determined. The 60363
department shall redetermine a peer group's rate for capital costs 60364
only if the department made an error in determining the rate based 60365
on information available to the department at the time of the 60366
original determination. 60367

(D) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under this chapter is used to reimburse the government agency.

(E) The capital cost basis of nursing facility assets shall be determined in the following manner:

(1) Except as provided in division (E)(3) of this section, for purposes of calculating the rates to be paid for facilities with dates of licensure on or before June 30, 1993, the capital cost basis of each asset shall be equal to the desk-reviewed, actual, allowable, capital cost basis that is listed on the facility's cost report for the calendar year preceding the state fiscal year during which the rate will be paid.

(2) For facilities with dates of licensure after June 30, 1993, the capital cost basis shall be determined in accordance with the principles of the medicare program, except as otherwise provided in this chapter.

(3) Except as provided in division (E)(4) of this section, if a provider transfers an interest in a facility to another provider after June 30, 1993, there shall be no increase in the capital cost basis of the asset if the providers are related parties or the provider to which the interest is transferred authorizes the provider that transferred the interest to continue to operate the

facility under a lease, management agreement, or other 60400
arrangement. If the previous sentence does not prohibit the 60401
adjustment of the capital cost basis under this division, the 60402
basis of the asset shall be adjusted by one-half of the change in 60403
the consumer price index for all items for all urban consumers, as 60404
published by the United States bureau of labor statistics, during 60405
the time that the transferor held the asset. 60406

(4) If a provider transfers an interest in a facility to 60407
another provider who is a related party, the capital cost basis of 60408
the asset shall be adjusted as specified in division (E)(3) of 60409
this section if all of the following conditions are met: 60410

(a) The related party is a relative of owner; 60411

(b) Except as provided in division (E)(4)(c)(ii) of this 60412
section, the provider making the transfer retains no ownership 60413
interest in the facility; 60414

(c) The department determines that the transfer is an arm's 60415
length transaction pursuant to rules adopted under section 5165.02 60416
of the Revised Code. The rules shall provide that a transfer is an 60417
arm's length transaction if all of the following apply: 60418

(i) Once the transfer goes into effect, the provider that 60419
made the transfer has no direct or indirect interest in the 60420
provider that acquires the facility or the facility itself, 60421
including interest as an owner, officer, director, employee, 60422
independent contractor, or consultant, but excluding interest as a 60423
creditor. 60424

(ii) The provider that made the transfer does not reacquire 60425
an interest in the facility except through the exercise of a 60426
creditor's rights in the event of a default. If the provider 60427
reacquires an interest in the facility in this manner, the 60428
department shall treat the facility as if the transfer never 60429
occurred when the department calculates its reimbursement rates 60430

for capital costs. 60431

(iii) The transfer satisfies any other criteria specified in 60432
the rules. 60433

(d) Except in the case of hardship caused by a catastrophic 60434
event, as determined by the department, or in the case of a 60435
provider making the transfer who is at least sixty-five years of 60436
age, not less than twenty years have elapsed since, for the same 60437
facility, the capital cost basis was adjusted most recently under 60438
division (E)(4) of this section or actual, allowable capital costs 60439
was determined most recently under division (F)(9) of this 60440
section. 60441

(F) As used in this division: 60442

"Imputed interest" means the lesser of the prime rate plus 60443
two per cent or ten per cent. 60444

"Lease expense" means lease payments in the case of an 60445
operating lease and depreciation expense and interest expense in 60446
the case of a capital lease. 60447

"New lease" means a lease, to a different lessee, of a 60448
nursing facility that previously was operated under a lease. 60449

(1) Subject to division (A) of this section, for a lease of a 60450
facility that was effective on May 27, 1992, the entire lease 60451
expense is an actual, allowable capital cost during the term of 60452
the existing lease. The entire lease expense also is an actual, 60453
allowable capital cost if a lease in existence on May 27, 1992, is 60454
renewed under either of the following circumstances: 60455

(a) The renewal is pursuant to a renewal option that was in 60456
existence on May 27, 1992; 60457

(b) The renewal is for the same lease payment amount and 60458
between the same parties as the lease in existence on May 27, 60459
1992. 60460

(2) Subject to division (A) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (A) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of financing costs and interest expense at the inception of the lease or the imputed interest expense calculated at the inception of the lease using seventy per cent of the lessor's historical capital asset cost basis.

(4) Subject to division (A) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that was not initially operated under a lease and has been in existence

for ten years, actual, allowable capital costs shall include the 60493
lesser of the annual lease expense or the annual depreciation 60494
expense and imputed interest expense that would be calculated at 60495
the inception of the lease using the entire historical capital 60496
asset cost basis of one-half of the change in the consumer price 60497
index for all items for all urban consumers, as published by the 60498
United States bureau of labor statistics, during the time the 60499
lessor held each asset until the beginning of the lease. 60500

(5) Subject to division (A) of this section, for a new lease 60501
of a facility that was operated under a lease on May 27, 1992, 60502
actual, allowable capital costs shall include the lesser of the 60503
annual new lease expense or the annual old lease payment. If the 60504
old lease was in effect for ten years or longer, the old lease 60505
payment from the beginning of the old lease shall be adjusted by 60506
one-half of the change in the consumer price index for all items 60507
for all urban consumers, as published by the United States bureau 60508
of labor statistics, from the beginning of the old lease to the 60509
beginning of the new lease. 60510

(6) Subject to division (A) of this section, for a new lease 60511
of a facility that was not in existence or that was in existence 60512
but not operated under a lease on May 27, 1992, actual, allowable 60513
capital costs shall include the lesser of annual new lease expense 60514
or the annual amount calculated for the old lease under division 60515
(F)(2), (3), (4), or (6) of this section, as applicable. If the 60516
old lease was in effect for ten years or longer, the lessor's 60517
historical capital asset cost basis shall be, for purposes of 60518
calculating the annual amount under division (F)(2), (3), (4), or 60519
(6) of this section, adjusted by one-half of the change in the 60520
consumer price index for all items for all urban consumers, as 60521
published by the United States bureau of labor statistics, from 60522
the beginning of the old lease to the beginning of the new lease. 60523

In the case of a lease under division (F)(3) of this section 60524

of a facility for which a substantial commitment of money was made 60525
after December 22, 1992, and before July 1, 1993, the old lease 60526
payment shall be adjusted for the purpose of determining the 60527
annual amount. 60528

(7) For any revision of a lease described in division (F)(1), 60529
(2), (3), (4), (5), or (6) of this section, or for any subsequent 60530
lease of a facility operated under such a lease, other than 60531
execution of a new lease, the portion of actual, allowable capital 60532
costs attributable to the lease shall be the same as before the 60533
revision or subsequent lease. 60534

(8) Except as provided in division (F)(9) of this section, if 60535
a provider leases an interest in a facility to another provider 60536
who is a related party or previously operated the facility, the 60537
related party's or previous operator's actual, allowable capital 60538
costs shall include the lesser of the annual lease expense or the 60539
reasonable cost to the lessor. 60540

(9) If a provider leases an interest in a facility to another 60541
provider who is a related party, regardless of the date of the 60542
lease, the related party's actual, allowable capital costs shall 60543
include the annual lease expense, subject to the limitations 60544
specified in divisions (F)(1) to (7) of this section, if all of 60545
the following conditions are met: 60546

(a) The related party is a relative of owner; 60547

(b) If the lessor retains an ownership interest, it is, 60548
except as provided in division (F)(9)(c)(ii) of this section, in 60549
only the real property and any improvements on the real property; 60550

(c) The department determines that the lease is an arm's 60551
length transaction pursuant to rules adopted under section 5165.02 60552
of the Revised Code. The rules shall provide that a lease is an 60553
arm's length transaction if all of the following apply: 60554

(i) Once the lease goes into effect, the lessor has no direct 60555

or indirect interest in the lessee or, except as provided in 60556
division (F)(9)(b) of this section, the facility itself, including 60557
interest as an owner, officer, director, employee, independent 60558
contractor, or consultant, but excluding interest as a lessor. 60559

(ii) The lessor does not reacquire an interest in the 60560
facility except through the exercise of a lessor's rights in the 60561
event of a default. If the lessor reacquires an interest in the 60562
facility in this manner, the department shall treat the facility 60563
as if the lease never occurred when the department calculates its 60564
reimbursement rates for capital costs. 60565

(iii) The lease satisfies any other criteria specified in the 60566
rules. 60567

(d) Except in the case of hardship caused by a catastrophic 60568
event, as determined by the department, or in the case of a lessor 60569
who is at least sixty-five years of age, not less than twenty 60570
years have elapsed since, for the same facility, the capital cost 60571
basis was adjusted most recently under division (E)(4) of this 60572
section or actual, allowable capital costs were determined most 60573
recently under division (F)(9) of this section. 60574

(10) This division does not apply to leases of specific items 60575
of equipment. 60576

Sec. 5165.191. Each calendar quarter, each nursing facility 60577
provider shall compile complete assessment data for each resident 60578
of each of the provider's nursing facilities, regardless of 60579
payment source, who is in the nursing facility, or on hospital or 60580
therapeutic leave from the nursing facility, on the last day of 60581
the quarter. A resident assessment instrument specified in rules 60582
authorized by this section shall be used to compile the resident 60583
assessment data. Each provider shall submit the resident 60584
assessment data to the department of health and, if required by 60585
the rules, the department of medicaid. The resident assessment 60586

data shall be submitted not later than fifteen days after the end 60587
of the calendar quarter for which the data is compiled. If the 60588
resident assessment data is to be submitted to the department of 60589
medicaid, it shall be submitted to the department through the 60590
medium or media specified in the rules. 60591

Rules adopted under section 5165.02 of the Revised Code shall 60592
do all of the following: 60593

(A) In a manner consistent with the "Social Security Act," 60594
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 60595
assessment instrument to be used by nursing facility providers 60596
under this section; 60597

(B) Specify whether nursing facility providers must submit 60598
the resident assessment data to the department of medicaid; 60599

(C) Specify any resident assessment data that is excluded 60600
from the case mix calculation made under section 5165.192 of the 60601
Revised Code; 60602

(D) If the rules specify that nursing facility providers must 60603
submit the resident assessment data to the department, specify the 60604
medium or media through which the data is to be submitted. 60605

Sec. 5165.26. (A) As used in this section: 60606

(1) "Base rate" means the portion of a nursing facility's 60607
total per medicaid day payment rate determined under divisions (A) 60608
~~and~~, (B), and (C) of section 5165.15 of the Revised Code. 60609

(2) "CMS" means the United States centers for medicare and 60610
medicaid services. 60611

(3) "Force majeure event" means an uncontrollable force or 60612
natural disaster not within the power of a nursing facility's 60613
operator. 60614

(4) "Long-stay resident" ~~has the same meaning as in section~~ 60615

~~5165.25 of the Revised Code~~ means an individual who has resided in 60616
a nursing facility for at least one hundred one days. 60617

(5) "Nursing facilities for which a quality score was 60618
determined" includes nursing facilities that are determined to 60619
have a quality score of zero. 60620

(B) For state fiscal year ~~2021~~ 2022 and state fiscal year 60621
2023, and subject to divisions (D), (E), ~~and (F), and (G)~~ of this 60622
section, the department of medicaid shall determine each nursing 60623
facility's per medicaid day quality incentive payment rate as 60624
follows: 60625

(1) Determine the sum of the quality scores determined under 60626
division (C) of this section for all nursing facilities. 60627

(2) Determine the average quality score by dividing the sum 60628
determined under division (B)(1) of this section by the number of 60629
nursing facilities for which a quality score was determined. 60630

(3) ~~For state fiscal year 2021, determine~~ Determine the sum 60631
of the total number of medicaid days for all of the calendar year 60632
~~2019~~ preceding the fiscal year for which the rate is determined 60633
for all nursing facilities for which a quality score was 60634
determined. 60635

(4) Multiply the average quality score determined under 60636
division (B)(2) of this section by the sum determined under 60637
division (B)(3) of this section. 60638

(5) Determine the value per quality point by determining the 60639
quotient of the following: 60640

(a) ~~For state fiscal year 2021, the~~ The sum determined under 60641
division (F)(2) of this section. 60642

(b) The product determined under division (B)(4) of this 60643
section. 60644

(6) Multiply the value per quality point determined under 60645

division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section. 60646
60647

(C)(1) Except as provided in divisions (C)(2) and (3) of this section, a nursing facility's quality score for state fiscal year ~~2021~~ 2022 and state fiscal year 2023 shall be the sum of the total number of points that CMS assigned to the nursing facility, including a nursing facility that underwent a change of operator, under CMS's nursing facility five-star quality rating system for the following quality metrics based on the most recent four-quarter average data available in the database maintained by ~~the United States centers for medicare and medicaid services~~ CMS and known as nursing home compare in May of ~~2020~~ the calendar year preceding the fiscal year for which the rate is determined begins: 60648
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(a) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers; 60660
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(b) The percentage of the nursing facility's long-stay residents who had a urinary tract infection; 60663
60664

(c) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened; 60665
60666

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder. 60667
60668

(2) In determining a nursing facility's quality score for state fiscal year ~~2021~~ 2022 and state fiscal year 2023, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility, including a nursing facility that underwent a change of operator, for each of the quality metrics specified in division (C)(1) of this section: 60669
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60674

(a) Unless division (C)(2)(b) of this section applies, divide the number of the nursing facility's points for the quality metric 60675
60676

by twenty. 60677

(b) If CMS assigned the nursing facility to the lowest 60678
percentile for the quality metric, reduce the number of the 60679
nursing facility's points for the quality metric to zero. 60680

(c) If the nursing facility's total number of points for 60681
state fiscal year 2022 for all of the quality metrics specified in 60682
division (C)(1) of this section is less than a number of points 60683
that is equal to the thirty-third percentile of all nursing 60684
facilities, reduce the nursing facility's points to zero. 60685

(d) If the nursing facility's total number of points for 60686
state fiscal year 2023 for all of the quality metrics specified in 60687
division (C)(1) of this section is less than its number of points 60688
established for state fiscal year 2022 under division (C)(2)(c) of 60689
this section, reduce the nursing facility's total points to zero. 60690

(3) A nursing facility's quality score shall be zero for 60691
state fiscal year ~~2021~~ 2022 or 2023 if it is not to receive a 60692
quality incentive payment for that state fiscal year because of 60693
division (D) of this section. 60694

(D)(1) Except as provided in division (D)(2) of this section, 60695
a nursing facility shall not receive a quality incentive payment 60696
for state fiscal year ~~2021~~ 2022 or state fiscal year 2023 if the 60697
nursing facility's licensed occupancy percentage is less than 60698
eighty per cent in that fiscal year. 60699

(2) Division (D)(1) of this section does not apply to a 60700
nursing facility if any of the following apply: 60701

(a) The nursing facility has a quality score under division 60702
(C) of this section for the state fiscal year ~~2021~~ of at least 60703
fifteen points; 60704

(b) The nursing facility was initially certified for 60705
participation in the medicaid program on or after January 1, ~~2019~~ 60706

of the calendar year preceding the fiscal year for which the rate is determined; 60707
60708

(c) Subject to division (D)(4) of this section, one or more 60709
of the beds that are part of the nursing facility's licensed 60710
capacity could not be used for resident care during the calendar 60711
year ~~2019~~ preceding the fiscal year for which the rate is 60712
determined due to causes beyond the reasonable control of the 60713
nursing facility's operator, including a force majeure event; 60714

(d) Subject to division (D)(5) of this section, the nursing 60715
facility underwent a renovation during the two-year period 60716
beginning January 1, ~~2018~~, and ending January 1, ~~2020~~, of the 60717
calendar year occurring two years before the fiscal year for which 60718
the rate is determined to which both of the following apply: 60719

(i) The renovation involved capital expenditures of at least 60720
fifty thousand dollars, excluding expenditures for equipment, 60721
staffing, or operational costs. 60722

(ii) The renovation directly impacted the area of the nursing 60723
facility in which the beds that are part of the nursing facility's 60724
licensed capacity are located. 60725

(3) A nursing facility's licensed occupancy percentage for 60726
the purpose of division (D)(1) of this section shall be determined 60727
as follows: 60728

(a) Determine the product of the following: 60729

(i) The nursing facility's licensed capacity as of December 60730
~~31, 2019~~, of the calendar year preceding the fiscal year for which 60731
the rate is determined, as identified on the nursing facility's 60732
cost report filed with the department pursuant to section 5165.10 60733
of the Revised Code; 60734

(ii) Three hundred sixty-five. 60735

(b) Determine the quotient of the following: 60736

(i) The total number of the nursing facility's inpatient days for the calendar year ~~2019~~ preceding the fiscal year for which the rate is determined, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;

(ii) The product determined under division (D)(3)(a) of this section.

(c) Multiply the quotient determined under division (D)(3)(b) of this section by one hundred.

(4) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(c) of this section, the nursing facility's operator must provide to the department written documentation of the number of days during that calendar year ~~2019~~ that one or more of the beds that are part of the nursing facility's licensed capacity could not be used and the specific reason why they could not be used.

(5) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(d) of this section, the nursing facility's operator must provide to the department written documentation that confirms the renovation and capital expenditures.

(E) A nursing facility shall not receive a quality incentive payment for state fiscal year ~~2021~~ 2022 or state fiscal year 2023 if either of the following apply:

(1) The nursing facility's initial total per medicaid day payment rate ~~for calendar year 2019 or state fiscal year 2021~~ for the state fiscal year or the calendar year preceding the fiscal year for which the rate is determined is ~~determined~~ calculated pursuant to section 5165.151 of the Revised Code.

(2) The nursing facility undergoes a change of operator during ~~calendar year 2019 or~~ the state fiscal year ~~2021~~ or the

calendar year preceding the fiscal year for which the rate is 60768
determined. 60769

(F) The total amount to be spent on quality incentive 60770
payments under division (B) of this section for each fiscal year 60771
during state fiscal year ~~2021~~ years 2022 and 2023 shall be 60772
determined as follows: 60773

(1) Determine the following amount for each nursing facility, 60774
including those that do not receive a quality incentive payment 60775
because of division (D) of this section: 60776

(a) The amount that is five and two-tenths per cent of the 60777
nursing facility's base rate for nursing facility services 60778
provided on the first day of the state fiscal year plus one dollar 60779
and seventy-nine cents; 60780

(b) Multiply the amount determined under division (F)(1)(a) 60781
of this section by the number of the nursing facility's medicaid 60782
days for the calendar year ~~2019~~ preceding the fiscal year for 60783
which the rate is determined. 60784

(2) Determine the sum of the products determined under 60785
division (F)(1)(b) of this section for all nursing facilities for 60786
which the product was determined for the state fiscal year. 60787

(3) To the sum determined under division (F)(2) of this 60788
section, add \$25 million. 60789

(G) If a nursing facility undergoes a change of operator 60790
during state fiscal year 2022 or 2023, the per medicaid day 60791
quality incentive payment rate to be paid to the entering operator 60792
for nursing facility services that the nursing facility provides 60793
during the period beginning on the effective date of the change of 60794
operator and ending on the last day of the state fiscal year shall 60795
be the same amount as the per medicaid day quality incentive 60796
payment rate that was in effect on the day immediately preceding 60797
the effective date of the change of operator and paid to the 60798

nursing facility's exiting operator. For the immediately following 60799
state fiscal year, the per medicaid day quality incentive payment 60800
rate shall be determined under division (C) of this section. 60801

Sec. 5165.261. (A) The department of medicaid shall establish 60802
a nursing facility payment commission comprised of various nursing 60803
facility stakeholders. The commission shall consist of the 60804
following members: 60805

(1) Two members appointed by the governor; 60806

(2) Two members appointed by the speaker of the house of 60807
representatives; 60808

(3) Two members appointed by the president of the senate; 60809

(4) One member of the public, well-versed and with experience 60810
in the long-term care and nursing home industry, appointed by the 60811
governor. 60812

(B) Appointments to the commission shall be made not later 60813
than December 31, 2021. In the event of a vacancy, a replacement 60814
member shall be appointed in the same manner as initial 60815
appointments. Members shall serve without compensation. 60816

(C) The commission shall analyze the efficacy of all of the 60817
following: 60818

(1) The current quality incentive payment formula under 60819
section 5165.26 of the Revised Code for efficacy; 60820

(2) The nursing facility base rate calculation, as defined 60821
under section 5165.26 of the Revised Code; 60822

(3) The nursing facility cost centers, which are redetermined 60823
as part of the rebasing process under section 5165.36 of the 60824
Revised Code. 60825

(D) Not later than August 31, 2022, the commission shall 60826
submit a report to the general assembly, in accordance with 60827

section 101.68 of the Revised Code, with its recommendations and 60828
determinations on whether the quality measures under section 60829
5165.26 of the Revised Code are sufficient or whether the measures 60830
need to be changed. 60831

Sec. 5165.36. The (A) Except as provided in division (C) of 60832
this section, the department of medicaid shall conduct a rebasing 60833
at least once every five state fiscal years. ~~When~~ Except as 60834
provided in division (B) of this section, when the department 60835
conducts a rebasing for a state fiscal year, it shall conduct the 60836
rebasing for each cost center. 60837

(B) For each rebasing conducted after state fiscal year 2022, 60838
the sum of the capital costs component of the rebasing shall not 60839
exceed an amount that is greater than ten per cent of the sum of 60840
all of the cost centers calculated under the rebasing. The 60841
department shall exclude any capital costs amounts exceeding an 60842
amount that is ten per cent of the sum of all of the cost centers 60843
of a rebasing. 60844

(C) The department shall complete its next rebasing after the 60845
effective date of this amendment not later than June 30, 2022. 60846
That rebasing calculation shall be based on data provided by 60847
nursing facilities for calendar year 2019. 60848

Sec. 5165.80. (A) Whenever a nursing facility is closed under 60849
sections 5165.60 to 5165.89 of the Revised Code, the department of 60850
medicaid or contracting agency shall arrange for the safe and 60851
orderly transfer of all residents, including residents who are not 60852
medicaid eligible residents, to other appropriate care settings. 60853
Whenever a nursing facility's participation in the medicaid 60854
program is terminated under sections 5165.60 to 5165.89 of the 60855
Revised Code, the department or agency shall arrange for the safe 60856
and orderly transfer of all medicaid eligible residents or, if the 60857

termination results in the closure of the facility, of all 60858
residents. The provider and all persons involved in the facility's 60859
operation shall cooperate with and assist in the transfer of 60860
residents. 60861

(B) After a nursing facility's participation in the medicaid 60862
program is terminated under section 5165.71, 5165.72, 5165.77, 60863
~~5165.771~~, or 5165.85 of the Revised Code, the department of 60864
medicaid or contracting agency may appoint a temporary manager 60865
subject to the continuing consent of the provider, or may apply to 60866
the common pleas court of the county in which the facility is 60867
located for such injunctive relief as is necessary for the 60868
appointment of a special master, to ensure the transfer of 60869
medicaid eligible residents to other appropriate care settings 60870
and, if applicable, the orderly closure of the facility. 60871

Sec. 5166.01. As used in this chapter: 60872

"209(b) option" means the option described in section 1902(f) 60873
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 60874
medicaid program's eligibility requirements for aged, blind, and 60875
disabled individuals are more restrictive than the eligibility 60876
requirements for the supplemental security income program. 60877

"Administrative agency" means, with respect to a home and 60878
community-based services medicaid waiver component, the department 60879
of medicaid or, if a state agency or political subdivision 60880
contracts with the department under section 5162.35 of the Revised 60881
Code to administer the component, that state agency or political 60882
subdivision. 60883

"Care management system" has the same meaning as in section 60884
5167.01 of the Revised Code. 60885

"Dual eligible individual" has the same meaning as in section 60886
5160.01 of the Revised Code. 60887

"Enrollee" has the same meaning as in section 5167.01 of the Revised Code. 60888
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"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code. 60890
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"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 60892
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"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services. 60894
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"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 60898
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"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 60900
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"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 60902
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"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 60904
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"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 60906
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"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 60908
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 60914
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"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code. 60916
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"Medicaid provider" has the same meaning as in section 60918
5164.01 of the Revised Code. 60919

"Medicaid services" has the same meaning as in section 60920
5164.01 of the Revised Code. 60921

"Medicaid waiver component" means a component of the medicaid 60922
program authorized by a waiver granted by the United States 60923
department of health and human services under section 1115 or 1915 60924
of the "Social Security Act," ~~section 1115 or 1915,~~ 42 U.S.C. 1315 60925
or 1396n. "Medicaid waiver component" does not include the care 60926
management system or services delivered under a prepaid inpatient 60927
health plan, as defined in 42 C.F.R. 438.2. 60928

"Medically fragile child" means an individual who is under 60929
eighteen years of age, has intensive health care needs, and is 60930
considered blind or disabled under section 1614(a)(2) or (3) of 60931
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 60932

"Nursing facility" and "nursing facility services" have the 60933
same meanings as in section 5165.01 of the Revised Code. 60934

"Ohio home care waiver program" means the home and 60935
community-based services medicaid waiver component that is known 60936
as Ohio home care and was created pursuant to section 5166.11 of 60937
the Revised Code. 60938

"Provider agreement" has the same meaning as in section 60939
5164.01 of the Revised Code. 60940

"Residential treatment facility" means a residential facility 60941
licensed by the department of mental health and addiction services 60942
under section 5119.34 of the Revised Code, or an institution 60943
certified by the department of job and family services under 60944
section 5103.03 of the Revised Code, that serves children and 60945
either has more than sixteen beds or is part of a campus of 60946
multiple facilities or institutions that, combined, have a total 60947
of more than sixteen beds. 60948

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 60949
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"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code. 60951
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Sec. 5166.33. Subject to federal approval, the medicaid director shall establish a medicaid waiver component under which a woman who meets all of the following conditions shall receive treatment for breast or cervical cancer: 60954
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(A) 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 administered under section 3701.144 of the Revised Code. 60958
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(B) The woman is in need of treatment for breast or cervical cancer. 60962
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(C) The woman has a countable income not exceeding three hundred per cent of the federal poverty line. 60964
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(D) The woman is not covered by health insurance. 60966

(E) The woman is less than sixty-five years of age. 60967

Sec. 5167.10. (A) The department of medicaid may enter into contracts with managed care organizations under which the organizations are authorized to provide, or arrange for the provision of, health care services to medicaid recipients who are required or permitted to participate in the care management system. 60968
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(B) Beginning on and after the effective date of the amendments to this section, the department shall include contracts with organizations under division (A) of this section that meet the following requirements: 60974
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(1) Are domiciled in this state, including their parent entities; 60978
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(2) Are currently participating in the care management system as medicaid managed care organizations; 60980
60981

(3) Have a proven history of providing quality services and customer satisfaction, as reported by the department of medicaid's medicaid managed care plans report card and NCOA medicaid health insurance plan ratings. 60982
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(C) The organizations included under division (B) of this section shall participate, at minimum, in the regions of this state where they are providing services as of the effective date of this amendment. 60986
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Sec. 5167.15. (A) A medicaid managed care organization shall use a competitive selection process when contracting with a vendor to provide laboratory services for the organization under the care management system. The competitive selection process shall include a request for proposal period, during which time a prospective laboratory services vendor may submit a business proposal to the organization outlining the vendor's proposed contract terms regarding providing laboratory services. An organization shall permit a laboratory services vendor to participate in the request for proposal process if the vendor can demonstrate that it has the staff, equipment, and resources necessary to do both of the following: 60990
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(1) Process laboratory requests received from the organization in a timely manner; 61002
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(2) Comply with the laboratory services requirements specified in the organization's contract with the department of medicaid under section 5167.10 of the Revised Code. 61004
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(B) In evaluating applications during the competitive 61007

selection process, if all criteria are equal between two or more 61008
laboratory services vendor applicants, a medicaid managed care 61009
organization shall give preference to an applicant whose principal 61010
place of business is located in this state. 61011

Sec. 5167.29. (A) Each medicaid managed care organization 61012
shall establish an employment connection incentive program to 61013
assist medicaid recipients enrolled in a medicaid MCO plan offered 61014
by the organization in obtaining and maintaining employment. 61015

(B) A medicaid recipient enrolled in a medicaid managed care 61016
organization's medicaid MCO plan may volunteer to participate in 61017
the organization's employment connection incentive program. No 61018
recipient is required to participate. 61019

(C) Each medicaid managed care organization shall do both of 61020
the following for each medicaid recipient participating in the 61021
organization's employment connection incentive program: 61022

(1) Identify the barriers that the recipient has to achieving 61023
greater financial independence, including all of the following 61024
barriers: 61025

(a) Education; 61026

(b) Employment; 61027

(c) Physical and behavioral health care; 61028

(d) Transportation; 61029

(e) Child care; 61030

(f) Housing; 61031

(g) Legal problems, including criminal records; 61032

(h) Other barriers identified for the recipient. 61033

(2) Assist the recipient in overcoming the barriers 61034
identified for the recipient. 61035

(D)(1) The assistance provided to a medicaid recipient 61036
pursuant to division (C)(2) of this section shall include 61037
assistance in obtaining and maintaining meaningful employment. 61038
Such assistance shall include all of the following as appropriate 61039
for the recipient: 61040

(a) Education programs, including the following types of 61041
education programs: 61042

(i) English as a second language; 61043

(ii) Literacy; 61044

(iii) Programs designed to lead to the attainment of the 61045
equivalent of a high school diploma; 61046

(iv) Post-secondary. 61047

(b) Job training, placement, and retention programs; 61048

(c) Apprenticeship programs; 61049

(d) Mentoring programs; 61050

(e) Other activities the department of medicaid shall 61051
specify. 61052

(2) Each medicaid managed care organization may contract with 61053
a county department of job and family services, county workforce 61054
development agency, or local workforce development board for the 61055
delivery of the services described in division (D)(1) of this 61056
section. 61057

(E) The department of medicaid shall establish criteria it 61058
shall use to determine the success that medicaid managed care 61059
organizations have with their employment connection incentive 61060
programs. The criteria shall include the length of time that a 61061
medicaid recipient who participated in a medicaid managed care 61062
organization's employment connection incentive program has ceased 61063
to be eligible for medicaid due to increased earnings resulting 61064
from employment that the program helped the recipient obtain or 61065

maintain. 61066

(F) The department shall provide incentive payments to 61067
medicaid managed care organizations according to their successes 61068
with their employment connection incentive programs. The 61069
department shall determine the amount of each payment and the 61070
times at which medicaid managed care organizations earn payments. 61071
The amount of a payment to be made to a medicaid managed care 61072
organization shall be based on the savings in the nonfederal share 61073
of the per recipient per month cost of the capitation payments to 61074
the organization resulting from the organization's success with 61075
its employment connection incentive program. 61076

Sec. 5168.60. As used in sections 5168.60 to 5168.71 of the 61077
Revised Code: 61078

(A) "Franchise Unless modified under division (C)(2) of 61079
section 5168.61 of the Revised Code, "franchise permit fee rate" 61080
means the following: 61081

(1) For fiscal year 2020, twenty-three dollars and 61082
ninety-five cents; 61083

(2) For fiscal year 2021 and each fiscal year thereafter, 61084
twenty-four dollars and eighty-nine cents. 61085

(B) "Indirect guarantee percentage" means the percentage 61086
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 61087
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 61088
whether a class of providers is indirectly held harmless for any 61089
portion of the costs of a broad-based health-care-related tax. If 61090
the indirect guarantee percentage changes during a fiscal year, 61091
the indirect guarantee percentage is the following: 61092

(1) For the part of the fiscal year before the change takes 61093
effect, the percentage in effect before the change; 61094

(2) For the part of the fiscal year beginning with the date 61095

the indirect guarantee percentage changes, the new percentage.	61096
(C) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	61097 61098
(D) Except as provided in division (B) of section 5168.62 of the Revised Code, "inpatient days" has the same meaning as in section 5124.01 of the Revised Code.	61099 61100 61101
(E) "Medicaid-certified capacity" has the same meaning as in section 5124.01 of the Revised Code.	61102 61103
(F) "Provider agreement" has the same meaning as in section 5124.01 of the Revised Code.	61104 61105
Sec. 5168.61. The department of developmental disabilities shall do all of the following:	61106 61107
(A) Subject to section 5168.64 of the Revised Code and divisions (B) and (C) of this section and for the purposes specified in section 5168.69 of the Revised Code, quarterly assess each ICF/IID a franchise permit fee equal to the product of the following:	61108 61109 61110 61111 61112
(1) The franchise permit fee rate;	61113
(2) The number of the ICF/IID's inpatient days for the quarter as determined using the monthly reports submitted to the department under section 5168.62 of the Revised Code.	61114 61115 61116
(B) If the total amount of the franchise permit fee assessed under division (A) of this section for a fiscal year exceeds the indirect guarantee percentage of the actual net patient revenue for all ICFs/IID for that fiscal year and seventy-five per cent or more of the total number of ICFs/IID receive enhanced medicaid payments or other state payments equal to seventy-five per cent or more of their total franchise permit fee assessments, do both of the following:	61117 61118 61119 61120 61121 61122 61123 61124

(1) Recalculate the assessments under division (A) of this section using a per inpatient day rate equal to the indirect guarantee percentage of actual net patient revenue for all ICFs/IID for that fiscal year;

(2) Refund the difference between the total amount of the franchise permit fee assessed for that fiscal year under division (A) of this section and the amount recalculated under division (B)(1) of this section as a credit against the assessments imposed under division (A) of this section for the quarters of the subsequent fiscal year.

(C)(1) If the United States secretary of health and human services determines that the franchise permit fee established by sections 5168.60 to 5168.71 of the Revised Code would be an impermissible health care-related tax under section 1903(w) of the "Social Security Act," 42 U.S.C. 1396b(w), take all necessary actions to cease implementation of those sections in accordance with rules adopted under section 5168.71 of the Revised Code.

(2) If the United States secretary of health and human services adjusts the indirect guarantee percentage at any time during the fiscal year, adjust the franchise permit fee rate and associated ICF/IID invoices so as not to exceed the indirect guarantee percentage.

Sec. 5168.90. (A) At least quarterly, the medicaid director shall report to the members of the joint medicaid oversight committee and the executive director of the joint medicaid oversight committee both of the following:

(1) The fee rates and the aggregate total of the fees assessed for each of the following:

(a) The hospital assessment established under section 5168.21 of the Revised Code;

<u>(b) The nursing home and hospital long-term care unit</u>	61155
<u>franchise permit fee under section 5168.41 of the Revised Code;</u>	61156
<u>(c) The ICF/IID franchise permit fee under section 5168.61 of</u>	61157
<u>the Revised Code;</u>	61158
<u>(d) The health insuring corporation franchise fee under</u>	61159
<u>section 5168.76 of the Revised Code.</u>	61160
<u>(2) If there is a rate increase for any of the fee rates</u>	61161
<u>listed under division (A)(1) of this section pending before the</u>	61162
<u>centers for medicare and medicaid services.</u>	61163
<u>(B) The director may adopt rules under section 5162.02 of the</u>	61164
<u>Revised Code to compile and submit the reports required under this</u>	61165
<u>section, including rules, as authorized under section 5162.021 of</u>	61166
<u>the Revised Code, that specify the information that must be</u>	61167
<u>submitted to the director by the department of developmental</u>	61168
<u>disabilities regarding the ICF/IID franchise permit fee.</u>	61169
Sec. 5301.05. <u>(A) Discriminatory restrictive covenants in</u>	61170
<u>deeds limiting the transfer or lease of real property to</u>	61171
<u>individuals against whom discrimination is prohibited by division</u>	61172
<u>(H)(1) of section 4112.02 of the Revised Code are void. If an</u>	61173
<u>attorney, in preparing a deed, discovers a discriminatory covenant</u>	61174
<u>that is void under this section, the attorney may omit the</u>	61175
<u>discriminatory restrictive covenant from the new deed with</u>	61176
<u>immunity from civil liability.</u>	61177
<u>(B) Omission of a discriminatory restrictive covenant from a</u>	61178
<u>deed pursuant to division (A) of this section does not affect the</u>	61179
<u>validity of the deed. No county recorder shall refuse to record a</u>	61180
<u>deed pursuant to division (B) of section 317.13 of the Revised</u>	61181
<u>Code due to such omission.</u>	61182
Sec. 5301.13. <u>All conveyances of real estate, or any interest</u>	61183
<u>therein, sold on behalf of the state, with the exception of those</u>	61184

~~agreements made pursuant to divisions (A), (B), (C), (D), and (E)~~ 61185
~~of section 123.53 of the Revised Code,~~ shall be drafted by the 61186
~~auditor of state~~ director of administrative services, executed in 61187
the name of the state, signed by the governor, countersigned by 61188
the secretary of state, and sealed with the great seal of the 61189
state. The ~~auditor of state~~ director of administrative services 61190
thereupon must record such conveyance in books to be kept by ~~him~~ 61191
the director of administrative services for that purpose, deliver 61192
them to the persons entitled thereto, and keep a record of such 61193
delivery, showing to whom delivered and the date thereof. 61194

Sec. 5301.14. When a title deed, recorded by the ~~auditor of~~ 61195
~~state~~ director of administrative services as required by section 61196
5301.13 of the Revised Code, or recorded in the office of the 61197
secretary of state, the record of which is required to be kept in 61198
the office of the ~~auditor of state~~ director of administrative 61199
services, has been lost or destroyed by accident, without having 61200
been recorded in the county recorder's office, on demand and 61201
tender of the fees therefor, the ~~auditor of state~~ director of 61202
administrative services shall furnish to any person a copy of such 61203
deed certified under the ~~auditor of state's~~ director of 61204
administrative services' official seal, which copy shall be 61205
received everywhere in this state as prima-facie evidence of the 61206
existence of the deed, and in all respects shall have the effect 61207
of certified copies from the official records of the county where 61208
such lands are situated. 61209

Sec. 5301.15. When a deed executed for land purchase from the 61210
state is lost or destroyed, or when a person who has an interest 61211
in such land, by the use of diligence cannot find it, and no 61212
record exists from which a certified copy can be made to supply 61213
the evidence of such deed, or when a certificate of the purchase 61214
of land sold at a land office of this state, or any other 61215

contract, bond, or memorandum evidencing a purchase of land has 61216
been lost or destroyed, or when from any cause the owner of such 61217
land, by the use of diligence, cannot find such certificate, 61218
contract, bond, or memorandum, the governor, when satisfied that 61219
the original purchase money for such land has been fully paid, 61220
shall execute a deed therefor in the name of the original 61221
purchaser which must recite the facts authorizing its making. Such 61222
deed shall be recorded in the office of the ~~auditor of state~~ 61223
director of administrative services who shall transmit it to the 61224
present claimant. 61225

Such deed has the same effect as the original deed, had it 61226
been preserved and recorded, or as a deed would have had, made to 61227
the original purchaser upon the date of the full payment of the 61228
purchase money. 61229

Sec. 5301.18. All deeds executed under sections 5301.15, 61230
5301.16, and 5301.17 of the Revised Code must recite the facts, as 61231
ascertained by the governor and attorney general, upon the proof 61232
of which they are executed, and shall be recorded in the office of 61233
the ~~auditor of state~~ director of administrative services. 61234

Sec. 5301.21. When the owners of adjoining tracts of land, or 61235
of lots in a municipal corporation, agree upon the site of a 61236
corner or line common to such tracts or lots, in a written 61237
instrument containing a pertinent description thereof, either with 61238
or without a plat, executed, acknowledged, and recorded as are 61239
deeds, such corner or line thenceforth shall be established as 61240
between the parties to such agreement, and all persons 61241
subsequently deriving title from them. 61242

Such agreement shall be recorded by the county recorder in 61243
the official records. The original agreement, after being so 61244
recorded, or a certified copy thereof from the record, is 61245

competent evidence in any court in this state against a party 61246
thereto, or person in privity with a party. 61247

When a tract of land is owned by the state, the officer or 61248
board having administrative control thereof, with the approval of 61249
the attorney general, may execute said written instrument and 61250
following recording in the county where the land is situated, said 61251
instrument shall be filed with the ~~auditor of state~~ director of 61252
administrative services with the evidence of title to the land 61253
affected. 61254

Sec. 5501.332. Upon the occurrence of the condition stated in 61255
a deed pursuant to division (C) of section 5501.331 of the Revised 61256
Code, the director of transportation shall prepare and issue a 61257
certification of the occurrence to the grantor or ~~his~~ the 61258
grantor's successors or assigns, the governor, and the ~~auditor of~~ 61259
~~state~~ director of administrative services. 61260

Upon receipt of the certification, the ~~auditor of state~~ 61261
director of administrative services, with the assistance of the 61262
attorney general, shall prepare a deed releasing the property 61263
donated under section 5501.33 of the Revised Code to the grantor 61264
or ~~his~~ the grantor's successors or assigns. The deed shall declare 61265
the occurrence of the condition and the consequent reversion. The 61266
deed shall be executed by the governor, countersigned by the 61267
secretary of state, recorded in the office of the ~~auditor of state~~ 61268
director of administrative services, and delivered to the grantor 61269
or ~~his~~ the grantor's successors or assigns. 61270

Sec. 5502.262. (A) As used in this section: 61271

(1) "Administrator" means the superintendent, principal, 61272
chief administrative officer, or other person having supervisory 61273
authority of any of the following: 61274

(a) A city, exempted village, local, or joint vocational 61275

school district;	61276
(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d) <u>(A)(11)(c)</u> of section 3314.03 of the Revised Code;	61277 61278 61279
(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;	61280 61281 61282
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	61283 61284
(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;	61285 61286 61287
(f) A chartered nonpublic school;	61288
(g) An educational service center;	61289
(h) A preschool program or school-age child care program licensed by the department of education;	61290 61291
(i) Any other facility that primarily provides educational services to children subject to regulation by the department of education.	61292 61293 61294
(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.	61295 61296 61297
(3) "Building" means any school, school building, facility, program, or center.	61298 61299
(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff	61300 61301 61302 61303 61304 61305

safety and shall propose operating changes to promote the 61306
prevention of potentially dangerous problems and circumstances. In 61307
developing the plan for each building, the administrator shall 61308
involve community law enforcement and safety officials, parents of 61309
students who are assigned to the building, and teachers and 61310
nonteaching employees who are assigned to the building. The 61311
administrator shall incorporate remediation strategies into the 61312
plan for any building where documented safety problems have 61313
occurred. 61314

(2) Each administrator shall also incorporate into the 61315
emergency management plan adopted under division (B)(1) of this 61316
section all of the following: 61317

(a) A protocol for addressing serious threats to the safety 61318
of property, students, employees, or administrators; 61319

(b) A protocol for responding to any emergency events that 61320
occur and compromise the safety of property, students, employees, 61321
or administrators. This protocol shall include, but not be limited 61322
to, all of the following: 61323

(i) A floor plan that is unique to each floor of the 61324
building; 61325

(ii) A site plan that includes all building property and 61326
surrounding property; 61327

(iii) An emergency contact information sheet. 61328

(c) A threat assessment plan developed as prescribed in 61329
section 5502.263 of the Revised Code. A building may use the model 61330
plan developed by the department of public safety under that 61331
section; 61332

(d) A protocol for school threat assessment teams established 61333
under section 3313.669 of the Revised Code. 61334

(3) Each protocol described in division (B) of this section 61335

shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students.

Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol.

(4) Each administrator shall keep a copy of the emergency management plan adopted pursuant to this section in a secure place.

(C)(1) The administrator shall submit to the director of public safety, in accordance with rules adopted pursuant to division (F) of this section, an electronic copy of the emergency management plan prescribed by division (B) of this section not less than once every three years, whenever a major modification to the building requires changes in the procedures outlined in the plan, and whenever information on the emergency contact information sheet changes.

(2) The administrator also shall file a copy of the plan with each law enforcement agency that has jurisdiction over the school building and, upon request, to any of the following:

(a) The fire department that serves the political subdivision in which the building is located;

(b) The emergency medical service organization that serves the political subdivision in which the building is located;

(c) The county emergency management agency for the county in which the building is located.

(3) Upon receipt of an emergency management plan, the 61366
director shall post the information on the contact and information 61367
management system and submit the information in accordance with 61368
rules adopted pursuant to division (F) of this section, to the 61369
attorney general, who shall post that information on the Ohio law 61370
enforcement gateway or its successor. 61371

(4) Any department or entity to which copies of an emergency 61372
management plan are filed under this section shall keep the copies 61373
in a secure place. 61374

(D)(1) Not later than the first day of July of each year, 61375
each administrator shall review the emergency management plan and 61376
certify to the director that the plan is current and accurate. 61377

(2) Anytime that an administrator updates the emergency 61378
management plan pursuant to division (C)(1) of this section, the 61379
administrator shall file copies, not later than the tenth day 61380
after the revision is adopted and in accordance with rules adopted 61381
pursuant to division (F) of this section, to the director and to 61382
any entity with which the administrator filed a copy under 61383
division (C)(2) of this section. 61384

(E) Each administrator shall do both of the following: 61385

(1) Prepare and conduct at least one annual emergency 61386
management test, as defined in division (A)(2) of this section, in 61387
accordance with rules adopted pursuant to division (F) of this 61388
section; 61389

(2) Grant access to each building under the control of the 61390
administrator to law enforcement personnel and to entities 61391
described in division (C)(2) of this section, to enable the 61392
personnel and entities to hold training sessions for responding to 61393
threats and emergency events affecting the building, provided that 61394
the access occurs outside of student instructional hours and the 61395
administrator, or the administrator's designee, is present in the 61396

building during the training sessions. 61397

(F) The director of public safety, in consultation with 61398
representatives from the education community and in accordance 61399
with Chapter 119. of the Revised Code, shall adopt rules regarding 61400
emergency management plans under this section, including the 61401
content of the plans and procedures for filing the plans. The 61402
rules shall specify that plans and information required under 61403
division (B) of this section be submitted on standardized forms 61404
developed by the director for such purpose. The rules shall also 61405
specify the requirements and procedures for emergency management 61406
tests conducted pursuant to division (E)(1) of this section. 61407
Failure to comply with the rules may result in discipline pursuant 61408
to section 3319.31 of the Revised Code or any other action against 61409
the administrator as prescribed by rule. 61410

(G) Division (B) of section 3319.31 of the Revised Code 61411
applies to any administrator who is subject to the requirements of 61412
this section and is not exempt under division (H) of this section 61413
and who is an applicant for a license or holds a license from the 61414
state board pursuant to section 3319.22 of the Revised Code. 61415

(H) The director may exempt any administrator from the 61416
requirements of this section, if the director determines that the 61417
requirements do not otherwise apply to a building or buildings 61418
under the control of that administrator. 61419

(I) Copies of the emergency management plan and information 61420
required under division (B) of this section are security records 61421
and are not public records pursuant to section 149.433 of the 61422
Revised Code. In addition, the information posted to the contact 61423
and information management system, pursuant to division (C)(3)(b) 61424
of this section, is exempt from public disclosure or release in 61425
accordance with sections 149.43, 149.433, and 5502.03 of the 61426
Revised Code. 61427

Notwithstanding section 149.433 of the Revised Code, a floor 61428
plan filed with the attorney general pursuant to this section is 61429
not a public record to the extent it is a record kept by the 61430
attorney general. 61431

Sec. 5502.30. (A) The state, any political subdivision, any 61432
municipal agency, any emergency management volunteer, another 61433
state, or an emergency management agency thereof or of the federal 61434
government or of another country or province or subdivision 61435
thereof performing emergency management services in this state 61436
pursuant to an arrangement, agreement, or compact for mutual aid 61437
and assistance, or any agency, member, agent, or representative of 61438
any of them, or any individual, partnership, corporation, 61439
association, trustee, or receiver, or any of the agents thereof, 61440
in good faith carrying out, complying with, or attempting to 61441
comply with any state or federal law or any arrangement, 61442
agreement, or compact for mutual aid and assistance, or any order 61443
issued by federal or state military authorities relating to 61444
emergency management, is not liable for any injury to or death of 61445
persons or damage to property as the result thereof during 61446
training periods, test periods, practice periods, or other 61447
emergency management operations, or false alerts, as well as 61448
during any hazard, actual or imminent, and subsequent to the same 61449
except in cases of willful misconduct. As used in this division, 61450
"emergency management volunteer" means only an individual who is 61451
authorized to assist any agency performing emergency management 61452
during a hazard. 61453

(B) The state, any political subdivision, any individual, 61454
partnership, corporation, association, trustee, or receiver, or 61455
any agent, agency, representative, officer, or employee of any of 61456
them that owns, maintains, occupies, operates, or controls all or 61457
part of any building, structure, or premises shall not be liable 61458
for any injury or death sustained by any person or damage caused 61459

to any property while that person or property is in the building, 61460
structure, or premises for duty, training, or shelter purposes 61461
during a hazard, drill, test, or false warning, or is entering 61462
therein for such purposes or departing therefrom, or for any 61463
injury, death, or property damage as the result of any condition 61464
in or on the building, structure, or premises or of any act or 61465
omission with respect thereto, except a willful act intended to 61466
cause injury or damage. 61467

(C) Any employee of a political subdivision of this state 61468
that is rendering aid in another state is considered an officer or 61469
employee of the state for purposes of the immunity established 61470
under Article VI of the emergency management assistance compact 61471
enacted under section 5502.40 of the Revised Code. Nothing in this 61472
division entitles an employee of a political subdivision to any 61473
other right or benefit of a state employee. 61474

(D) This section does not affect the right of any person to 61475
receive benefits to which ~~he~~ the person may be entitled under 61476
Chapter 4123. of the Revised Code or any pension law, nor the 61477
rights of any person to receive any benefits or compensation under 61478
any act of congress or under any law of this state. 61479

Sec. 5701.11. The effective date to which this section refers 61480
is the effective date of this section as amended by S.B. 18 of the 61481
134th general assembly. 61482

(A)(1) Except as provided under division (A)(2) or (B) of 61483
this section, any reference in Title LVII or section 3123.90, 61484
3770.073, or 3772.37 of the Revised Code to the Internal Revenue 61485
Code, to the Internal Revenue Code "as amended," to other laws of 61486
the United States, or to other laws of the United States, "as 61487
amended," means the Internal Revenue Code or other laws of the 61488
United States as they exist on the effective date. 61489

(2) This section does not apply to any reference in Title 61490

LVII of the Revised Code to the Internal Revenue Code as of a date 61491
certain specifying the day, month, and year, or to other laws of 61492
the United States as of a date certain specifying the day, month, 61493
and year. 61494

(B)(1) For purposes of applying section 5733.04, 5745.01, or 61495
5747.01 of the Revised Code to a taxpayer's taxable year ending 61496
after March 27, 2020, and before the effective date, a taxpayer 61497
may irrevocably elect to incorporate the provisions of the 61498
Internal Revenue Code or other laws of the United States that are 61499
in effect for federal income tax purposes for that taxable year if 61500
those provisions differ from the provisions that, under division 61501
(A) of this section, would otherwise apply. The filing by the 61502
taxpayer for that taxable year of a report or return that 61503
incorporates the provisions of the Internal Revenue Code or other 61504
laws of the United States applicable for federal income tax 61505
purposes for that taxable year, and that does not include any 61506
adjustments to reverse the effects of any differences between 61507
those provisions and the provisions that would otherwise apply, 61508
constitutes the making of an irrevocable election under this 61509
division for that taxable year. 61510

(2) Elections under prior versions of division (B)(1) of this 61511
section remain in effect for the taxable years to which they 61512
apply. 61513

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 61514
of this section, no agent of the department of taxation, except in 61515
the agent's report to the department or when called on to testify 61516
in any court or proceeding, shall divulge any information acquired 61517
by the agent as to the transactions, property, or business of any 61518
person while acting or claiming to act under orders of the 61519
department. Whoever violates this provision shall thereafter be 61520
disqualified from acting as an officer or employee or in any other 61521

capacity under appointment or employment of the department. 61522

(B)(1) For purposes of an audit pursuant to section 117.15 of 61523
the Revised Code, or an audit of the department pursuant to 61524
Chapter 117. of the Revised Code, or an audit, pursuant to that 61525
chapter, the objective of which is to express an opinion on a 61526
financial report or statement prepared or issued pursuant to 61527
division (A)(7) or (9) of section 126.21 of the Revised Code, the 61528
officers and employees of the auditor of state charged with 61529
conducting the audit shall have access to and the right to examine 61530
any state tax returns and state tax return information in the 61531
possession of the department to the extent that the access and 61532
examination are necessary for purposes of the audit. Any 61533
information acquired as the result of that access and examination 61534
shall not be divulged for any purpose other than as required for 61535
the audit or unless the officers and employees are required to 61536
testify in a court or proceeding under compulsion of legal 61537
process. Whoever violates this provision shall thereafter be 61538
disqualified from acting as an officer or employee or in any other 61539
capacity under appointment or employment of the auditor of state. 61540

(2) For purposes of an internal audit pursuant to section 61541
126.45 of the Revised Code, the officers and employees of the 61542
office of internal audit in the office of budget and management 61543
charged with directing the internal audit shall have access to and 61544
the right to examine any state tax returns and state tax return 61545
information in the possession of the department to the extent that 61546
the access and examination are necessary for purposes of the 61547
internal audit. Any information acquired as the result of that 61548
access and examination shall not be divulged for any purpose other 61549
than as required for the internal audit or unless the officers and 61550
employees are required to testify in a court or proceeding under 61551
compulsion of legal process. Whoever violates this provision shall 61552
thereafter be disqualified from acting as an officer or employee 61553

or in any other capacity under appointment or employment of the 61554
office of internal audit. 61555

(3) As provided by section 6103(d)(2) of the Internal Revenue 61556
Code, any federal tax returns or federal tax information that the 61557
department has acquired from the internal revenue service, through 61558
federal and state statutory authority, may be disclosed to the 61559
auditor of state or the office of internal audit solely for 61560
purposes of an audit of the department. 61561

(4) For purposes of Chapter 3739. of the Revised Code, an 61562
agent of the department of taxation may share information with the 61563
division of state fire marshal that the agent finds during the 61564
course of an investigation. 61565

(C) Division (A) of this section does not prohibit any of the 61566
following: 61567

(1) Divulging information contained in applications, 61568
complaints, and related documents filed with the department under 61569
section 5715.27 of the Revised Code or in applications filed with 61570
the department under section 5715.39 of the Revised Code; 61571

(2) Providing information to the office of child support 61572
within the department of job and family services pursuant to 61573
section 3125.43 of the Revised Code; 61574

(3) Disclosing to the motor vehicle repair board any 61575
information in the possession of the department that is necessary 61576
for the board to verify the existence of an applicant's valid 61577
vendor's license and current state tax identification number under 61578
section 4775.07 of the Revised Code; 61579

(4) Providing information to the administrator of workers' 61580
compensation pursuant to sections 4123.271 and 4123.591 of the 61581
Revised Code; 61582

(5) Providing to the attorney general information the 61583

department obtains under division (J) of section 1346.01 of the Revised Code; 61584
61585

(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; 61586
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(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; 61590
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(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 61598
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(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; 61600
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(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code; 61605
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(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; 61607
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(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 61612
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taxpayer's compliance with section 5749.02 of the Revised Code or 61615
to allow the department of natural resources to enforce Chapter 61616
1509. of the Revised Code; 61617

(13) Disclosing to the department of job and family services, 61618
industrial commission, and bureau of workers' compensation 61619
information in the possession of the department of taxation solely 61620
for the purpose of identifying employers that misclassify 61621
employees as independent contractors or that fail to properly 61622
report and pay employer tax liabilities. The department of 61623
taxation shall disclose only such information that is necessary to 61624
verify employer compliance with law administered by those 61625
agencies. 61626

(14) Disclosing to the Ohio casino control commission 61627
information in the possession of the department of taxation that 61628
is necessary to verify a casino operator's compliance with section 61629
5747.063 or 5753.02 of the Revised Code and sections related 61630
thereto; 61631

(15) Disclosing to the state lottery commission information 61632
in the possession of the department of taxation that is necessary 61633
to verify a lottery sales agent's compliance with section 5747.064 61634
of the Revised Code. 61635

(16) Disclosing to the department of development ~~services~~ 61636
~~agency~~ information in the possession of the department of taxation 61637
that is necessary to ensure compliance with the laws of this state 61638
governing taxation and to verify information reported to the 61639
department of development ~~services agency~~ for the purpose of 61640
evaluating potential tax credits, grants, or loans. Such 61641
information shall not include information received from the 61642
internal revenue service the disclosure of which is prohibited by 61643
section 6103 of the Internal Revenue Code. No officer, employee, 61644
or agent of the department of development ~~services agency~~ shall 61645
disclose any information provided to the department of development 61646

~~services agency~~ by the department of taxation under division 61647
(C)(16) of this section except when disclosure of the information 61648
is necessary for, and made solely for the purpose of facilitating, 61649
the evaluation of potential tax credits, grants, or loans. 61650

(17) Disclosing to the department of insurance information in 61651
the possession of the department of taxation that is necessary to 61652
ensure a taxpayer's compliance with the requirements with any tax 61653
credit administered by the department of development services 61654
~~agency~~ and claimed by the taxpayer against any tax administered by 61655
the superintendent of insurance. No officer, employee, or agent of 61656
the department of insurance shall disclose any information 61657
provided to the department of insurance by the department of 61658
taxation under division (C)(17) of this section. 61659

(18) Disclosing to the division of liquor control information 61660
in the possession of the department of taxation that is necessary 61661
for the division and department to comply with the requirements of 61662
sections 4303.26 and 4303.271 of the Revised Code. 61663

(19) Disclosing to the department of education, upon that 61664
department's request, information in the possession of the 61665
department of taxation that is necessary only to verify whether 61666
the family income of a student applying for or receiving a 61667
scholarship under the educational choice scholarship pilot program 61668
is equal to, less than, or greater than the income thresholds 61669
prescribed by section ~~3310.02~~ or 3310.032 of the Revised Code. The 61670
department of education shall provide sufficient information about 61671
the student and the student's family to enable the department of 61672
taxation to make the verification. 61673

(20) Disclosing to the Ohio rail development commission 61674
information in the possession of the department of taxation that 61675
is necessary to ensure compliance with the laws of this state 61676
governing taxation and to verify information reported to the 61677
commission for the purpose of evaluating potential grants or 61678

loans. Such information shall not include information received 61679
from the internal revenue service the disclosure of which is 61680
prohibited by section 6103 of the Internal Revenue Code. No 61681
member, officer, employee, or agent of the Ohio rail development 61682
commission shall disclose any information provided to the 61683
commission by the department of taxation under division (C)(20) of 61684
this section except when disclosure of the information is 61685
necessary for, and made solely for the purpose of facilitating, 61686
the evaluation of potential grants or loans. 61687

(21) Disclosing to the state racing commission information in 61688
the possession of the department of taxation that is necessary for 61689
verification of compliance with and for enforcement and 61690
administration of the taxes levied by Chapter 3769. of the Revised 61691
Code. Such information shall include information that is necessary 61692
for the state racing commission to verify compliance with Chapter 61693
3769. of the Revised Code for the purposes of issuance, denial, 61694
suspension, or revocation of a permit pursuant to section 3769.03 61695
or 3769.06 of the Revised Code and related sections. Unless 61696
disclosure is otherwise authorized by law, information provided to 61697
the state racing commission under this section remains 61698
confidential and is not subject to public disclosure pursuant to 61699
section 3769.041 of the Revised Code. 61700

(22) Disclosing to a tax administrator, as that term is 61701
defined in section 718.01 of the Revised Code, a return or other 61702
information filed or reported through the Ohio business gateway or 61703
another electronic manner prescribed by the tax commissioner under 61704
section 718.051 or 718.851 of the Revised Code, if that return or 61705
information relates to income tax levied by a municipal 61706
corporation under Chapter 718. of the Revised Code for which the 61707
tax administrator is charged with administering. 61708

Sec. 5703.70. (A) On the filing of an application for refund 61709

under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 61710
5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 61711
5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 61712
5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 61713
of the Revised Code, or an application for compensation under 61714
section 5739.061 of the Revised Code, if the tax commissioner 61715
determines that the amount of the refund or compensation to which 61716
the applicant is entitled is less than the amount claimed in the 61717
application, the commissioner shall give the applicant written 61718
notice by ordinary mail of the amount. The notice shall be sent to 61719
the address shown on the application unless the applicant notifies 61720
the commissioner of a different address. The applicant shall have 61721
sixty days from the date the commissioner mails the notice to 61722
provide additional information to the commissioner or request a 61723
hearing, or both. 61724

(B) If the applicant neither requests a hearing nor provides 61725
additional information to the tax commissioner within the time 61726
prescribed by division (A) of this section, the commissioner shall 61727
take no further action, and the refund or compensation amount 61728
denied becomes final. 61729

(C)(1) If the applicant requests a hearing within the time 61730
prescribed by division (A) of this section, the tax commissioner 61731
shall assign a time and place for the hearing and notify the 61732
applicant of such time and place, but the commissioner may 61733
continue the hearing from time to time, as necessary. After the 61734
hearing, the commissioner may make such adjustments to the refund 61735
or compensation as the commissioner finds proper, and shall issue 61736
a final determination thereon. 61737

(2) If the applicant does not request a hearing, but provides 61738
additional information, within the time prescribed by division (A) 61739
of this section, the commissioner shall review the information, 61740

make such adjustments to the refund or compensation as the 61741
commissioner finds proper, and issue a final determination 61742
thereon. The commissioner may review such information and make 61743
such adjustments as many times as the commissioner finds proper 61744
before the issuance of a final determination. 61745

(3) If the applicant requests a hearing and provides 61746
additional information within the time prescribed by division (A) 61747
of this section, the commissioner may review the information and 61748
make such adjustments to the refund or compensation as the 61749
commissioner finds proper. The commissioner may review such 61750
information and make such adjustments as many times as the 61751
commissioner finds proper before the issuance of a final 61752
determination. 61753

The commissioner shall assign a time and place for the 61754
hearing and notify the applicant of such time and place, but the 61755
commissioner may continue the hearing from time to time, as 61756
necessary. After the hearing, the commissioner may make any 61757
additional adjustments to the refund or compensation as the 61758
commissioner finds proper and shall issue a final determination 61759
thereon. 61760

(4) The commissioner shall serve a copy of the final 61761
determination made under division (C)(1) ~~or~~, (2), or (3) of this 61762
section on the applicant in the manner provided in section 5703.37 61763
of the Revised Code, and the decision is final, subject to appeal 61764
under section 5717.02 of the Revised Code. 61765

(D) The tax commissioner shall certify to the director of 61766
budget and management and treasurer of state for payment from the 61767
tax refund fund created by section 5703.052 of the Revised Code, 61768
the amount of the refund to be refunded under division (B) or (C) 61769
of this section. The commissioner also shall certify to the 61770
director and treasurer of state for payment from the general 61771
revenue fund the amount of compensation to be paid under division 61772

(B) or (C) of this section. 61773

Sec. 5703.94. (A) As used in this section: 61774

(1) "Declared disaster" means an event for which a disaster 61775
declaration has been issued. 61776

(2) "Disaster declaration" means a declaration issued by the 61777
president of the United States or the governor of this state that 61778
an emergency exists. 61779

(3) "Disaster response period" means the period that begins 61780
on the tenth day preceding the day on which a disaster declaration 61781
is issued through the sixtieth day following the day that the 61782
disaster declaration expires or is rescinded. 61783

(4) "Disaster work" means both of the following: 61784

(a) Repairing, renovating, installing, or constructing 61785
critical infrastructure damaged or destroyed by the declared 61786
disaster, or other business activities related to that critical 61787
infrastructure; 61788

(b) Activities conducted in preparation for any activity 61789
described in division (A)(4)(a) of this section. 61790

(5) "Critical infrastructure" means property and equipment 61791
owned or used by a qualifying owner or user to provide service to 61792
more than one customer, including related support facilities such 61793
as buildings, offices, power lines, cable lines, poles, 61794
communication lines, and structures. 61795

(6) "Qualifying owner or user" means a public utility, 61796
commercial mobile radio service provider, cable service provider, 61797
or video service provider. 61798

(7) "Public utility" has the same meaning as in section 61799
4905.02 of the Revised Code, without regard to the exclusions from 61800
that definition prescribed in divisions (A)(1) to (5) of that 61801

section. 61802

(8) "Commercial mobile radio service provider" means a person 61803
providing commercial mobile service as defined in 47 U.S.C. 61804
332(d). 61805

(9) "Cable service provider" and "video service provider" 61806
have the same meanings as in section 1332.21 of the Revised Code. 61807

(10) "Out-of-state disaster business" means a person that 61808
does all of the following or to which apply all of the following: 61809

(a) Receives a qualifying solicitation; 61810

(b) Conducts disaster work in this state during a disaster 61811
response period; 61812

(c) Is not subject to taxation under Chapter 5747. or 5751. 61813
of the Revised Code on any basis other than such disaster work 61814
during the calendar year preceding the year in which the disaster 61815
response period begins or is subject to such taxation during that 61816
year solely because the person is a related member of another 61817
person. 61818

(11) "Out-of-state employee" means an individual who performs 61819
no work in this state, except disaster work during a disaster 61820
response period, from the first day of the preceding calendar year 61821
to the date on which the disaster response period begins. 61822

(12) "Related member" has the same meaning as in section 61823
5733.042 of the Revised Code without regard to division (B) of 61824
that section. 61825

(13) "Qualifying solicitation" means a written solicitation 61826
or request from the state, a county, municipal corporation, or 61827
township, or a qualifying user or owner of critical infrastructure 61828
soliciting or requesting the assistance of a person to perform 61829
disaster work in this state. 61830

(14) "Qualifying employee" means one of the following: 61831

(a) An out-of-state employee performing disaster work in this state during a disaster response period whose employer receives a qualifying solicitation to perform such work;

(b) An out-of-state employee performing disaster work in this state on critical infrastructure owned or used by the employee's employer during a disaster response period, provided that employer is a qualifying user or owner.

(B) An out-of-state disaster business or qualifying employee shall qualify for all of the following, as applicable:

(1) The exemption authorized in division (C)(20) of section 718.01, the exemption authorized in division (C)(10) of section 5741.02, the deduction authorized in division (A)(30) of section 5747.01, and the exclusion authorized in division ~~(F)(2)(ll)~~ (F)(2)(kk) of section 5751.01 of the Revised Code;

(2) An exemption from any requirement to file a document or application with or to remit a fee to the secretary of state as a condition precedent to engaging in business in this state, in accordance with section 1701.041 of the Revised Code;

(3) An exemption from the requirements of Chapters 4121., 4123., and 4141. of the Revised Code, in accordance with division (A)(2) of section 4123.01 and section 4141.42 of the Revised Code;

(4) An exemption from the requirement to obtain a state or local occupational license or other authorization, in accordance with section 4799.04 of the Revised Code.

(C)(1) Upon the request of the tax commissioner, an out-of-state disaster business shall provide the following information to the commissioner:

(a) The name of the out-of-state disaster business and the address of its principal place of business;

(b) The business' federal tax identification number;

(c) A copy of the qualifying solicitation received by the business; 61862
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(d) The dates that the out-of-state disaster business and each of the business' out-of-state employees performing disaster work in this state during a disaster response period began performing disaster work in this state during that period; 61864
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(e) The name and social security number of each of the out-of-state disaster business' out-of-state employees performing disaster work in this state during a disaster response period; 61868
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(f) The name of any person of which the out-of-state disaster business is a related member, provided that person is subject to taxation under Chapter 5747. or 5751. of the Revised Code during the calendar year preceding the year in which the disaster response period begins; 61871
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(g) Any other information required by the tax commissioner. 61876

(2) Upon the request of the tax commissioner, the employer of a qualifying employee shall provide the following information to the commissioner: 61877
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(a) The employer's name and the address of its principal place of business; 61880
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(b) The employer's federal tax identification number; 61882

(c) For the employer of a qualifying employee described in division (A)(14)(a) of this section, a copy of the qualifying solicitation received by the employer; 61883
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(d) The date each of the employer's out-of-state employees performing disaster work in this state during a disaster response period began performing disaster work in this state during that period; 61886
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(e) The name and social security number of each of the employer's out-of-state employees performing disaster work in this 61890
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state during a disaster response period; 61892

(f) Any other information required by the tax commissioner. 61893

(3) If the commissioner makes a request under division (C)(1) 61894
or (2) of this section, the out-of-state disaster business or 61895
employer shall submit information described in that division to 61896
the commissioner not later than thirty days from the date the 61897
disaster response period terminates or thirty days after the 61898
business or employer receives the request, whichever is later. 61899

(D) The department of taxation may adopt rules necessary to 61900
administer this section. 61901

Sec. 5705.16. A resolution of the taxing authority of any 61902
political subdivision shall be passed by a majority of all the 61903
members thereof, declaring the necessity for the transfer of funds 61904
authorized by section 5705.15 of the Revised Code, and such taxing 61905
authority shall submit to the tax commissioner a petition that 61906
includes the name and amount of the fund, the fund to which it is 61907
desired to be transferred, a copy of such resolution with a full 61908
statement of the proceedings pertaining to its passage, and the 61909
reason or necessity for the transfer. The commissioner shall 61910
approve the transfer of such funds upon determining each of the 61911
following: 61912

(A) The petition states sufficient facts; 61913

(B) That there are good reasons, or that a necessity exists, 61914
for the transfer; 61915

(C) No injury will result from the transfer of such funds. 61916

If the petition is disapproved by the commissioner, it shall 61917
be returned within ~~ten~~ thirty days of its receipt to the officers 61918
who submitted it, with a memorandum of the commissioner's 61919
objections, and the taxing authority shall not transfer the funds 61920
as requested by the petition. This disapproval shall not prejudice 61921

a later application for approval. If the petition is approved by 61922
the commissioner, it shall be returned within ~~ten~~ thirty days of 61923
its receipt to the officers who submitted it, and the taxing 61924
authority may transfer the funds as requested by the petition. 61925

Sec. 5705.19. This section does not apply to school 61926
districts, county school financing districts, or lake facilities 61927
authorities. 61928

The taxing authority of any subdivision at any time and in 61929
any year, by vote of two-thirds of all the members of the taxing 61930
authority, may declare by resolution and certify the resolution to 61931
the board of elections not less than ninety days before the 61932
election upon which it will be voted that the amount of taxes that 61933
may be raised within the ten-mill limitation will be insufficient 61934
to provide for the necessary requirements of the subdivision and 61935
that it is necessary to levy a tax in excess of that limitation 61936
for any of the following purposes: 61937

(A) For current expenses of the subdivision, except that the 61938
total levy for current expenses of a detention facility district 61939
or district organized under section 2151.65 of the Revised Code 61940
shall not exceed two mills and that the total levy for current 61941
expenses of a combined district organized under sections 2151.65 61942
and 2152.41 of the Revised Code shall not exceed four mills; 61943

(B) For the payment of debt charges on certain described 61944
bonds, notes, or certificates of indebtedness of the subdivision 61945
issued subsequent to January 1, 1925; 61946

(C) For the debt charges on all bonds, notes, and 61947
certificates of indebtedness issued and authorized to be issued 61948
prior to January 1, 1925; 61949

(D) For a public library of, or supported by, the subdivision 61950
under whatever law organized or authorized to be supported; 61951

(E) For a municipal university, not to exceed two mills over 61952
the limitation of one mill prescribed in section 3349.13 of the 61953
Revised Code; 61954

(F) For the construction or acquisition of any specific 61955
permanent improvement or class of improvements that the taxing 61956
authority of the subdivision may include in a single bond issue; 61957

(G) For the general construction, reconstruction, 61958
resurfacing, and repair of streets, roads, and bridges in 61959
municipal corporations, counties, or townships; 61960

(H) For parks and recreational purposes; 61961

(I) For providing and maintaining fire apparatus, mechanical 61962
resuscitators, underwater rescue and recovery equipment, or other 61963
fire equipment and appliances, buildings and sites therefor, or 61964
sources of water supply and materials therefor, for the 61965
establishment and maintenance of lines of fire-alarm 61966
communications, for the payment of firefighting companies or 61967
permanent, part-time, or volunteer firefighting, emergency medical 61968
service, administrative, or communications personnel to operate 61969
the same, including the payment of any employer contributions 61970
required for such personnel under section 145.48 or 742.34 of the 61971
Revised Code, for the purchase of ambulance equipment, for the 61972
provision of ambulance, paramedic, or other emergency medical 61973
services operated by a fire department or firefighting company, or 61974
for the payment of other related costs; 61975

(J) For providing and maintaining motor vehicles, 61976
communications, other equipment, buildings, and sites for such 61977
buildings used directly in the operation of a police department, 61978
for the payment of salaries of permanent or part-time police, 61979
communications, or administrative personnel to operate the same, 61980
including the payment of any employer contributions required for 61981
such personnel under section 145.48 or 742.33 of the Revised Code, 61982

for the payment of the costs incurred by townships as a result of 61983
contracts made with other political subdivisions in order to 61984
obtain police protection, for the provision of ambulance or 61985
emergency medical services operated by a police department, or for 61986
the payment of other related costs; 61987

(K) For the maintenance and operation of a county home or 61988
detention facility; 61989

(L) For community developmental disabilities programs and 61990
services pursuant to Chapter 5126. of the Revised Code, except 61991
that such levies shall be subject to the procedures and 61992
requirements of section 5705.222 of the Revised Code; 61993

(M) For regional planning; 61994

(N) For a county's share of the cost of maintaining and 61995
operating schools, district detention facilities, forestry camps, 61996
or other facilities, or any combination thereof, established under 61997
section 2151.65 or 2152.41 of the Revised Code or both of those 61998
sections; 61999

(O) For providing for flood defense, providing and 62000
maintaining a flood wall or pumps, and other purposes to prevent 62001
floods; 62002

(P) For maintaining and operating sewage disposal plants and 62003
facilities; 62004

(Q) For the purpose of purchasing, acquiring, constructing, 62005
enlarging, improving, equipping, repairing, maintaining, or 62006
operating, or any combination of the foregoing, a county transit 62007
system pursuant to sections 306.01 to 306.13 of the Revised Code, 62008
or of making any payment to a board of county commissioners 62009
operating a transit system or a county transit board pursuant to 62010
section 306.06 of the Revised Code; 62011

(R) For the subdivision's share of the cost of acquiring or 62012

constructing any schools, forestry camps, detention facilities, or 62013
other facilities, or any combination thereof, under section 62014
2151.65 or 2152.41 of the Revised Code or both of those sections; 62015

(S) For the prevention, control, and abatement of air 62016
pollution; 62017

(T) For maintaining and operating cemeteries; 62018

(U) For providing ambulance service, emergency medical 62019
service, or both; 62020

(V) For providing for the collection and disposal of garbage 62021
or refuse, including yard waste; 62022

(W) For the payment of the police officer employers' 62023
contribution or the firefighter employers' contribution required 62024
under sections 742.33 and 742.34 of the Revised Code; 62025

(X) For the construction and maintenance of a drainage 62026
improvement pursuant to section 6131.52 of the Revised Code; 62027

(Y) For providing or maintaining senior citizens services or 62028
facilities as authorized by section 307.694, 307.85, 505.70, or 62029
505.706 or division (EE) of section 717.01 of the Revised Code; 62030

(Z) For the provision and maintenance of zoological park 62031
services and facilities as authorized under section 307.76 of the 62032
Revised Code; 62033

(AA) For the maintenance and operation of a free public 62034
museum of art, science, or history; 62035

(BB) For the establishment and operation of a 9-1-1 system, 62036
as defined in section 128.01 of the Revised Code; 62037

(CC) For the purpose of acquiring, rehabilitating, or 62038
developing rail property or rail service. As used in this 62039
division, "rail property" and "rail service" have the same 62040
meanings as in section 4981.01 of the Revised Code. This division 62041
applies only to a county, township, or municipal corporation. 62042

(DD) For the purpose of acquiring property for, constructing, 62043
operating, and maintaining community centers as provided for in 62044
section 755.16 of the Revised Code; 62045

(EE) For the creation and operation of an office or joint 62046
office of economic development, for any economic development 62047
purpose of the office, and to otherwise provide for the 62048
establishment and operation of a program of economic development 62049
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 62050
the extent that the expenses of a county land reutilization 62051
corporation organized under Chapter 1724. of the Revised Code are 62052
found by the board of county commissioners to constitute the 62053
promotion of economic development, for the payment of such 62054
operations and expenses; 62055

(FF) For the purpose of acquiring, establishing, 62056
constructing, improving, equipping, maintaining, or operating, or 62057
any combination of the foregoing, a township airport, landing 62058
field, or other air navigation facility pursuant to section 505.15 62059
of the Revised Code; 62060

(GG) For the payment of costs incurred by a township as a 62061
result of a contract made with a county pursuant to section 62062
505.263 of the Revised Code in order to pay all or any part of the 62063
cost of constructing, maintaining, repairing, or operating a water 62064
supply improvement; 62065

(HH) For a board of township trustees to acquire, other than 62066
by appropriation, an ownership interest in land, water, or 62067
wetlands, or to restore or maintain land, water, or wetlands in 62068
which the board has an ownership interest, not for purposes of 62069
recreation, but for the purposes of protecting and preserving the 62070
natural, scenic, open, or wooded condition of the land, water, or 62071
wetlands against modification or encroachment resulting from 62072
occupation, development, or other use, which may be styled as 62073
protecting or preserving "greenspace" in the resolution, notice of 62074

election, or ballot form. Except as otherwise provided in this 62075
division, land is not acquired for purposes of recreation, even if 62076
the land is used for recreational purposes, so long as no 62077
building, structure, or fixture used for recreational purposes is 62078
permanently attached or affixed to the land. Except as otherwise 62079
provided in this division, land that previously has been acquired 62080
in a township for these greenspace purposes may subsequently be 62081
used for recreational purposes if the board of township trustees 62082
adopts a resolution approving that use and no building, structure, 62083
or fixture used for recreational purposes is permanently attached 62084
or affixed to the land. The authorization to use greenspace land 62085
for recreational use does not apply to land located in a township 62086
that had a population, at the time it passed its first greenspace 62087
levy, of more than thirty-eight thousand within a county that had 62088
a population, at that time, of at least eight hundred sixty 62089
thousand. 62090

(II) For the support by a county of a crime victim assistance 62091
program that is provided and maintained by a county agency or a 62092
private, nonprofit corporation or association under section 307.62 62093
of the Revised Code; 62094

(JJ) For any or all of the purposes set forth in divisions 62095
(I) and (J) of this section. This division applies only to a 62096
municipal corporation or a township. 62097

(KK) For a countywide public safety communications system 62098
under section 307.63 of the Revised Code. This division applies 62099
only to counties. 62100

(LL) For the support by a county of criminal justice services 62101
under section 307.45 of the Revised Code; 62102

(MM) For the purpose of maintaining and operating a jail or 62103
other detention facility as defined in section 2921.01 of the 62104
Revised Code; 62105

(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold, and the operating expenses of, agricultural fairs operated by a county agricultural society or independent agricultural society under Chapter 1711. of the Revised Code. This division applies only to a county. 62106
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62110
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(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements; 62112
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62114
62115

(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. 62116
62117

(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township. 62118
62119

(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements. 62120
62121
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62124

(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county. 62125
62126

(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code. 62127
62128
62129

(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized; 62130
62131
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(VV) For construction and maintenance of improvements and 62135

expenses of soil and water conservation district programs under 62136
Chapter 940. of the Revised Code; 62137

(WW) For the OSU extension fund created under section 3335.35 62138
of the Revised Code for the purposes prescribed under section 62139
3335.36 of the Revised Code for the benefit of the citizens of a 62140
county. This division applies only to a county. 62141

(XX) For a municipal corporation that withdraws or proposes 62142
by resolution to withdraw from a regional transit authority under 62143
section 306.55 of the Revised Code to provide transportation 62144
services for the movement of persons within, from, or to the 62145
municipal corporation; 62146

(YY) For any combination of the purposes specified in 62147
divisions (NN), (VV), and (WW) of this section. This division 62148
applies only to a county. 62149

(ZZ) For any combination of the following purposes: the 62150
acquisition, construction, improvement, or maintenance of 62151
buildings, equipment, and supplies for police, firefighting, or 62152
emergency medical services; the construction, reconstruction, 62153
resurfacing, or repair of streets, roads, and bridges; or for 62154
general infrastructure projects. This division applies only to a 62155
township or municipal corporation. 62156

(AAA) For any combination of the purposes specified in 62157
divisions (G), (K), (N), (O), (P), (X), (BB), and (MM) of this 62158
section, for the acquisition, construction or maintenance of 62159
county facilities, or for the acquisition of or improvements to 62160
land. This division applies only to a county. 62161

The resolution shall be confined to the purpose or purposes 62162
described in one division of this section, to which the revenue 62163
derived therefrom shall be applied. The existence in any other 62164
division of this section of authority to levy a tax for any part 62165
or all of the same purpose or purposes does not preclude the use 62166

of such revenues for any part of the purpose or purposes of the 62167
division under which the resolution is adopted. 62168

The resolution shall specify the amount of the increase in 62169
rate that it is necessary to levy, the purpose of that increase in 62170
rate, and the number of years during which the increase in rate 62171
shall be in effect, which may or may not include a levy upon the 62172
duplicate of the current year. The number of years may be any 62173
number not exceeding five, except as follows: 62174

(1) When the additional rate is for the payment of debt 62175
charges, the increased rate shall be for the life of the 62176
indebtedness. 62177

(2) When the additional rate is for any of the following, the 62178
increased rate shall be for a continuing period of time: 62179

(a) For the current expenses for a detention facility 62180
district, a district organized under section 2151.65 of the 62181
Revised Code, or a combined district organized under sections 62182
2151.65 and 2152.41 of the Revised Code; 62183

(b) For providing a county's share of the cost of maintaining 62184
and operating schools, district detention facilities, forestry 62185
camps, or other facilities, or any combination thereof, 62186
established under section 2151.65 or 2152.41 of the Revised Code 62187
or under both of those sections. 62188

(3) When the additional rate is for either of the following, 62189
the increased rate may be for a continuing period of time: 62190

(a) For the purposes set forth in division (I), (J), (U), 62191
(JJ), or (KK) of this section; 62192

(b) For the maintenance and operation of a joint recreation 62193
district. 62194

(4) When the increase is for the purpose or purposes set 62195
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 62196

section, the tax levy may be for any specified number of years or 62197
for a continuing period of time, as set forth in the resolution. 62198

(5) When the increase is for the purpose set forth in 62199
division (ZZ) or (AAA) of this section, the tax levy may be for 62200
any number of years not exceeding ten. 62201

A levy for one of the purposes set forth in division (G), 62202
(I), (J), ~~or~~ (U), or (JJ) of this section may be reduced pursuant 62203
to section 5705.261 or 5705.31 of the Revised Code. A levy for one 62204
of the purposes set forth in division (G), (I), (J), ~~or~~ (U), or 62205
(JJ) of this section may also be terminated or permanently reduced 62206
by the taxing authority if it adopts a resolution stating that the 62207
continuance of the levy is unnecessary and the levy shall be 62208
terminated or that the millage is excessive and the levy shall be 62209
decreased by a designated amount. 62210

A resolution of a detention facility district, a district 62211
organized under section 2151.65 of the Revised Code, or a combined 62212
district organized under both sections 2151.65 and 2152.41 of the 62213
Revised Code may include both current expenses and other purposes, 62214
provided that the resolution shall apportion the annual rate of 62215
levy between the current expenses and the other purpose or 62216
purposes. The apportionment need not be the same for each year of 62217
the levy, but the respective portions of the rate actually levied 62218
each year for the current expenses and the other purpose or 62219
purposes shall be limited by the apportionment. 62220

Whenever a board of county commissioners, acting either as 62221
the taxing authority of its county or as the taxing authority of a 62222
sewer district or subdistrict created under Chapter 6117. of the 62223
Revised Code, by resolution declares it necessary to levy a tax in 62224
excess of the ten-mill limitation for the purpose of constructing, 62225
improving, or extending sewage disposal plants or sewage systems, 62226
the tax may be in effect for any number of years not exceeding 62227
twenty, and the proceeds of the tax, notwithstanding the general 62228

provisions of this section, may be used to pay debt charges on any 62229
obligations issued and outstanding on behalf of the subdivision 62230
for the purposes enumerated in this paragraph, provided that any 62231
such obligations have been specifically described in the 62232
resolution. 62233

A resolution adopted by the legislative authority of a 62234
municipal corporation that is for the purpose in division (XX) of 62235
this section may be combined with the purpose provided in section 62236
306.55 of the Revised Code, by vote of two-thirds of all members 62237
of the legislative authority. The legislative authority may 62238
certify the resolution to the board of elections as a combined 62239
question. The question appearing on the ballot shall be as 62240
provided in section 5705.252 of the Revised Code. 62241

A levy for the purpose set forth in division (BB) of this 62242
section may be imposed in all or a portion of the territory of a 62243
subdivision. If the 9-1-1 system to be established and operated 62244
with levy funds excludes territory located within the subdivision, 62245
the resolution adopted under this section, or a resolution 62246
proposing to renew such a levy that was imposed in all of the 62247
territory of the subdivision, may describe the area served or to 62248
be served by the system and specify that the proposed tax would be 62249
imposed only in the areas receiving or to receive the service. 62250
Upon passage of such a resolution, the board of elections shall 62251
submit the question of the tax levy only to those electors 62252
residing in the area or areas in which the tax would be imposed. 62253
If the 9-1-1 system would serve the entire subdivision, the 62254
resolution shall not exclude territory from the tax levy. 62255

The resolution shall go into immediate effect upon its 62256
passage, and no publication of the resolution is necessary other 62257
than that provided for in the notice of election. 62258

When the electors of a subdivision or, in the case of a 62259
qualifying library levy for the support of a library association 62260

or private corporation, the electors of the association library 62261
district or, in the case of a 9-1-1 system levy serving only a 62262
portion of the territory of a subdivision, the electors of the 62263
portion of the subdivision in which the levy would be imposed have 62264
approved a tax levy under this section, the taxing authority of 62265
the subdivision may anticipate a fraction of the proceeds of the 62266
levy and issue anticipation notes in accordance with section 62267
5705.191 or 5705.193 of the Revised Code. 62268

Sec. 5709.09. (A) Real property or any estate, interest, or 62269
right therein dedicated in accordance with section 1517.05 of the 62270
Revised Code is exempt from taxation. 62271

(B) Real property is exempt from taxation if the property is 62272
owned or held by an organization that is organized for the purpose 62273
of natural resources protection, preservation, restoration, or 62274
enhancement or water quality improvement and that is described 62275
under section 501(c)(3) of the Internal Revenue Code and exempt 62276
from taxation under section 501(a) of the Internal Revenue Code 62277
and if either of the following apply: 62278

(1) The property is subject to an environmental response 62279
project described in division (E)(2) of section 5301.80 of the 62280
Revised Code; 62281

(2) The property is subject to a nature water project that 62282
receives funding from the H2Ohio fund established in section 62283
126.60 of the Revised Code. 62284

Sec. 5709.121. (A) Real property and tangible personal 62285
property belonging to a charitable or educational institution or 62286
to the state or a political subdivision, shall be considered as 62287
used exclusively for charitable or public purposes by such 62288
institution, the state, or political subdivision, if it meets one 62289
of the following requirements: 62290

(1) It is used by such institution, the state, or political subdivision, or by one or more other such institutions, the state, or political subdivisions under a lease, sublease, or other contractual arrangement:

(a) As a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein;

(b) As a children's, science, history, or natural history museum that is open to the general public;

(c) For other charitable, educational, or public purposes.

(2) It is made available under the direction or control of such institution, the state, or political subdivision for use in furtherance of or incidental to its charitable, educational, or public purposes and not with the view to profit.

(3) It is used by an organization described in division (D) of section 5709.12 of the Revised Code. If the organization is a corporation that receives a grant under the Thomas Alva Edison grant program authorized by division (C) of section 122.33 of the Revised Code at any time during the tax year, "used," for the purposes of this division, includes holding property for lease or resale to others.

(B)(1) Property described in division (A)(1)(a) or (b) of this section shall continue to be considered as used exclusively for charitable or public purposes even if the property is conveyed through one conveyance or a series of conveyances to an entity that is not a charitable or educational institution and is not the state or a political subdivision, provided that all of the following conditions apply with respect to that property:

(a) The property was listed as exempt on the county auditor's tax list and duplicate for the county in which it is located for the tax year immediately preceding the year in which the property

is conveyed through one conveyance or a series of conveyances; 62322

(b) The property is conveyed through one conveyance or a 62323
series of conveyances to an entity that does any of the following: 62324

(i) Leases at least forty-five per cent of the property, 62325
through one lease or a series of leases, to the entity that owned 62326
or occupied the property for the tax year immediately preceding 62327
the year in which the property is conveyed or to an affiliate of 62328
that entity; 62329

(ii) Contracts, directly or indirectly to have renovations 62330
performed as described in division (B)(1)(d) of this section and 62331
is at least partially owned by a nonprofit organization described 62332
in section 501(c)(3) of the Internal Revenue Code that is exempt 62333
from taxation under section 501(a) of that code. 62334

(c) The property includes improvements that are at least 62335
fifty years old; 62336

(d) The property is being renovated in connection with a 62337
claim for historic preservation tax credits available under 62338
federal law; 62339

(e) All or a portion of the property continues to be used for 62340
the purposes described in division (A)(1)(a) or (b) of this 62341
section after its conveyance; and 62342

(f) The property is certified by the United States secretary 62343
of the interior as a "certified historic structure" or certified 62344
as part of a certified historic structure. 62345

(2) Notwithstanding section 5715.27 of the Revised Code, an 62346
application for exemption from taxation of property described in 62347
division (B)(1) of this section may be filed by either the owner 62348
of the property or an occupant. 62349

(C) For purposes of this section, an institution that meets 62350
all of the following requirements is conclusively presumed to be a 62351

charitable institution: 62352

(1) The institution is a nonprofit corporation or 62353
association, no part of the net earnings of which inures to the 62354
benefit of any private shareholder or individual; 62355

(2) The institution is exempt from federal income taxation 62356
under section 501(a) of the Internal Revenue Code; 62357

(3) The majority of the institution's board of directors are 62358
appointed by the mayor or legislative authority of a municipal 62359
corporation or a board of county commissioners, or a combination 62360
thereof; 62361

(4) The primary purpose of the institution is to assist in 62362
the development and revitalization of downtown urban areas. 62363

(D) For purposes of division (A)(1)(b) of this section, the 62364
status of a museum as open to the general public shall be 62365
conclusive if the museum is accredited by the American alliance of 62366
museums or a successor organization. 62367

(E)(1) Qualifying real property owned by an institution that 62368
meets all of the following requirements shall be considered as 62369
used exclusively for charitable purposes, and the institution 62370
shall be considered a charitable institution for purposes of this 62371
section and section 5709.12 of the Revised Code: 62372

(a) The institution is an organization described under 62373
section 501(c)(3) of the Internal Revenue Code and exempt from 62374
federal income taxation under section 501(a) of the Internal 62375
Revenue Code. 62376

(b) The institution's primary purpose is to acquire, develop, 62377
lease, or otherwise provide suitable housing to individuals with 62378
developmental disabilities. 62379

(c) The institution receives at least a portion of its 62380
funding from one or more county boards of developmental 62381

disabilities to assist in the institution's primary purpose 62382
described in division (E)(1)(b) of this section. 62383

(2) As used in division (E) of this section, "qualifying real 62384
property" means real property that is used primarily in one of the 62385
following manners: 62386

(a) The property is used by the institution described in 62387
division (E)(1) of this section for the purpose described in 62388
division (E)(1)(b) of this section. 62389

(b) The property is leased or otherwise provided by the 62390
institution described in division (E)(1) of this section to 62391
individuals with developmental disabilities and used by those 62392
individuals as housing. 62393

(c) The property is leased or otherwise provided by the 62394
institution described in division (E)(1) of this section to 62395
another charitable institution, and that charitable institution 62396
uses the property exclusively for charitable purposes. 62397

(F)(1) Qualifying real property owned by an institution that 62398
meets all of the following requirements shall be considered as 62399
used exclusively for charitable purposes, and the institution 62400
shall be considered a charitable institution for purposes of this 62401
section and section 5709.12 of the Revised Code: 62402

(a) The institution is either (i) an organization described 62403
under section 501(c)(3) of the Internal Revenue Code and exempt 62404
from federal income taxation under section 501(a) of the Internal 62405
Revenue Code that has as a primary purpose to acquire, develop, 62406
lease, or otherwise provide suitable supportive housing to 62407
individuals diagnosed with mental illness or substance use 62408
disorder and to families residing with such individuals or (ii) a 62409
limited liability company or limited partnership whose controlling 62410
or managing member or partner either is an organization described 62411
in division (F)(1)(a)(i) of this section or is wholly owned by one 62412

or more such organizations. 62413

(b) One or more of the tax-exempt organizations identified in 62414
division (F)(1)(a) of this section receives at least a portion of 62415
its funding to assist in the organization's primary purpose 62416
described in division (F)(1)(a)(i) of this section from the 62417
department of mental health and addiction services; one or more 62418
county boards of alcohol, drug addiction, and mental health 62419
services; or a local continuum of care program governed by 42 62420
U.S.C. 11381, et seq. and 24 C.F.R. part 578. 62421

(2) As used in division (F) of this section, "qualifying real 62422
property" means real property that is used primarily in one of the 62423
following manners: 62424

(a) The property is used by the institution described in 62425
division (F)(1) of this section for the purpose described in 62426
division (F)(1)(a)(i) of this section. 62427

(b) The institution (i) leases or otherwise provides the 62428
property to individuals diagnosed with mental illness or substance 62429
use disorder and to the families residing with such individuals 62430
and (ii) makes supportive services available to such individuals 62431
and families. 62432

(c) The property is leased or otherwise provided by that 62433
institution to another charitable institution, and that charitable 62434
institution uses the property exclusively for charitable purposes. 62435

(G)(1) For tax years 2020 to 2024, a qualifying parking 62436
garage shall be considered as used exclusively for charitable 62437
purposes for the purpose of section 5709.12 of the Revised Code if 62438
all taxes, interest, and penalties levied and assessed against any 62439
property owned by the owner and operator of the qualifying parking 62440
garage, as described in division (G)(2)(b)(i) or (ii) of this 62441
section, have been paid in full for all of the tax years preceding 62442
the tax year for which the application for exemption is filed. 62443

(2) As used in division (G) of this section: 62444

(a) "Nonprofit arts institution" means an institution that is 62445
exempt from federal income taxation under section 501(a) of the 62446
Internal Revenue Code and whose primary purpose is to host or 62447
present performances in music, dramatics, the arts, and related 62448
fields in order to foster public interest and education therein. 62449

(b) "Qualifying parking garage" means any real property that 62450
is used primarily for parking motor vehicles within or on a 62451
structure and that is either (i) owned and operated by a nonprofit 62452
arts institution or (ii) owned and operated by a limited liability 62453
company whose sole member is a nonprofit arts institution. 62454

Sec. 5709.17. The following property shall be exempted from 62455
taxation: 62456

(A) Real estate held or occupied by an association or 62457
corporation, organized or incorporated under the laws of this 62458
state relative to soldiers' memorial associations or monumental 62459
building associations and that, in the opinion of the trustees, 62460
directors, or managers thereof, is necessary and proper to carry 62461
out the object intended for such association or corporation; 62462

(B) Real estate and tangible personal property held or 62463
occupied by a qualifying veterans' organization and used primarily 62464
for meetings and administration of the qualifying veterans' 62465
organization or for providing, on a not-for-profit basis, programs 62466
and supportive services to past or present members of the armed 62467
forces of the United States and their families, except real estate 62468
held by such an organization for the production of rental income 62469
in excess of thirty-six thousand dollars in a tax year, before 62470
accounting for any cost or expense incurred in the production of 62471
such income. For the purposes of this division, rental income 62472
includes only income arising directly from renting the real estate 62473
to others for consideration, but does not include income arising 62474

from renting the real estate to a qualifying veterans' organization. 62475
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As used in this division, "qualifying veterans' organization" means an organization that is incorporated under the laws of this state or the United States and that meets either of the following requirements: 62477
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(1) The organization qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the Internal Revenue Code. 62481
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(2) The organization meets the criteria for exemption under section 501(c)(19) of the Internal Revenue Code and regulations adopted pursuant thereto, but is exempt from taxation under section 501(c)(4) of the Internal Revenue Code. 62484
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(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is property obtained as described in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 62488
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(D) Real estate held or occupied by a fraternal organization and used primarily for meetings of and the administration of the fraternal organization or for providing, on a not-for-profit basis, educational or health services, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, rental income includes only income arising directly from renting the real estate to others for consideration, but does not include income arising from renting the real estate to any fraternal organization for use primarily for meetings of and the administration of such fraternal 62494
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organization or for providing, on a not-for-profit basis, 62506
educational or health services. As used in this division, 62507
"fraternal organization" means a domestic fraternal society, 62508
order, or association operating under the lodge, council, or 62509
grange system that qualifies for exemption from taxation under 62510
section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 62511
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 62512
that provides financial support for charitable purposes, as 62513
defined in division (B)(12) of section 5739.02 of the Revised 62514
Code; and that operates under either a state or national governing 62515
body that has been operating in this state for at least 62516
eighty-five years. 62517

Sec. 5709.40. (A) As used in this section: 62518

(1) "Blighted area" and "impacted city" have the same 62519
meanings as in section 1728.01 of the Revised Code. 62520

(2) "Business day" means a day of the week excluding 62521
Saturday, Sunday, and a legal holiday as defined under section 62522
1.14 of the Revised Code. 62523

(3) "Housing renovation" means a project carried out for 62524
residential purposes. 62525

(4) "Improvement" means the increase in the assessed value of 62526
any real property that would first appear on the tax list and 62527
duplicate of real and public utility property after the effective 62528
date of an ordinance adopted under this section were it not for 62529
the exemption granted by that ordinance. 62530

(5) "Incentive district" means an area not more than three 62531
hundred acres in size enclosed by a continuous boundary in which a 62532
project is being, or will be, undertaken and having one or more of 62533
the following distress characteristics: 62534

(a) At least fifty-one per cent of the residents of the 62535

district have incomes of less than eighty per cent of the median 62536
income of residents of the political subdivision in which the 62537
district is located, as determined in the same manner specified 62538
under section 119(b) of the "Housing and Community Development Act 62539
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 62540

(b) The average rate of unemployment in the district during 62541
the most recent twelve-month period for which data are available 62542
is equal to at least one hundred fifty per cent of the average 62543
rate of unemployment for this state for the same period. 62544

(c) At least twenty per cent of the people residing in the 62545
district live at or below the poverty level as defined in the 62546
federal Housing and Community Development Act of 1974, 42 U.S.C. 62547
5301, as amended, and regulations adopted pursuant to that act. 62548

(d) The district is a blighted area. 62549

(e) The district is in a situational distress area as 62550
designated by the director of development services under division 62551
(F) of section 122.23 of the Revised Code. 62552

(f) As certified by the engineer for the political 62553
subdivision, the public infrastructure serving the district is 62554
inadequate to meet the development needs of the district as 62555
evidenced by a written economic development plan or urban renewal 62556
plan for the district that has been adopted by the legislative 62557
authority of the subdivision. 62558

(g) The district is comprised entirely of unimproved land 62559
that is located in a distressed area as defined in section 122.23 62560
of the Revised Code. 62561

(6) "Overlay" means an area of not more than three hundred 62562
acres that is a square, or that is a rectangle having two longer 62563
sides that are not more than twice the length of the two shorter 62564
sides, that the legislative authority of a municipal corporation 62565
delineates on a map of a proposed incentive district. 62566

(7) "Project" means development activities undertaken on one or more parcels, including, but not limited to, construction, expansion, and alteration of buildings or structures, demolition, remediation, and site development, and any building or structure that results from those activities.

(8) "Public infrastructure improvement" includes, but is not limited to, public roads and highways; water and sewer lines; the continued maintenance of those public roads and highways and water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; ~~and~~ the enhancement of public waterways through improvements that allow for greater public access; and off-street parking facilities, including those in which all or a portion of the parking spaces are reserved for specific uses when determined to be necessary for economic development purposes.

(B) The legislative authority of a municipal corporation, by ordinance, may declare improvements to certain parcels of real property located in the municipal corporation to be a public purpose. Improvements with respect to a parcel that is used or to be used for residential purposes may be declared a public purpose under this division only if the parcel is located in a blighted area of an impacted city. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the

tax commissioner to classify the parcel as residential property in 62599
accordance with rules adopted by the commissioner under section 62600
5713.041 of the Revised Code. Except as otherwise provided under 62601
division (D) of this section or section 5709.51 of the Revised 62602
Code, not more than seventy-five per cent of an improvement thus 62603
declared to be a public purpose may be exempted from real property 62604
taxation for a period of not more than ten years. The ordinance 62605
shall specify the percentage of the improvement to be exempted 62606
from taxation and the life of the exemption. 62607

An ordinance adopted or amended under this division shall 62608
designate the specific public infrastructure improvements made, to 62609
be made, or in the process of being made by the municipal 62610
corporation that directly benefit, or that once made will directly 62611
benefit, the parcels for which improvements are declared to be a 62612
public purpose. The service payments provided for in section 62613
5709.42 of the Revised Code shall be used to finance the public 62614
infrastructure improvements designated in the ordinance, for the 62615
purpose described in division (D)(1) of this section or as 62616
provided in section 5709.43 of the Revised Code. 62617

(C)(1) The legislative authority of a municipal corporation 62618
may adopt an ordinance creating an incentive district and 62619
declaring improvements to parcels within the district to be a 62620
public purpose and, except as provided in division (C)(2) of this 62621
section, exempt from taxation as provided in this section, but no 62622
legislative authority of a municipal corporation that has a 62623
population that exceeds twenty-five thousand, as shown by the most 62624
recent federal decennial census, shall adopt an ordinance that 62625
creates an incentive district if the sum of the taxable value of 62626
real property in the proposed district for the preceding tax year 62627
and the taxable value of all real property in the municipal 62628
corporation that would have been taxable in the preceding year 62629
were it not for the fact that the property was in an existing 62630

incentive district and therefore exempt from taxation exceeds 62631
twenty-five per cent of the taxable value of real property in the 62632
municipal corporation for the preceding tax year. The ordinance 62633
shall delineate the boundary of the proposed district and 62634
specifically identify each parcel within the district. A proposed 62635
district may not include any parcel that is or has been exempted 62636
from taxation under division (B) of this section or that is or has 62637
been within another district created under this division. An 62638
ordinance may create more than one such district, and more than 62639
one ordinance may be adopted under division (C)(1) of this 62640
section. 62641

(2)(a) Not later than thirty days prior to adopting an 62642
ordinance under division (C)(1) of this section, if the municipal 62643
corporation intends to apply for exemptions from taxation under 62644
section 5709.911 of the Revised Code on behalf of owners of real 62645
property located within the proposed incentive district, the 62646
legislative authority of the municipal corporation shall conduct a 62647
public hearing on the proposed ordinance. Not later than thirty 62648
days prior to the public hearing, the legislative authority shall 62649
give notice of the public hearing and the proposed ordinance by 62650
first class mail to every real property owner whose property is 62651
located within the boundaries of the proposed incentive district 62652
that is the subject of the proposed ordinance. The notice shall 62653
include a map of the proposed incentive district on which the 62654
legislative authority of the municipal corporation shall have 62655
delineated an overlay. The notice shall inform the property owner 62656
of the owner's right to exclude the owner's property from the 62657
incentive district if the owner's entire parcel of property will 62658
not be located within the overlay, by submitting a written 62659
response in accordance with division (C)(2)(b) of this section. 62660
The notice also shall include information detailing the required 62661
contents of the response, the address to which the response may be 62662
mailed, and the deadline for submitting the response. 62663

(b) Any owner of real property located within the boundaries 62664
of an incentive district proposed under division (C)(1) of this 62665
section whose entire parcel of property is not located within the 62666
overlay may exclude the property from the proposed incentive 62667
district by submitting a written response to the legislative 62668
authority of the municipal corporation not later than forty-five 62669
days after the postmark date on the notice required under division 62670
(C)(2)(a) of this section. The response shall be sent by first 62671
class mail or delivered in person at a public hearing held by the 62672
legislative authority under division (C)(2)(a) of this section. 62673
The response shall conform to any content requirements that may be 62674
established by the municipal corporation and included in the 62675
notice provided under division (C)(2)(a) of this section. In the 62676
response, property owners may identify a parcel by street address, 62677
by the manner in which it is identified in the ordinance, or by 62678
other means allowing the identity of the parcel to be ascertained. 62679

(c) Before adopting an ordinance under division (C)(1) of 62680
this section, the legislative authority of a municipal corporation 62681
shall amend the ordinance to exclude any parcel located wholly or 62682
partly outside the overlay for which a written response has been 62683
submitted under division (C)(2)(b) of this section. A municipal 62684
corporation shall not apply for exemptions from taxation under 62685
section 5709.911 of the Revised Code for any such parcel, and 62686
service payments may not be required from the owner of the parcel. 62687
Improvements to a parcel excluded from an incentive district under 62688
this division may be exempted from taxation under division (B) of 62689
this section pursuant to an ordinance adopted under that division 62690
or under any other section of the Revised Code under which the 62691
parcel qualifies. 62692

(3)(a) An ordinance adopted under division (C)(1) of this 62693
section shall specify the life of the incentive district and the 62694
percentage of the improvements to be exempted, shall designate the 62695

public infrastructure improvements made, to be made, or in the 62696
process of being made, that benefit or serve, or, once made, will 62697
benefit or serve parcels in the district. The ordinance also shall 62698
identify one or more specific projects being, or to be, undertaken 62699
in the district that place additional demand on the public 62700
infrastructure improvements designated in the ordinance. The 62701
project identified may, but need not be, the project under 62702
division (C)(3)(b) of this section that places real property in 62703
use for commercial or industrial purposes. Except as otherwise 62704
permitted under that division, the service payments provided for 62705
in section 5709.42 of the Revised Code shall be used to finance 62706
the designated public infrastructure improvements, for the purpose 62707
described in division (D)(1), (E), or (F) of this section, or as 62708
provided in section 5709.43 of the Revised Code. 62709

An ordinance adopted under division (C)(1) of this section on 62710
or after March 30, 2006, shall not designate police or fire 62711
equipment as public infrastructure improvements, and no service 62712
payment provided for in section 5709.42 of the Revised Code and 62713
received by the municipal corporation under the ordinance shall be 62714
used for police or fire equipment. 62715

(b) An ordinance adopted under division (C)(1) of this 62716
section may authorize the use of service payments provided for in 62717
section 5709.42 of the Revised Code for the purpose of housing 62718
renovations within the incentive district, provided that the 62719
ordinance also designates public infrastructure improvements that 62720
benefit or serve the district, and that a project within the 62721
district places real property in use for commercial or industrial 62722
purposes. Service payments may be used to finance or support 62723
loans, deferred loans, and grants to persons for the purpose of 62724
housing renovations within the district. The ordinance shall 62725
designate the parcels within the district that are eligible for 62726
housing renovation. The ordinance shall state separately the 62727

amounts or the percentages of the expected aggregate service 62728
payments that are designated for each public infrastructure 62729
improvement and for the general purpose of housing renovations. 62730

(4) Except with the approval of the board of education of 62731
each city, local, or exempted village school district within the 62732
territory of which the incentive district is or will be located, 62733
and subject to division (E) of this section, the life of an 62734
incentive district shall not exceed ten years, and the percentage 62735
of improvements to be exempted shall not exceed seventy-five per 62736
cent. With approval of the board of education, the life of a 62737
district may be not more than thirty years, and the percentage of 62738
improvements to be exempted may be not more than one hundred per 62739
cent. The approval of a board of education shall be obtained in 62740
the manner provided in division (D) of this section. 62741

(D)(1) If the ordinance declaring improvements to a parcel to 62742
be a public purpose or creating an incentive district specifies 62743
that payments in lieu of taxes provided for in section 5709.42 of 62744
the Revised Code shall be paid to the city, local, or exempted 62745
village, and joint vocational school district in which the parcel 62746
or incentive district is located in the amount of the taxes that 62747
would have been payable to the school district if the improvements 62748
had not been exempted from taxation, the percentage of the 62749
improvement that may be exempted from taxation may exceed 62750
seventy-five per cent, and the exemption may be granted for up to 62751
thirty years, without the approval of the board of education as 62752
otherwise required under division (D)(2) of this section. 62753

(2) Improvements with respect to a parcel may be exempted 62754
from taxation under division (B) of this section, and improvements 62755
to parcels within an incentive district may be exempted from 62756
taxation under division (C) of this section, for up to ten years 62757
or, with the approval under this paragraph of the board of 62758
education of the city, local, or exempted village school district 62759

within which the parcel or district is located, for up to thirty 62760
years. The percentage of the improvement exempted from taxation 62761
may, with such approval, exceed seventy-five per cent, but shall 62762
not exceed one hundred per cent. Not later than forty-five 62763
business days prior to adopting an ordinance under this section 62764
declaring improvements to be a public purpose that is subject to 62765
approval by a board of education under this division, the 62766
legislative authority shall deliver to the board of education a 62767
notice stating its intent to adopt an ordinance making that 62768
declaration. The notice regarding improvements with respect to a 62769
parcel under division (B) of this section shall identify the 62770
parcels for which improvements are to be exempted from taxation, 62771
provide an estimate of the true value in money of the 62772
improvements, specify the period for which the improvements would 62773
be exempted from taxation and the percentage of the improvement 62774
that would be exempted, and indicate the date on which the 62775
legislative authority intends to adopt the ordinance. The notice 62776
regarding improvements to parcels within an incentive district 62777
under division (C) of this section shall delineate the boundaries 62778
of the district, specifically identify each parcel within the 62779
district, identify each anticipated improvement in the district, 62780
provide an estimate of the true value in money of each such 62781
improvement, specify the life of the district and the percentage 62782
of improvements that would be exempted, and indicate the date on 62783
which the legislative authority intends to adopt the ordinance. 62784
The board of education, by resolution adopted by a majority of the 62785
board, may approve the exemption for the period or for the 62786
exemption percentage specified in the notice; may disapprove the 62787
exemption for the number of years in excess of ten, may disapprove 62788
the exemption for the percentage of the improvement to be exempted 62789
in excess of seventy-five per cent, or both; or may approve the 62790
exemption on the condition that the legislative authority and the 62791
board negotiate an agreement providing for compensation to the 62792

school district equal in value to a percentage of the amount of 62793
taxes exempted in the eleventh and subsequent years of the 62794
exemption period or, in the case of exemption percentages in 62795
excess of seventy-five per cent, compensation equal in value to a 62796
percentage of the taxes that would be payable on the portion of 62797
the improvement in excess of seventy-five per cent were that 62798
portion to be subject to taxation, or other mutually agreeable 62799
compensation. If an agreement is negotiated between the 62800
legislative authority and the board to compensate the school 62801
district for all or part of the taxes exempted, including 62802
agreements for payments in lieu of taxes under section 5709.42 of 62803
the Revised Code, the legislative authority shall compensate the 62804
joint vocational school district within which the parcel or 62805
district is located at the same rate and under the same terms 62806
received by the city, local, or exempted village school district. 62807

(3) The board of education shall certify its resolution to 62808
the legislative authority not later than fourteen days prior to 62809
the date the legislative authority intends to adopt the ordinance 62810
as indicated in the notice. If the board of education and the 62811
legislative authority negotiate a mutually acceptable compensation 62812
agreement, the ordinance may declare the improvements a public 62813
purpose for the number of years specified in the ordinance or, in 62814
the case of exemption percentages in excess of seventy-five per 62815
cent, for the exemption percentage specified in the ordinance. In 62816
either case, if the board and the legislative authority fail to 62817
negotiate a mutually acceptable compensation agreement, the 62818
ordinance may declare the improvements a public purpose for not 62819
more than ten years, and shall not exempt more than seventy-five 62820
per cent of the improvements from taxation. If the board fails to 62821
certify a resolution to the legislative authority within the time 62822
prescribed by this division, the legislative authority thereupon 62823
may adopt the ordinance and may declare the improvements a public 62824
purpose for up to thirty years, or, in the case of exemption 62825

percentages proposed in excess of seventy-five per cent, for the 62826
exemption percentage specified in the ordinance. The legislative 62827
authority may adopt the ordinance at any time after the board of 62828
education certifies its resolution approving the exemption to the 62829
legislative authority, or, if the board approves the exemption on 62830
the condition that a mutually acceptable compensation agreement be 62831
negotiated, at any time after the compensation agreement is agreed 62832
to by the board and the legislative authority. 62833

(4) If a board of education has adopted a resolution waiving 62834
its right to approve exemptions from taxation under this section 62835
and the resolution remains in effect, approval of exemptions by 62836
the board is not required under division (D) of this section. If a 62837
board of education has adopted a resolution allowing a legislative 62838
authority to deliver the notice required under division (D) of 62839
this section fewer than forty-five business days prior to the 62840
legislative authority's adoption of the ordinance, the legislative 62841
authority shall deliver the notice to the board not later than the 62842
number of days prior to such adoption as prescribed by the board 62843
in its resolution. If a board of education adopts a resolution 62844
waiving its right to approve agreements or shortening the 62845
notification period, the board shall certify a copy of the 62846
resolution to the legislative authority. If the board of education 62847
rescinds such a resolution, it shall certify notice of the 62848
rescission to the legislative authority. 62849

(5) If the legislative authority is not required by division 62850
(D) of this section to notify the board of education of the 62851
legislative authority's intent to declare improvements to be a 62852
public purpose, the legislative authority shall comply with the 62853
notice requirements imposed under section 5709.83 of the Revised 62854
Code, unless the board has adopted a resolution under that section 62855
waiving its right to receive such a notice. 62856

(6) Nothing in division (D) of this section prohibits the 62857

legislative authority of a municipal corporation from amending the 62858
ordinance or resolution under section 5709.51 of the Revised Code 62859
to extend the term of the exemption. 62860

(E)(1) If a proposed ordinance under division (C)(1) of this 62861
section exempts improvements with respect to a parcel within an 62862
incentive district for more than ten years, or the percentage of 62863
the improvement exempted from taxation exceeds seventy-five per 62864
cent, not later than forty-five business days prior to adopting 62865
the ordinance the legislative authority of the municipal 62866
corporation shall deliver to the board of county commissioners of 62867
the county within which the incentive district will be located a 62868
notice that states its intent to adopt an ordinance creating an 62869
incentive district. The notice shall include a copy of the 62870
proposed ordinance, identify the parcels for which improvements 62871
are to be exempted from taxation, provide an estimate of the true 62872
value in money of the improvements, specify the period of time for 62873
which the improvements would be exempted from taxation, specify 62874
the percentage of the improvements that would be exempted from 62875
taxation, and indicate the date on which the legislative authority 62876
intends to adopt the ordinance. 62877

(2) The board of county commissioners, by resolution adopted 62878
by a majority of the board, may object to the exemption for the 62879
number of years in excess of ten, may object to the exemption for 62880
the percentage of the improvement to be exempted in excess of 62881
seventy-five per cent, or both. If the board of county 62882
commissioners objects, the board may negotiate a mutually 62883
acceptable compensation agreement with the legislative authority. 62884
In no case shall the compensation provided to the board exceed the 62885
property taxes forgone due to the exemption. If the board of 62886
county commissioners objects, and the board and legislative 62887
authority fail to negotiate a mutually acceptable compensation 62888
agreement, the ordinance adopted under division (C)(1) of this 62889

section shall provide to the board compensation in the eleventh 62890
and subsequent years of the exemption period equal in value to not 62891
more than fifty per cent of the taxes that would be payable to the 62892
county or, if the board's objection includes an objection to an 62893
exemption percentage in excess of seventy-five per cent, 62894
compensation equal in value to not more than fifty per cent of the 62895
taxes that would be payable to the county, on the portion of the 62896
improvement in excess of seventy-five per cent, were that portion 62897
to be subject to taxation. The board of county commissioners shall 62898
certify its resolution to the legislative authority not later than 62899
thirty days after receipt of the notice. 62900

(3) If the board of county commissioners does not object or 62901
fails to certify its resolution objecting to an exemption within 62902
thirty days after receipt of the notice, the legislative authority 62903
may adopt the ordinance, and no compensation shall be provided to 62904
the board of county commissioners. If the board timely certifies 62905
its resolution objecting to the ordinance, the legislative 62906
authority may adopt the ordinance at any time after a mutually 62907
acceptable compensation agreement is agreed to by the board and 62908
the legislative authority, or, if no compensation agreement is 62909
negotiated, at any time after the legislative authority agrees in 62910
the proposed ordinance to provide compensation to the board of 62911
fifty per cent of the taxes that would be payable to the county in 62912
the eleventh and subsequent years of the exemption period or on 62913
the portion of the improvement in excess of seventy-five per cent, 62914
were that portion to be subject to taxation. 62915

(F) Service payments in lieu of taxes that are attributable 62916
to any amount by which the effective tax rate of either a renewal 62917
levy with an increase or a replacement levy exceeds the effective 62918
tax rate of the levy renewed or replaced, or that are attributable 62919
to an additional levy, for a levy authorized by the voters for any 62920
of the following purposes on or after January 1, 2006, and which 62921

are provided pursuant to an ordinance creating an incentive 62922
district under division (C)(1) of this section that is adopted on 62923
or after January 1, 2006, or a later date as specified in this 62924
division, shall be distributed to the appropriate taxing authority 62925
as required under division (C) of section 5709.42 of the Revised 62926
Code in an amount equal to the amount of taxes from that 62927
additional levy or from the increase in the effective tax rate of 62928
such renewal or replacement levy that would have been payable to 62929
that taxing authority from the following levies were it not for 62930
the exemption authorized under division (C) of this section: 62931

(1) A tax levied under division (L) of section 5705.19 or 62932
section 5705.191 or 5705.222 of the Revised Code for community 62933
developmental disabilities programs and services pursuant to 62934
Chapter 5126. of the Revised Code; 62935

(2) A tax levied under division (Y) of section 5705.19 of the 62936
Revised Code for providing or maintaining senior citizens services 62937
or facilities; 62938

(3) A tax levied under section 5705.22 of the Revised Code 62939
for county hospitals; 62940

(4) A tax levied by a joint-county district or by a county 62941
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 62942
for alcohol, drug addiction, and mental health services or 62943
facilities; 62944

(5) A tax levied under section 5705.23 of the Revised Code 62945
for library purposes; 62946

(6) A tax levied under section 5705.24 of the Revised Code 62947
for the support of children services and the placement and care of 62948
children; 62949

(7) A tax levied under division (Z) of section 5705.19 of the 62950
Revised Code for the provision and maintenance of zoological park 62951
services and facilities under section 307.76 of the Revised Code; 62952

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts; 62953
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(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 62956
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 62960
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(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 62962
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(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 62966
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(13) A tax levied by a township under section 505.39, division (I) of section 5705.19, or division (JJ) of section 5705.19 of the Revised Code to the extent the proceeds are used for the purposes described in division (I) of that section, for the purpose of funding fire, emergency medical, and ambulance services as described in that section and those divisions. 62968
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Division (F)(13) of this section applies only if the township levying the tax provides fire, emergency medical, or ambulance services in the incentive district, and only to incentive districts created by an ordinance adopted on or after the effective date of the amendment of this section by H.B. 69 of the 132nd general assembly, March 23, 2018. The board of township trustees may, by resolution, waive the application of this division or negotiate with the municipal corporation that created the district for a lesser amount of payments in lieu of taxes. 62974
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(G) An exemption from taxation granted under this section 62983

commences with the tax year specified in the ordinance so long as 62984
the year specified in the ordinance commences after the effective 62985
date of the ordinance. If the ordinance specifies a year 62986
commencing before the effective date of the resolution or 62987
specifies no year whatsoever, the exemption commences with the tax 62988
year in which an exempted improvement first appears on the tax 62989
list and duplicate of real and public utility property and that 62990
commences after the effective date of the ordinance. In lieu of 62991
stating a specific year, the ordinance may provide that the 62992
exemption commences in the tax year in which the value of an 62993
improvement exceeds a specified amount or in which the 62994
construction of one or more improvements is completed, provided 62995
that such tax year commences after the effective date of the 62996
ordinance. With respect to the exemption of improvements to 62997
parcels under division (B) of this section, the ordinance may 62998
allow for the exemption to commence in different tax years on a 62999
parcel-by-parcel basis, with a separate exemption term specified 63000
for each parcel. 63001

Except as otherwise provided in this division or section 63002
5709.51 of the Revised Code, the exemption ends on the date 63003
specified in the ordinance as the date the improvement ceases to 63004
be a public purpose or the incentive district expires, or ends on 63005
the date on which the public infrastructure improvements and 63006
housing renovations are paid in full from the municipal public 63007
improvement tax increment equivalent fund established under 63008
division (A) of section 5709.43 of the Revised Code, whichever 63009
occurs first. The exemption of an improvement with respect to a 63010
parcel or within an incentive district may end on a later date, as 63011
specified in the ordinance, if the legislative authority and the 63012
board of education of the city, local, or exempted village school 63013
district within which the parcel or district is located have 63014
entered into a compensation agreement under section 5709.82 of the 63015
Revised Code with respect to the improvement, and the board of 63016

education has approved the term of the exemption under division 63017
(D)(2) of this section, but in no case shall the improvement be 63018
exempted from taxation for more than thirty years. Exemptions 63019
shall be claimed and allowed in the same manner as in the case of 63020
other real property exemptions. If an exemption status changes 63021
during a year, the procedure for the apportionment of the taxes 63022
for that year is the same as in the case of other changes in tax 63023
exemption status during the year. 63024

(H) Additional municipal financing of public infrastructure 63025
improvements and housing renovations may be provided by any 63026
methods that the municipal corporation may otherwise use for 63027
financing such improvements or renovations. If the municipal 63028
corporation issues bonds or notes to finance the public 63029
infrastructure improvements and housing renovations and pledges 63030
money from the municipal public improvement tax increment 63031
equivalent fund to pay the interest on and principal of the bonds 63032
or notes, the bonds or notes are not subject to Chapter 133. of 63033
the Revised Code. 63034

(I) The municipal corporation, not later than fifteen days 63035
after the adoption of an ordinance under this section, shall 63036
submit to the director of development services a copy of the 63037
ordinance. On or before the thirty-first day of March of each 63038
year, the municipal corporation shall submit a status report to 63039
the director of development services. The report shall indicate, 63040
in the manner prescribed by the director, the progress of the 63041
project during each year that an exemption remains in effect, 63042
including a summary of the receipts from service payments in lieu 63043
of taxes; expenditures of money from the funds created under 63044
section 5709.43 of the Revised Code; a description of the public 63045
infrastructure improvements and housing renovations financed with 63046
such expenditures; and a quantitative summary of changes in 63047
employment and private investment resulting from each project. 63048

(J) Nothing in this section shall be construed to prohibit a legislative authority from declaring to be a public purpose improvements with respect to more than one parcel.

(K) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

Sec. 5709.41. (A) As used in this section:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(2) "Improvement" means the increase in assessed value of any parcel of property subsequent to the acquisition of the parcel by a municipal corporation engaged in urban redevelopment.

(B) The legislative authority of a municipal corporation, by ordinance, may declare to be a public purpose any improvement to a parcel of real property if both of the following apply:

(1) The municipal corporation held fee title to the parcel prior to the adoption of the ordinance;

(2) The parcel is leased, or the fee of the parcel is conveyed, to any person either before or after adoption of the ordinance.

Improvements used or to be used for residential purposes may be declared a public purpose under this section only if the parcel is located in a blighted area of an impacted city as those terms are defined in section 1728.01 of the Revised Code. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used

for purposes that would cause the tax commissioner to classify the 63079
parcel as residential property in accordance with rules adopted by 63080
the commissioner under section 5713.041 of the Revised Code. 63081

(C) Except as otherwise provided in division (C)(1), (2), or 63082
(3) of this section, not more than seventy-five per cent of an 63083
improvement thus declared to be a public purpose may be exempted 63084
from real property taxation. The ordinance shall specify the 63085
percentage of the improvement to be exempted from taxation. If a 63086
parcel is located in a new community district in which the new 63087
community authority imposes a community development charge on the 63088
basis of rentals received from leases of real property as 63089
described in division (L)(2) of section 349.01 of the Revised 63090
Code, the parcel may not be exempted from taxation under this 63091
section. 63092

(1) If the ordinance declaring improvements to a parcel to be 63093
a public purpose specifies that payments in lieu of taxes provided 63094
for in section 5709.42 of the Revised Code shall be paid to the 63095
city, local, or exempted village school district in which the 63096
parcel is located in the amount of the taxes that would have been 63097
payable to the school district if the improvements had not been 63098
exempted from taxation, the percentage of the improvement that may 63099
be exempted from taxation may exceed seventy-five per cent, and 63100
the exemption may be granted for up to thirty years, without the 63101
approval of the board of education as otherwise required under 63102
division (C)(2) of this section. 63103

(2) Improvements may be exempted from taxation for up to ten 63104
years or, with the approval of the board of education of the city, 63105
local, or exempted village school district within the territory of 63106
which the improvements are or will be located, for up to thirty 63107
years. The percentage of the improvement exempted from taxation 63108
may, with such approval, exceed seventy-five per cent, but shall 63109
not exceed one hundred per cent. Not later than forty-five 63110

business days prior to adopting an ordinance under this section, 63111
the legislative authority shall deliver to the board of education 63112
a notice stating its intent to declare improvements to be a public 63113
purpose under this section. The notice shall describe the parcel 63114
and the improvements, provide an estimate of the true value in 63115
money of the improvements, specify the period for which the 63116
improvements would be exempted from taxation and the percentage of 63117
the improvements that would be exempted, and indicate the date on 63118
which the legislative authority intends to adopt the ordinance. 63119
The board of education, by resolution adopted by a majority of the 63120
board, may approve the exemption for the period or for the 63121
exemption percentage specified in the notice, may disapprove the 63122
exemption for the number of years in excess of ten, may disapprove 63123
the exemption for the percentage of the improvements to be 63124
exempted in excess of seventy-five per cent, or both, or may 63125
approve the exemption on the condition that the legislative 63126
authority and the board negotiate an agreement providing for 63127
compensation to the school district equal in value to a percentage 63128
of the amount of taxes exempted in the eleventh and subsequent 63129
years of the exemption period, or, in the case of exemption 63130
percentages in excess of seventy-five per cent, compensation equal 63131
in value to a percentage of the taxes that would be payable on the 63132
portion of the improvement in excess of seventy-five per cent were 63133
that portion to be subject to taxation. The board of education 63134
shall certify its resolution to the legislative authority not 63135
later than fourteen days prior to the date the legislative 63136
authority intends to adopt the ordinance as indicated in the 63137
notice. If the board of education approves the exemption on the 63138
condition that a compensation agreement be negotiated, the board 63139
in its resolution shall propose a compensation percentage. If the 63140
board of education and the legislative authority negotiate a 63141
mutually acceptable compensation agreement, the ordinance may 63142
declare the improvements a public purpose for the number of years 63143

specified in the ordinance or, in the case of exemption 63144
percentages in excess of seventy-five per cent, for the exemption 63145
percentage specified in the ordinance. In either case, if the 63146
board and the legislative authority fail to negotiate a mutually 63147
acceptable compensation agreement, the ordinance may declare the 63148
improvements a public purpose for not more than ten years, but 63149
shall not exempt more than seventy-five per cent of the 63150
improvements from taxation. If the board fails to certify a 63151
resolution to the legislative authority within the time prescribed 63152
by this division, the legislative authority thereupon may adopt 63153
the ordinance and may declare the improvements a public purpose 63154
for up to thirty years. The legislative authority may adopt the 63155
ordinance at any time after the board of education certifies its 63156
resolution approving the exemption to the legislative authority, 63157
or, if the board approves the exemption on the condition that a 63158
mutually acceptable compensation agreement be negotiated, at any 63159
time after the compensation agreement is agreed to by the board 63160
and the legislative authority. If a mutually acceptable 63161
compensation agreement is negotiated between the legislative 63162
authority and the board, including agreements for payments in lieu 63163
of taxes under section 5709.42 of the Revised Code, the 63164
legislative authority shall compensate the joint vocational school 63165
district within the territory of which the improvements are or 63166
will be located at the same rate and under the same terms received 63167
by the city, local, or exempted village school district. 63168

(3) If a board of education has adopted a resolution waiving 63169
its right to approve exemptions from taxation and the resolution 63170
remains in effect, approval of exemptions by the board is not 63171
required under this division. If a board of education has adopted 63172
a resolution allowing a legislative authority to deliver the 63173
notice required under this division fewer than forty-five business 63174
days prior to the legislative authority's adoption of the 63175
ordinance, the legislative authority shall deliver the notice to 63176

the board not later than the number of days prior to such adoption 63177
as prescribed by the board in its resolution. If a board of 63178
education adopts a resolution waiving its right to approve 63179
exemptions or shortening the notification period, the board shall 63180
certify a copy of the resolution to the legislative authority. If 63181
the board of education rescinds such a resolution, it shall 63182
certify notice of the rescission to the legislative authority. 63183

(4) If the legislative authority is not required by division 63184
(C)(1), (2), or (3) of this section to notify the board of 63185
education of the legislative authority's intent to declare 63186
improvements to be a public purpose, the legislative authority 63187
shall comply with the notice requirements imposed under section 63188
5709.83 of the Revised Code, unless the board has adopted a 63189
resolution under that section waiving its right to receive such a 63190
notice. 63191

(5) Nothing in division (C) of this section prohibits the 63192
legislative authority of a municipal corporation from amending the 63193
ordinance or resolution under section 5709.51 of the Revised Code 63194
to extend the term of the exemption. 63195

(D) ~~The An exemption granted under this section commences on~~ 63196
~~the effective date of the ordinance and with the tax year~~ 63197
specified in the ordinance so long as the year specified in the 63198
ordinance commences after the effective date of the ordinance. If 63199
the ordinance specifies a year commencing before the effective 63200
date of the ordinance or specifies no year, the exemption 63201
commences with the tax year in which an exempted improvement first 63202
appears on the tax list and that commences after the effective 63203
date of the ordinance. In lieu of stating a specific year, the 63204
ordinance may provide that the exemption commences in the tax year 63205
in which the value of an improvement exceeds a specified amount or 63206
in which the construction of one or more improvements is 63207
completed, provided that such tax year commences after the 63208

effective date of the ordinance. In lieu of stating a specific 63209
year, the ordinance may allow for the exemption to commence in 63210
different tax years on a parcel-by-parcel basis, with a separate 63211
exemption term specified for each parcel. The exemption ends on 63212
the date specified in the ordinance as the date the improvement 63213
ceases to be a public purpose. The exemption shall be claimed and 63214
allowed in the same or a similar manner as in the case of other 63215
real property exemptions. If an exemption status changes during a 63216
tax year, the procedure for the apportionment of the taxes for 63217
that year is the same as in the case of other changes in tax 63218
exemption status during the year. 63219

(E) A municipal corporation, not later than fifteen days 63220
after the adoption of an ordinance granting a tax exemption under 63221
this section, shall submit to the director of development services 63222
a copy of the ordinance. On or before the thirty-first day of 63223
March each year, the municipal corporation shall submit a status 63224
report to the director of development outlining the progress of 63225
the project during each year that the exemption remains in effect. 63226

Sec. 5713.03. The county auditor, from the best sources of 63227
information available, shall determine, as nearly as practicable, 63228
the true value of the fee simple estate, as if unencumbered but, 63229
except as otherwise provided in rules adopted under section 63230
5715.01 of the Revised Code related to the valuation of subsidized 63231
residential rental property, subject to any effects from the 63232
exercise of police powers or from other governmental actions, of 63233
each separate tract, lot, or parcel of real property and of 63234
buildings, structures, and improvements located thereon and the 63235
current agricultural use value of land valued for tax purposes in 63236
accordance with section 5713.31 of the Revised Code, in every 63237
district, according to the rules prescribed by this chapter and 63238
section 5715.01 of the Revised Code, and in accordance with the 63239
uniform rules and methods of valuing and assessing real property 63240

as adopted, prescribed, and promulgated by the tax commissioner. 63241

The auditor shall determine the taxable value of all real property 63242
by reducing its true or current agricultural use value by the 63243
percentage ordered by the commissioner. In determining the true 63244
value of any tract, lot, or parcel of real estate under this 63245
section, if such tract, lot, or parcel has been the subject of an 63246
arm's length sale between a willing seller and a willing buyer 63247
within a reasonable length of time, either before or after the tax 63248
lien date, the auditor may consider the sale price of such tract, 63249
lot, or parcel to be the true value for taxation purposes. 63250

However, the sale price in an arm's length transaction between a 63251
willing seller and a willing buyer shall not be considered the 63252
true value of the property sold if subsequent to the sale: 63253

(A) The tract, lot, or parcel of real estate loses value due 63254
to some casualty; 63255

(B) An improvement is added to the property. 63256

Nothing in this section or section 5713.01 of the Revised 63257
Code and no rule adopted under section 5715.01 of the Revised Code 63258
shall require the county auditor to change the true value in money 63259
of any property in any year except a year in which the tax 63260
commissioner is required to determine under section 5715.24 of the 63261
Revised Code whether the property has been assessed as required by 63262
law. 63263

The county auditor shall adopt and use a real property record 63264
approved by the commissioner for each tract, lot, or parcel of 63265
real property, setting forth the true and taxable value of land 63266
and, in the case of land valued in accordance with section 5713.31 63267
of the Revised Code, its current agricultural use value, the 63268
number of acres of arable land, permanent pasture land, woodland, 63269
and wasteland in each tract, lot, or parcel. The auditor shall 63270
record pertinent information and the true and taxable value of 63271

each building, structure, or improvement to land, which value 63272
shall be included as a separate part of the total value of each 63273
tract, lot, or parcel of real property. 63274

Sec. 5715.01. (A) The tax commissioner shall direct and 63275
supervise the assessment for taxation of all real property. The 63276
commissioner shall adopt, prescribe, and promulgate rules for the 63277
determination of true value and taxable value of real property by 63278
uniform rule for such values and for the determination of the 63279
current agricultural use value of land devoted exclusively to 63280
agricultural use. 63281

(1) The uniform rules shall prescribe methods of determining 63282
the true value and taxable value of real property. The rules shall 63283
provide that in determining the true value of lands or 63284
improvements thereon for tax purposes, all facts and circumstances 63285
relating to the value of the property, its availability for the 63286
purposes for which it is constructed or being used, its obsolete 63287
character, if any, the income capacity of the property, if any, 63288
and any other factor that tends to prove its true value shall be 63289
used. In determining the true value of minerals or rights to 63290
minerals for the purpose of real property taxation, the tax 63291
commissioner shall not include in the value of the minerals or 63292
rights to minerals the value of any tangible personal property 63293
used in the recovery of those minerals. 63294

The rules shall require that subsidized residential rental 63295
property be valued according to its income capacity on the basis 63296
of the property's market rent and expenses and not on the 63297
property's contract rent. The market rent and expenses of 63298
subsidized residential rental property shall be calculated without 63299
considering any effects on the property from the exercise of 63300
police powers or from other governmental actions. As used in 63301
division (A)(1) of this section, "subsidized residential rental 63302

property" means property on which is situated one or more dwelling units leased or otherwise rented to tenants solely for residential purposes, excluding a college or university dormitory, to which any of the following applies: 63303
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(a) All or a portion of the units' construction or renovation costs are paid by financial incentives authorized under federal law. 63307
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(b) All or a portion of the units' rent is subsidized as authorized under federal law. 63310
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(c) The property is a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code. 63312
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(2) The uniform rules shall prescribe the method for determining the current agricultural use value of land devoted exclusively to agricultural use, which method shall reflect standard and modern appraisal techniques that take into consideration the productivity of the soil under normal management practices, typical cropping and land use patterns, the average price patterns of the crops and products produced and the typical production costs to determine the net income potential to be capitalized, and other pertinent factors. 63315
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In determining the agricultural land capitalization rate to be applied to the net income potential from agricultural use, the commissioner shall use standard and modern appraisal techniques. In calculating the capitalization rate for any year, the commissioner shall comply with both of the following requirements: 63324
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(a) The commissioner shall use an equity yield rate equal to the greater of (i) the average of the total rates of return on farm equity for the twenty-five most recent years for which those rates have been calculated and published by the United States department of agriculture economic research service or another 63329
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published source or (ii) the loan interest rate the commissioner
uses for that year to calculate the capitalization rate;

(b) The commissioner shall assume that the holding period for
agricultural land is twenty-five years for the purpose of
computing buildup of equity or appreciation with respect to that
land.

The commissioner shall add to the overall capitalization rate
a tax additur. The sum of the overall capitalization rate and the
tax additur shall represent as nearly as possible the rate of
return a prudent investor would expect from an average or typical
farm in this state considering only agricultural factors.

The commissioner shall annually determine and announce the
overall capitalization rate, tax additur, agricultural land
capitalization rate, and the individual components used in
computing such amounts in a determination, finding, computation,
or order of the commissioner published simultaneously with the
commissioner's annual publication of the per-acre agricultural use
values for each soil type.

(3) Notwithstanding any other provision of this chapter and
Chapter 5713. of the Revised Code, the current agricultural use
value of land devoted exclusively to agricultural use shall equal
the following amounts for the years specified:

(a) In counties that undergo a reappraisal or triennial
update in 2017, the current agricultural use value of the land for
each of the 2017, 2018, and 2019 tax years shall equal the sum of
the following amounts:

(i) The current agricultural use value of the land for that
tax year, as determined under this section and section 5713.31 of
the Revised Code, and rules adopted pursuant those sections,
without regard to the adjustment under division (A)(3)(a)(ii) of
this section;

(ii) One-half of the amount, if any, by which the value of the land for the 2016 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted pursuant those sections and issued by the tax commissioner for counties undergoing a reappraisal or triennial update in the 2016 tax year, exceeds the value determined under division (A)(3)(a)(i) of this section.

(b) In counties that undergo a reappraisal or triennial update in 2018, the current agricultural use value of the land for each of the 2018, 2019, and 2020 tax years shall equal the sum of the following amounts:

(i) The current agricultural use value of the land for that tax year, as determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant those sections, without regard to the adjustment under division (A)(3)(b)(ii) of this section;

(ii) One-half of the amount, if any, by which the value of the land for the 2017 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted pursuant those sections and issued by the tax commissioner for counties undergoing a reappraisal or triennial update in the 2017 tax year, exceeds the value determined under division (A)(3)(b)(i) of this section.

(c) In counties that undergo a reappraisal or triennial update in 2019, the current agricultural use value of the land for each of the 2019, 2020, and 2021 tax years shall equal the sum of the following amounts:

(i) The current agricultural use value of the land for that tax year, as determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant those sections, without regard to the adjustment under division (A)(3)(c)(ii) of

this section; 63396

(ii) One-half of the amount, if any, by which the value of 63397
the land for the 2018 tax year, as determined under this section, 63398
section 5713.31 of the Revised Code, and the rules adopted 63399
pursuant those sections and issued by the tax commissioner for 63400
counties undergoing a reappraisal or triennial update in the 2018 63401
tax year, exceeds the value determined under division (A)(3)(c)(i) 63402
of this section. 63403

(B) The taxable value shall be that per cent of true value in 63404
money, or current agricultural use value in the case of land 63405
valued in accordance with section 5713.31 of the Revised Code, the 63406
commissioner by rule establishes, but it shall not exceed 63407
thirty-five per cent. The uniform rules shall also prescribe 63408
methods of making the appraisals set forth in section 5713.03 of 63409
the Revised Code. The taxable value of each tract, lot, or parcel 63410
of real property and improvements thereon, determined in 63411
accordance with the uniform rules and methods prescribed thereby, 63412
shall be the taxable value of the tract, lot, or parcel for all 63413
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 63414
5717.01 to 5717.06 of the Revised Code. County auditors shall, 63415
under the direction and supervision of the commissioner, be the 63416
chief assessing officers of their respective counties, and shall 63417
list and value the real property within their respective counties 63418
for taxation in accordance with this section and sections 5713.03 63419
and 5713.31 of the Revised Code and with such rules of the 63420
commissioner. There shall also be a board in each county, known as 63421
the county board of revision, which shall hear complaints and 63422
revise assessments of real property for taxation. 63423

(C) The commissioner shall neither adopt nor enforce any rule 63424
that requires true value for any tax year to be any value other 63425
than the true value in money on the tax lien date of such tax year 63426
or that requires taxable value to be obtained in any way other 63427

than by reducing the true value, or in the case of land valued in 63428
accordance with section 5713.31 of the Revised Code, its current 63429
agricultural use value, by a specified, uniform percentage. 63430

Sec. 5726.20. (A) The tax commissioner may make an 63431
assessment, based on any information in the commissioner's 63432
possession, against any person that fails to file a return or 63433
report or pay any tax as required by this chapter. The reporting 63434
person for a taxpayer shall file the annual report required under 63435
section ~~5726.02~~ 5726.03 of the Revised Code and remit the tax 63436
imposed by this chapter. Each person included in the annual report 63437
of the taxpayer is jointly and severally liable for the tax 63438
imposed by this chapter and any penalties and interest thereon. If 63439
the reporting person fails, for any reason, to file and remit any 63440
tax, the amount due may be collected by assessment against the 63441
reporting person and against any or all other persons required to 63442
be included in the annual report of the taxpayer as provided in 63443
section 5703.90 of the Revised Code. The commissioner shall make 63444
the assessment in the manner provided in this section. The 63445
commissioner shall give the person assessed written notice of the 63446
assessment as provided in section 5703.37 of the Revised Code. 63447
With the notice, the commissioner shall provide instructions on 63448
the manner in which to petition for reassessment and request a 63449
hearing with respect to the petition. 63450

(B) No assessment shall be made or issued against a person 63451
under this section more than four years after the later of the 63452
final date the report subject to assessment was required to be 63453
filed or the date such report was filed. Such time limit may be 63454
extended if both the person and the commissioner consent in 63455
writing to the extension or if an agreement waiving or extending 63456
the time limit has been entered into pursuant to section 122.171 63457
of the Revised Code. Any such extension shall extend the four-year 63458
time limit prescribed in division (A) of section 5726.30 of the 63459

Revised Code for the same period of time. There shall be no bar or 63460
limit to an assessment against a person that fails to file a 63461
report subject to assessment as required by this chapter, or that 63462
files a fraudulent report. 63463

(C) Unless the person assessed, within sixty days after 63464
service of the notice of assessment, files with the tax 63465
commissioner, either in person or by certified mail, a written 63466
petition for reassessment signed by the person or the person's 63467
authorized agent having knowledge of the facts, the assessment 63468
shall become final, and the amount of the assessment is due and 63469
payable from the person assessed to the treasurer of state. A 63470
petition shall indicate the objections of the person assessed, but 63471
additional objections may be raised in writing if received by the 63472
commissioner prior to the date shown on the final determination. 63473
If a petition for reassessment has been properly filed, the 63474
commissioner shall proceed under section 5703.60 of the Revised 63475
Code. 63476

(D)(1) After an assessment becomes final, if any portion of 63477
the assessment, including any accrued interest, remains unpaid, a 63478
certified copy of the tax commissioner's entry making the 63479
assessment final may be filed in the office of the clerk of the 63480
court of common pleas in the county in which the person resides or 63481
has its principal place of business in this state, or in the 63482
office of the clerk of court of common pleas of Franklin county. 63483

(2) Immediately upon the filing of the entry, the clerk shall 63484
enter judgment for the state against the person assessed in the 63485
amount shown on the entry. The judgment may be filed by the clerk 63486
in a loose-leaf book entitled, "special judgments for the 63487
financial institution tax" and shall have the same effect as other 63488
judgments. Execution shall issue upon the judgment at the request 63489
of the tax commissioner, and all laws applicable to sales on 63490
execution shall apply to sales made under the judgment. 63491

(3) If the assessment is not paid in its entirety within 63492
sixty days after the day the assessment was issued, the portion of 63493
the assessment consisting of tax due shall bear interest at the 63494
rate per annum prescribed by section 5703.47 of the Revised Code 63495
from the date the tax commissioner issues the assessment until the 63496
date the assessment is paid or until it is certified to the 63497
attorney general for collection under section 131.02 of the 63498
Revised Code, whichever comes first. If the unpaid portion of the 63499
assessment is certified to the attorney general for collection, 63500
the entire unpaid portion of the assessment shall bear interest at 63501
the rate per annum prescribed by section 5703.47 of the Revised 63502
Code from the date of certification until the date it is paid in 63503
its entirety. Interest shall be paid in the same manner as the tax 63504
and may be collected by the issuance of an assessment under this 63505
section. 63506

(E) If the tax commissioner believes that collection of the 63507
tax imposed by this chapter will be jeopardized unless proceedings 63508
to collect or secure collection of the tax are instituted without 63509
delay, the commissioner may issue a jeopardy assessment against 63510
the person liable for the tax. Immediately upon the issuance of 63511
the jeopardy assessment, the commissioner shall file an entry with 63512
the clerk of the court of common pleas in the manner prescribed by 63513
division (D) of this section. Notice of the jeopardy assessment 63514
shall be served on the person assessed or the person's authorized 63515
agent in the manner provided in section 5703.37 of the Revised 63516
Code within five days of the filing of the entry with the clerk. 63517
The total amount assessed shall be immediately due and payable, 63518
unless the person assessed files a petition for reassessment in 63519
accordance with division (C) of this section and provides security 63520
in a form satisfactory to the commissioner and in an amount 63521
sufficient to satisfy the unpaid balance of the assessment. Full 63522
or partial payment of the assessment shall not prejudice the 63523
commissioner's consideration of the petition for reassessment. 63524

(F) The tax commissioner shall immediately forward to the 63525
treasurer of state all amounts the commissioner receives under 63526
this section. Such amounts shall be considered as revenue arising 63527
from the tax imposed by this chapter. 63528

(G) If the tax commissioner possesses information indicating 63529
that the amount of tax a taxpayer is required to pay under this 63530
chapter exceeds the amount the reporting person for the taxpayer 63531
paid, the tax commissioner may audit a sample of the taxpayer's 63532
gross receipts over a representative period of time to ascertain 63533
the amount of tax due, and may issue an assessment based on the 63534
audit. The tax commissioner shall make a good faith effort to 63535
reach agreement with the taxpayer in selecting a representative 63536
sample. The tax commissioner may apply a sampling method only if 63537
the commissioner has prescribed the method by rule. 63538

(H) If the whereabouts of a person subject to this chapter is 63539
not known to the tax commissioner, the secretary of state is 63540
hereby deemed to be that person's agent for purposes of service of 63541
process or notice of any assessment, action, or proceedings 63542
instituted in this state against the person under this chapter. 63543
Such process or notice shall be served on such person by the 63544
commissioner or by an agent of the commissioner by leaving a true 63545
and attested copy of the process or notice at the office of the 63546
secretary of state at least fifteen days before the return day of 63547
such process or notice, and by sending a copy of the process or 63548
notice to such person by ordinary mail, with an endorsement 63549
thereon of the service upon the secretary of state, addressed to 63550
such person at the person's last known address. 63551

Sec. 5727.75. (A) For purposes of this section: 63552

(1) "Qualified energy project" means an energy project 63553
certified by the director of development services pursuant to this 63554
section. 63555

(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility. 63556
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(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. 63559
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(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. 63562
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(5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity. 63567
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(6) "Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code. 63569
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(B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011 through ~~2023~~2025 if all of the following conditions are satisfied: 63571
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(a) On or before December 31, ~~2022~~2024, 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. 63575
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(b) Construction or installation of the energy facility begins on or after January 1, 2009, and before January 1, ~~2023~~2025. For the purposes of this division, construction begins on the earlier of the date of application for a certificate or 63583
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other approval or permit described in division (B)(1)(a) of this 63587
section, or the date the contract for the construction or 63588
installation of the energy facility is entered into. 63589

(c) For a qualified energy project with a nameplate capacity 63590
of twenty megawatts or greater, a board of county commissioners of 63591
a county in which property of the project is located has adopted a 63592
resolution under division (E)(1)(b) or (c) of this section to 63593
approve the application submitted under division (E) of this 63594
section to exempt the property located in that county from 63595
taxation. A board's adoption of a resolution rejecting an 63596
application or its failure to adopt a resolution approving the 63597
application does not affect the tax-exempt status of the qualified 63598
energy project's property that is located in another county. 63599

(2) If tangible personal property of a qualified energy 63600
project using renewable energy resources was exempt from taxation 63601
under this section beginning in any of tax years 2011 through 63602
~~2023~~2025, and the certification under division (E)(2) of this 63603
section has not been revoked, the tangible personal property of 63604
the qualified energy project is exempt from taxation for tax year 63605
~~2024~~2026 and all ensuing tax years if the property was placed into 63606
service before January 1, ~~2024~~2026, as certified in the 63607
construction progress report required under division (F)(2) of 63608
this section. Tangible personal property that has not been placed 63609
into service before that date is taxable property subject to 63610
taxation. An energy project for which certification has been 63611
revoked is ineligible for further exemption under this section. 63612
Revocation does not affect the tax-exempt status of the project's 63613
tangible personal property for the tax year in which revocation 63614
occurs or any prior tax year. 63615

(C) Tangible personal property of a qualified energy project 63616
using clean coal technology, advanced nuclear technology, or 63617
cogeneration technology is exempt from taxation for the first tax 63618

year that the property would be listed for taxation and all 63619
subsequent years if all of the following circumstances are met: 63620

(1) The property was placed into service before January 1, 63621
2021. Tangible personal property that has not been placed into 63622
service before that date is taxable property subject to taxation. 63623

(2) For such a qualified energy project with a nameplate 63624
capacity of twenty megawatts or greater, a board of county 63625
commissioners of a county in which property of the qualified 63626
energy project is located has adopted a resolution under division 63627
(E)(1)(b) or (c) of this section to approve the application 63628
submitted under division (E) of this section to exempt the 63629
property located in that county from taxation. A board's adoption 63630
of a resolution rejecting the application or its failure to adopt 63631
a resolution approving the application does not affect the 63632
tax-exempt status of the qualified energy project's property that 63633
is located in another county. 63634

(3) The certification for the qualified energy project issued 63635
under division (E)(2) of this section has not been revoked. An 63636
energy project for which certification has been revoked is 63637
ineligible for exemption under this section. Revocation does not 63638
affect the tax-exempt status of the project's tangible personal 63639
property for the tax year in which revocation occurs or any prior 63640
tax year. 63641

(D) Except as otherwise provided in this section, real 63642
property of a qualified energy project is exempt from taxation for 63643
any tax year for which the tangible personal property of the 63644
qualified energy project is exempted under this section. 63645

(E)(1)(a) A person may apply to the director of development 63646
services for certification of an energy project as a qualified 63647
energy project on or before the following dates: 63648

(i) December 31, ~~2022~~2024, for an energy project using 63649

renewable energy resources; 63650

(ii) December 31, 2017, for an energy project using clean 63651
coal technology, advanced nuclear technology, or cogeneration 63652
technology. 63653

(b) The director shall forward a copy of each application for 63654
certification of an energy project with a nameplate capacity of 63655
twenty megawatts or greater to the board of county commissioners 63656
of each county in which the project is located and to each taxing 63657
unit with territory located in each of the affected counties. Any 63658
board that receives from the director a copy of an application 63659
submitted under this division shall adopt a resolution approving 63660
or rejecting the application unless it has adopted a resolution 63661
under division (E)(1)(c) of this section. A resolution adopted 63662
under division (E)(1)(b) or (c) of this section may require an 63663
annual service payment to be made in addition to the service 63664
payment required under division (G) of this section. The sum of 63665
the service payment required in the resolution and the service 63666
payment required under division (G) of this section shall not 63667
exceed nine thousand dollars per megawatt of nameplate capacity 63668
located in the county. The resolution shall specify the time and 63669
manner in which the payments required by the resolution shall be 63670
paid to the county treasurer. The county treasurer shall deposit 63671
the payment to the credit of the county's general fund to be used 63672
for any purpose for which money credited to that fund may be used. 63673

The board shall send copies of the resolution to the owner of 63674
the facility and the director by certified mail or, if the board 63675
has record of an internet identifier of record associated with the 63676
owner or director, by ordinary mail and by that internet 63677
identifier of record. The board shall send such notice within 63678
thirty days after receipt of the application, or a longer period 63679
of time if authorized by the director. 63680

(c) A board of county commissioners may adopt a resolution 63681

declaring the county to be an alternative energy zone and 63682
declaring all applications submitted to the director of 63683
development services under this division after the adoption of the 63684
resolution, and prior to its repeal, to be approved by the board. 63685

All tangible personal property and real property of an energy 63686
project with a nameplate capacity of twenty megawatts or greater 63687
is taxable if it is located in a county in which the board of 63688
county commissioners adopted a resolution rejecting the 63689
application submitted under this division or failed to adopt a 63690
resolution approving the application under division (E)(1)(b) or 63691
(c) of this section. 63692

(2) The director shall certify an energy project if all of 63693
the following circumstances exist: 63694

(a) The application was timely submitted. 63695

(b) For an energy project with a nameplate capacity of twenty 63696
megawatts or greater, a board of county commissioners of at least 63697
one county in which the project is located has adopted a 63698
resolution approving the application under division (E)(1)(b) or 63699
(c) of this section. 63700

(c) No portion of the project's facility was used to supply 63701
electricity before December 31, 2009. 63702

(3) The director shall deny a certification application if 63703
the director determines the person has failed to comply with any 63704
requirement under this section. The director may revoke a 63705
certification if the director determines the person, or subsequent 63706
owner or lessee pursuant to a sale and leaseback transaction of 63707
the qualified energy project, has failed to comply with any 63708
requirement under this section. Upon certification or revocation, 63709
the director shall notify the person, owner, or lessee, the tax 63710
commissioner, and the county auditor of a county in which the 63711
project is located of the certification or revocation. Notice 63712

shall be provided in a manner convenient to the director. 63713

(F) The owner or a lessee pursuant to a sale and leaseback 63714
transaction of a qualified energy project shall do each of the 63715
following: 63716

(1) Comply with all applicable regulations; 63717

(2) File with the director of development services a 63718
certified construction progress report before the first day of 63719
March of each year during the energy facility's construction or 63720
installation indicating the percentage of the project completed, 63721
and the project's nameplate capacity, as of the preceding 63722
thirty-first day of December. Unless otherwise instructed by the 63723
director of development services, the owner or lessee of an energy 63724
project shall file a report with the director on or before the 63725
first day of March each year after completion of the energy 63726
facility's construction or installation indicating the project's 63727
nameplate capacity as of the preceding thirty-first day of 63728
December. Not later than sixty days after June 17, 2010, the owner 63729
or lessee of an energy project, the construction of which was 63730
completed before June 17, 2010, shall file a certificate 63731
indicating the project's nameplate capacity. 63732

(3) File with the director of development services, in a 63733
manner prescribed by the director, a report of the total number of 63734
full-time equivalent employees, and the total number of full-time 63735
equivalent employees domiciled in Ohio, who are employed in the 63736
construction or installation of the energy facility; 63737

(4) For energy projects with a nameplate capacity of twenty 63738
megawatts or greater, repair all roads, bridges, and culverts 63739
affected by construction as reasonably required to restore them to 63740
their preconstruction condition, as determined by the county 63741
engineer in consultation with the local jurisdiction responsible 63742
for the roads, bridges, and culverts. In the event that the county 63743

engineer deems any road, bridge, or culvert to be inadequate to 63744
support the construction or decommissioning of the energy 63745
facility, the road, bridge, or culvert shall be rebuilt or 63746
reinforced to the specifications established by the county 63747
engineer prior to the construction or decommissioning of the 63748
facility. The owner or lessee of the facility shall post a bond in 63749
an amount established by the county engineer and to be held by the 63750
board of county commissioners to ensure funding for repairs of 63751
roads, bridges, and culverts affected during the construction. The 63752
bond shall be released by the board not later than one year after 63753
the date the repairs are completed. The energy facility owner or 63754
lessee pursuant to a sale and leaseback transaction shall post a 63755
bond, as may be required by the Ohio power siting board in the 63756
certificate authorizing commencement of construction issued 63757
pursuant to section 4906.10 of the Revised Code, to ensure funding 63758
for repairs to roads, bridges, and culverts resulting from 63759
decommissioning of the facility. The energy facility owner or 63760
lessee and the county engineer may enter into an agreement 63761
regarding specific transportation plans, reinforcements, 63762
modifications, use and repair of roads, financial security to be 63763
provided, and any other relevant issue. 63764

(5) Provide or facilitate training for fire and emergency 63765
responders for response to emergency situations related to the 63766
energy project and, for energy projects with a nameplate capacity 63767
of twenty megawatts or greater, at the person's expense, equip the 63768
fire and emergency responders with proper equipment as reasonably 63769
required to enable them to respond to such emergency situations; 63770

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 63771
employees employed in the construction or installation of the 63772
energy project to total full-time equivalent employees employed in 63773
the construction or installation of the energy project of not less 63774
than eighty per cent in the case of a solar energy project, and 63775

not less than fifty per cent in the case of any other energy 63776
project. In the case of an energy project for which certification 63777
from the power siting board is required under section 4906.20 of 63778
the Revised Code, the number of full-time equivalent employees 63779
employed in the construction or installation of the energy project 63780
equals the number actually employed or the number projected to be 63781
employed in the certificate application, if such projection is 63782
required under regulations adopted pursuant to section 4906.03 of 63783
the Revised Code, whichever is greater. For all other energy 63784
projects, the number of full-time equivalent employees employed in 63785
the construction or installation of the energy project equals the 63786
number actually employed or the number projected to be employed by 63787
the director of development services, whichever is greater. To 63788
estimate the number of employees to be employed in the 63789
construction or installation of an energy project, the director 63790
shall use a generally accepted job-estimating model in use for 63791
renewable energy projects, including but not limited to the job 63792
and economic development impact model. The director may adjust an 63793
estimate produced by a model to account for variables not 63794
accounted for by the model. 63795

(7) For energy projects with a nameplate capacity in excess 63796
of twenty megawatts, establish a relationship with a member of the 63797
university system of Ohio as defined in section 3345.011 of the 63798
Revised Code or with a person offering an apprenticeship program 63799
registered with the employment and training administration within 63800
the United States department of labor or with the apprenticeship 63801
council created by section 4139.02 of the Revised Code, to educate 63802
and train individuals for careers in the wind or solar energy 63803
industry. The relationship may include endowments, cooperative 63804
programs, internships, apprenticeships, research and development 63805
projects, and curriculum development. 63806

(8) Offer to sell power or renewable energy credits from the 63807

energy project to electric distribution utilities or electric 63808
service companies subject to renewable energy resource 63809
requirements under section 4928.64 of the Revised Code that have 63810
issued requests for proposal for such power or renewable energy 63811
credits. If no electric distribution utility or electric service 63812
company issues a request for proposal on or before December 31, 63813
2010, or accepts an offer for power or renewable energy credits 63814
within forty-five days after the offer is submitted, power or 63815
renewable energy credits from the energy project may be sold to 63816
other persons. Division (F)(8) of this section does not apply if: 63817

(a) The owner or lessee is a rural electric company or a 63818
municipal power agency as defined in section 3734.058 of the 63819
Revised Code. 63820

(b) The owner or lessee is a person that, before completion 63821
of the energy project, contracted for the sale of power or 63822
renewable energy credits with a rural electric company or a 63823
municipal power agency. 63824

(c) The owner or lessee contracts for the sale of power or 63825
renewable energy credits from the energy project before June 17, 63826
2010. 63827

(9) Make annual service payments as required by division (G) 63828
of this section and as may be required in a resolution adopted by 63829
a board of county commissioners under division (E) of this 63830
section. 63831

(G) The owner or a lessee pursuant to a sale and leaseback 63832
transaction of a qualified energy project shall make annual 63833
service payments in lieu of taxes to the county treasurer on or 63834
before the final dates for payments of taxes on public utility 63835
personal property on the real and public utility personal property 63836
tax list for each tax year for which property of the energy 63837
project is exempt from taxation under this section. The county 63838

treasurer shall allocate the payment on the basis of the project's 63839
physical location. Upon receipt of a payment, or if timely payment 63840
has not been received, the county treasurer shall certify such 63841
receipt or non-receipt to the director of development services and 63842
tax commissioner in a form determined by the director and 63843
commissioner, respectively. Each payment shall be in the following 63844
amount: 63845

(1) In the case of a solar energy project, seven thousand 63846
dollars per megawatt of nameplate capacity located in the county 63847
as of the thirty-first-day of December of the preceding tax year; 63848

(2) In the case of any other energy project using renewable 63849
energy resources, the following: 63850

(a) If the project maintains during the construction or 63851
installation of the energy facility a ratio of Ohio-domiciled 63852
full-time equivalent employees to total full-time equivalent 63853
employees of not less than seventy-five per cent, six thousand 63854
dollars per megawatt of nameplate capacity located in the county 63855
as of the thirty-first day of December of the preceding tax year; 63856

(b) If the project maintains during the construction or 63857
installation of the energy facility a ratio of Ohio-domiciled 63858
full-time equivalent employees to total full-time equivalent 63859
employees of less than seventy-five per cent but not less than 63860
sixty per cent, seven thousand dollars per megawatt of nameplate 63861
capacity located in the county as of the thirty-first day of 63862
December of the preceding tax year; 63863

(c) If the project maintains during the construction or 63864
installation of the energy facility a ratio of Ohio-domiciled 63865
full-time equivalent employees to total full-time equivalent 63866
employees of less than sixty per cent but not less than fifty per 63867
cent, eight thousand dollars per megawatt of nameplate capacity 63868
located in the county as of the thirty-first day of December of 63869

the preceding tax year. 63870

(3) In the case of an energy project using clean coal 63871
technology, advanced nuclear technology, or cogeneration 63872
technology, the following: 63873

(a) If the project maintains during the construction or 63874
installation of the energy facility a ratio of Ohio-domiciled 63875
full-time equivalent employees to total full-time equivalent 63876
employees of not less than seventy-five per cent, six thousand 63877
dollars per megawatt of nameplate capacity located in the county 63878
as of the thirty-first day of December of the preceding tax year; 63879

(b) If the project maintains during the construction or 63880
installation of the energy facility a ratio of Ohio-domiciled 63881
full-time equivalent employees to total full-time equivalent 63882
employees of less than seventy-five per cent but not less than 63883
sixty per cent, seven thousand dollars per megawatt of nameplate 63884
capacity located in the county as of the thirty-first day of 63885
December of the preceding tax year; 63886

(c) If the project maintains during the construction or 63887
installation of the energy facility a ratio of Ohio-domiciled 63888
full-time equivalent employees to total full-time equivalent 63889
employees of less than sixty per cent but not less than fifty per 63890
cent, eight thousand dollars per megawatt of nameplate capacity 63891
located in the county as of the thirty-first day of December of 63892
the preceding tax year. 63893

(H) The director of development services in consultation with 63894
the tax commissioner shall adopt rules pursuant to Chapter 119. of 63895
the Revised Code to implement and enforce this section. 63896

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the 63897
Revised Code: 63898

(A) "Electric distribution company" means either of the 63899

following: 63900

(1) A person who distributes electricity through a meter of 63901
an end user in this state or to an unmetered location in this 63902
state; 63903

(2) The end user of electricity in this state, if the end 63904
user obtains electricity that is not distributed or transmitted to 63905
the end user by an electric distribution company that is required 63906
to remit the tax imposed by section 5727.81 of the Revised Code. 63907

"Electric distribution company" does not include ~~an end user~~ 63908
~~of electricity in this state who self generates electricity that~~ 63909
~~is used directly by that end user on the same site that the~~ 63910
~~electricity is generated~~ or a person that donates all of the 63911
electricity the person generates to a political subdivision of the 63912
state. Division (A)(2) of this section shall not apply to a 63913
political subdivision in this state that is the end user of 63914
electricity that is donated to the political subdivision. 63915

(B) "Kilowatt hour" means one thousand watt hours of 63916
electricity. 63917

(C) For an electric distribution company, "meter of an end 63918
user in this state" means the last meter used to measure the 63919
kilowatt hours distributed by an electric distribution company to 63920
a location in this state, or the last meter located outside of 63921
this state that is used to measure the kilowatt hours consumed at 63922
a location in this state. 63923

(D) "Person" has the same meaning as in section 5701.01 of 63924
the Revised Code, but also includes a political subdivision of the 63925
state. 63926

(E) "Municipal electric utility" means a municipal 63927
corporation that owns or operates a system for the distribution of 63928
electricity. 63929

(F) "Qualified end user" means an end user of electricity 63930
that satisfies either of the following criteria: 63931

(1) The end user uses more than three million kilowatt hours 63932
of electricity at one manufacturing location in this state for a 63933
calendar day for use in a qualifying manufacturing process. 63934

(2) The end user uses electricity at a manufacturing location 63935
in this state for use in a chlor-alkali manufacturing process but, 63936
if the end user uses electricity distributed by a municipal 63937
electric utility, the end user can only be a "qualified end user" 63938
upon obtaining the consent of the legislative authority of the 63939
municipal corporation that owns or operates the utility. 63940

(G) "Qualified regeneration" means a process to convert 63941
electricity to a form of stored energy by means such as using 63942
electricity to compress air for storage or to pump water to an 63943
elevated storage reservoir, if such stored energy is subsequently 63944
used to generate electricity for sale to others primarily during 63945
periods when there is peak demand for electricity. 63946

(H) "Qualified regeneration meter" means the last meter used 63947
to measure electricity used in a qualified regeneration process. 63948

(I) "Qualifying manufacturing process" means an 63949
electrochemical manufacturing process or a chlor-alkali 63950
manufacturing process. 63951

(J) "Self-assessing purchaser" means a purchaser that meets 63952
all the requirements of, and pays the excise tax in accordance 63953
with, division (C) of section 5727.81 of the Revised Code. 63954

(K) "Natural gas distribution company" means a natural gas 63955
company or a combined company that is subject to the excise tax 63956
imposed by section 5727.24 of the Revised Code and that 63957
distributes natural gas through a meter of an end user in this 63958
state or to an unmetered location in this state. 63959

(L) "MCF" means one thousand cubic feet. 63960

(M) For a natural gas distribution company, "meter of an end user in this state" means the last meter used to measure the MCF of natural gas distributed by a natural gas distribution company to a location in this state, or the last meter located outside of this state that is used to measure the natural gas consumed at a location in this state. 63961
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(N) "Flex customer" means an industrial or a commercial facility that has consumed more than one billion cubic feet of natural gas a year at a single location during any of the previous five years, or an industrial or a commercial end user of natural gas that purchases natural gas distribution services from a natural gas distribution company at discounted rates or charges established in any of the following: 63967
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(1) A special arrangement subject to review and regulation by the public utilities commission under section 4905.31 of the Revised Code; 63974
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(2) A special arrangement with a natural gas distribution company pursuant to a municipal ordinance; 63977
63978

(3) A variable rate schedule that permits rates to vary between defined amounts, provided that the schedule is on file with the public utilities commission. 63979
63980
63981

An end user that meets this definition on January 1, 2000, or thereafter is a "flex customer" for purposes of determining the rate of taxation under division (D) of section 5727.811 of the Revised Code. 63982
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(O) "Electrochemical manufacturing process" means the performance of an electrochemical reaction in which electrons from direct current electricity remain a part of the product being manufactured. "Electrochemical manufacturing process" does not include a chlor-alkali manufacturing process. 63986
63987
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63990

(P) "Chlor-alkali manufacturing process" means a process that 63991
uses electricity to produce chlorine and other chemicals through 63992
the electrolysis of a salt solution. 63993

Sec. 5727.81. (A) For the purpose of raising revenue to fund 63994
the needs of this state and its local governments, an excise tax 63995
is hereby levied and imposed on an electric distribution company 63996
for all electricity distributed by such company at the following 63997
rates per kilowatt hour of electricity distributed in a thirty-day 63998
period by the company through a meter of an end user in this 63999
state: 64000

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	64003
For the next 2,001 to 15,000	\$.00419	64004
For 15,001 and above	\$.00363	64005

If no meter is used to measure the kilowatt hours of 64006
electricity distributed by the company, the rates shall apply to 64007
the estimated kilowatt hours of electricity distributed to an 64008
unmetered location in this state. 64009

The electric distribution company shall base the monthly tax 64010
on the kilowatt hours of electricity distributed to an end user 64011
through the meter of the end user that is not measured for a 64012
thirty-day period by dividing the days in the measurement period 64013
into the total kilowatt hours measured during the measurement 64014
period to obtain a daily average usage. The tax shall be 64015
determined by obtaining the sum of divisions (A)(1), (2), and (3) 64016
of this section and multiplying that amount by the number of days 64017
in the measurement period: 64018

(1) Multiplying \$0.00465 per kilowatt hour for the first 64019
sixty-seven kilowatt hours distributed using a daily average; 64020

(2) Multiplying \$0.00419 for the next sixty-eight to five 64021

hundred kilowatt hours distributed using a daily average; 64022

(3) Multiplying \$0.00363 for the remaining kilowatt hours 64023
distributed using a daily average. 64024

Except as provided in division (C) of this section, the 64025
electric distribution company shall pay the tax to the tax 64026
commissioner in accordance with section 5727.82 of the Revised 64027
Code, unless required to remit each tax payment by electronic 64028
funds transfer to the treasurer of state in accordance with 64029
section 5727.83 of the Revised Code. 64030

Only the distribution of electricity through a meter of an 64031
end user in this state shall be used by the electric distribution 64032
company to compute the amount or estimated amount of tax due. In 64033
the event a meter is not actually read for a measurement period, 64034
the estimated kilowatt hours distributed by an electric 64035
distribution company to bill for its distribution charges shall be 64036
used. 64037

(B) Except as provided in division (C) of this section, each 64038
electric distribution company shall pay the tax imposed by this 64039
section in all of the following circumstances: 64040

(1) The electricity is distributed by the company through a 64041
meter of an end user in this state; 64042

(2) The company is distributing electricity through a meter 64043
located in another state, but the electricity is consumed in this 64044
state in the manner prescribed by the tax commissioner; 64045

(3) The company is distributing electricity in this state 64046
without the use of a meter, but the electricity is consumed in 64047
this state as estimated and in the manner prescribed by the tax 64048
commissioner. 64049

(C)(1) As used in division (C) of this section: 64050

(a) "Total price of electricity" means the aggregate value in 64051

money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under this division. For the meter reading period including July 1, 2008, through the meter reading period including December 31, 2010, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and a percentage of the total price of all electricity distributed to that meter or location equal to three and one-half per cent. For the meter reading period including January 1, 2011, and

thereafter, such a purchaser may elect to self-assess the excise 64084
tax imposed by this section at the rate of \$.00257 per kilowatt 64085
hour for the first five hundred million kilowatt hours, and 64086
\$.001832 per kilowatt hour for each kilowatt hour in excess of 64087
five hundred million kilowatt hours, distributed to that meter or 64088
location during the registration year. 64089

A qualified end user that receives electricity through a 64090
meter of an end user in this state or through more than one meter 64091
at a single location in this state and that consumes, over the 64092
course of the previous calendar year, more than forty-five million 64093
kilowatt hours in other than its qualifying manufacturing process, 64094
may elect to self-assess the tax as allowed by this division with 64095
respect to the electricity used in other than its qualifying 64096
manufacturing process. 64097

Payment of the tax shall be made directly to the tax 64098
commissioner in accordance with divisions (A)(4) and (5) of 64099
section 5727.82 of the Revised Code, or the treasurer of state in 64100
accordance with section 5727.83 of the Revised Code. If the 64101
electric distribution company serving the self-assessing purchaser 64102
is a municipal electric utility and the purchaser is within the 64103
municipal corporation's corporate limits, payment shall be made to 64104
such municipal corporation's general fund and reports shall be 64105
filed in accordance with divisions (A)(4) and (5) of section 64106
5727.82 of the Revised Code, except that "municipal corporation" 64107
shall be substituted for "treasurer of state" and "tax 64108
commissioner." A self-assessing purchaser that pays the excise tax 64109
as provided in this division shall not be required to pay the tax 64110
to the electric distribution company from which its electricity is 64111
distributed. If a self-assessing purchaser's receipt of 64112
electricity is not subject to the tax as measured under this 64113
division, the tax on the receipt of such electricity shall be 64114
measured and paid as provided in division (A) of this section. 64115

(3) In the case of the acquisition of a package, unless the elements of the package are separately stated isolating the total price of electricity from the price of the remaining elements of the package, the tax imposed under this section applies to the entire price of the package. If the elements of the package are separately stated, the tax imposed under this section applies to the total price of the electricity.

(4) Any electric supplier that sells electricity as part of a package shall separately state to the purchaser the total price of the electricity and, upon request by the tax commissioner, the total price of each of the other elements of the package.

(5) The tax commissioner may adopt rules relating to the computation of the total price of electricity with respect to self-assessing purchasers, which may include rules to establish the total price of electricity purchased as part of a package.

(6) An annual application for registration as a self-assessing purchaser shall be made for each qualifying meter or location on a form prescribed by the tax commissioner. The registration year begins on the first day of May and ends on the following thirtieth day of April. Persons may apply after the first day of May for the remainder of the registration year. In the case of an applicant applying on the basis of an estimated consumption of forty-five million kilowatt hours over the course of the succeeding twelve months, the applicant shall provide such information as the tax commissioner considers to be necessary to estimate such consumption. At the time of making the application and by the first day of May of each year, a self-assessing purchaser shall pay a fee of five hundred dollars to the tax commissioner, or to the treasurer of state as provided in section 5727.83 of the Revised Code, for each qualifying meter or location. The tax commissioner shall immediately pay to the treasurer of state all amounts that the tax commissioner receives

under this section. The treasurer of state shall deposit such 64148
amounts into the kilowatt hour excise tax administration fund, 64149
which is hereby created in the state treasury. Money in the fund 64150
shall be used to defray the tax commissioner's cost in 64151
administering the tax owed under section 5727.81 of the Revised 64152
Code by self-assessing purchasers. After the application is 64153
approved by the tax commissioner, the registration shall remain in 64154
effect for the current registration year, or until canceled by the 64155
registrant upon written notification to the commissioner of the 64156
election to pay the tax in accordance with division (A) of this 64157
section, or until canceled by the tax commissioner for not paying 64158
the tax or fee under division (C) of this section or for not 64159
meeting the qualifications in division (C)(2) of this section. The 64160
tax commissioner shall give written notice to the electric 64161
distribution company from which electricity is delivered to a 64162
self-assessing purchaser of the purchaser's self-assessing status, 64163
and the electric distribution company is relieved of the 64164
obligation to pay the tax imposed by division (A) of this section 64165
for electricity distributed to that self-assessing purchaser until 64166
it is notified by the tax commissioner that the self-assessing 64167
purchaser's registration is canceled. Within fifteen days of 64168
notification of the canceled registration, the electric 64169
distribution company shall be responsible for payment of the tax 64170
imposed by division (A) of this section on electricity distributed 64171
to a purchaser that is no longer registered as a self-assessing 64172
purchaser. A self-assessing purchaser with a canceled registration 64173
must file a report and remit the tax imposed by division (A) of 64174
this section on all electricity it receives for any measurement 64175
period prior to the tax being reported and paid by the electric 64176
distribution company. A self-assessing purchaser whose 64177
registration is canceled by the tax commissioner is not eligible 64178
to register as a self-assessing purchaser for two years after the 64179
registration is canceled. 64180

(7) If the tax commissioner cancels the self-assessing registration of a purchaser registered on the basis of its estimated consumption because the purchaser does not consume at least forty-five million kilowatt hours of electricity over the course of the twelve-month period for which the estimate was made, the tax commissioner shall assess and collect from the purchaser the difference between (a) the amount of tax that would have been payable under division (A) of this section on the electricity distributed to the purchaser during that period and (b) the amount of tax paid by the purchaser on such electricity pursuant to division (C)(2) of this section. The assessment shall be paid within sixty days after the tax commissioner issues it, regardless of whether the purchaser files a petition for reassessment under section 5727.89 of the Revised Code covering that period. If the purchaser does not pay the assessment within the time prescribed, the amount assessed is subject to the additional charge and the interest prescribed by divisions (B) and (C) of section 5727.82 of the Revised Code, and is subject to assessment under section 5727.89 of the Revised Code. If the purchaser is a qualified end user, division (C)(7) of this section applies only to electricity it consumes in other than its qualifying manufacturing process.

(D) The tax imposed by this section does not apply to ~~the~~i 64202

(1) The distribution or obtaining of any kilowatt hours of electricity to ~~the~~ or by any of the following: 64203
64204

(a) The federal government,~~to an~~i 64205

(b) An end user located at a federal facility that uses electricity for the enrichment of uranium,~~to a~~i 64206
64207

(c) A qualified regeneration meter,~~or to an~~i 64208

(d) An end user for any day the end user is a qualified end user~~i~~ 64209
64210

(e) An end user if the electricity is generated by an 64211

electric generation facility that is primarily dedicated to 64212
providing electricity to the electric-consuming facilities of the 64213
end user, that is sized so as to not exceed one hundred per cent 64214
of the customer-generator's annual requirements for electric 64215
energy at the time of interconnection, that is physically 64216
interconnected and integrated with the electric-consuming 64217
facilities of the end user, and that is located on the same 64218
property on which the end user's electric-consuming facilities are 64219
situated or on property that is contiguous to the property on 64220
which the end user's electric-consuming facilities are situated. 64221

(2) Kilowatt hours of electricity generated by a 64222
self-generator if the electric generating facility is sized so as 64223
not to exceed one hundred per cent of the customer-generator's 64224
annual requirements for electric energy at the time of 64225
interconnection. The 64226

The exemption under ~~this~~ division (D)(1)(d) of this section 64227
for a qualified end user only applies to the manufacturing 64228
location where the qualified end user uses electricity in a 64229
chlor-alkali manufacturing process or where the qualified end user 64230
uses more than three million kilowatt hours per day in an 64231
electrochemical manufacturing process. As used in division (D) of 64232
this section, "customer-generator" and "self-generator" have the 64233
same meanings as in section 4928.01 of the Revised Code. 64234

(E) All revenue arising from the tax imposed by this section 64235
shall be credited to the general revenue fund except as provided 64236
by division (C) of this section and section 5727.82 of the Revised 64237
Code. 64238

Sec. 5731.21. (A)(1)(a) Except as provided under division 64239
(A)(3) of this section, the executor or administrator, or, if no 64240
executor or administrator has been appointed, another person in 64241
possession of property the transfer of which is subject to estate 64242

taxes under section 5731.02 or division (A) of section 5731.19 of 64243
the Revised Code, shall file an estate tax return, within nine 64244
months of the date of the decedent's death, in the form prescribed 64245
by the tax commissioner, in duplicate, with the probate court of 64246
the county. The return shall include all property the transfer of 64247
which is subject to estate taxes, whether that property is 64248
transferred under the last will and testament of the decedent or 64249
otherwise. The time for filing the return may be extended by the 64250
tax commissioner. 64251

(b) The estate tax return described in division (A)(1)(a) of 64252
this section shall be accompanied by a certificate, in the form 64253
prescribed by the tax commissioner, that is signed by the 64254
executor, administrator, or other person required to file the 64255
return, and that states all of the following: 64256

(i) The fact that the return was filed; 64257

(ii) The date of the filing of the return; 64258

(iii) The fact that the estate taxes under section 5731.02 or 64259
division (A) of section 5731.19 of the Revised Code, that are 64260
shown to be due in the return, have been paid in full; 64261

(iv) If applicable, the fact that real property listed in the 64262
inventory for the decedent's estate is included in the return; 64263

(v) If applicable, the fact that real property not listed in 64264
the inventory for the decedent's estate, including, but not 64265
limited to, survivorship tenancy property as described in section 64266
5302.17 of the Revised Code or transfer on death property as 64267
described in sections 5302.22 and 5302.23 of the Revised Code, 64268
also is included in the return. In this regard, the certificate 64269
additionally shall describe that real property by the same 64270
description used in the return. 64271

(2) The probate court shall forward one copy of the estate 64272
tax return described in division (A)(1)(a) of this section to the 64273

tax commissioner. 64274

(3) A person shall not be required to file a return under 64275
division (A) of this section if the decedent was a resident of 64276
this state and the value of the decedent's gross estate is 64277
twenty-five thousand dollars or less in the case of a decedent 64278
dying on or after July 1, 1968, but before January 1, 2001; two 64279
hundred thousand dollars or less in the case of a decedent dying 64280
on or after January 1, 2001, but before January 1, 2002; or three 64281
hundred thirty-eight thousand three hundred thirty-three dollars 64282
or less in the case of a decedent dying on or after January 1, 64283
2002. No return shall be filed for estates of decedents dying on 64284
or after January 1, 2013. 64285

(4)(a) Upon receipt of the estate tax return described in 64286
division (A)(1)(a) of this section and the accompanying 64287
certificate described in division (A)(1)(b) of this section, the 64288
probate court promptly shall give notice of the return, by a form 64289
prescribed by the tax commissioner, to the county auditor. The 64290
auditor then shall make a charge based upon the notice and shall 64291
certify a duplicate of the charge to the county treasurer. The 64292
treasurer then shall collect, subject to division (A) of section 64293
5731.25 of the Revised Code or any other statute extending the 64294
time for payment of an estate tax, the tax so charged. 64295

(b) Upon receipt of the return and the accompanying 64296
certificate, the probate court also shall forward the certificate 64297
to the auditor. When satisfied that the estate taxes under section 64298
5731.02 or division (A) of section 5731.19 of the Revised Code, 64299
that are shown to be due in the return, have been paid in full, 64300
the auditor shall stamp the certificate so forwarded to verify 64301
that payment. The auditor then shall return the stamped 64302
certificate to the probate court. 64303

(5)(a) The certificate described in division (A)(1)(b) of 64304
this section is a public record subject to inspection and copying 64305

in accordance with section 149.43 of the Revised Code. It shall be 64306
kept in the records of the probate court pertaining to the 64307
decedent's estate and is not subject to the confidentiality 64308
provisions of section 5731.90 of the Revised Code. 64309

(b) All persons are entitled to rely on the statements 64310
contained in a certificate as described in division (A)(1)(b) of 64311
this section if it has been filed in accordance with that 64312
division, forwarded to a county auditor and stamped in accordance 64313
with division (A)(4) of this section, and placed in the records of 64314
the probate court pertaining to the decedent's estate in 64315
accordance with division (A)(5)(a) of this section. The real 64316
property referred to in the certificate shall be free of, and may 64317
be regarded by all persons as being free of, any lien for estate 64318
taxes under section 5731.02 and division (A) of section 5731.19 of 64319
the Revised Code. 64320

(B) An estate tax return filed under this section, in the 64321
form prescribed by the tax commissioner, and showing that no 64322
estate tax is due shall result in a determination that no estate 64323
tax is due, if the tax commissioner within three months after the 64324
receipt of the return by the department of taxation, fails to file 64325
exceptions to the return in the probate court of the county in 64326
which the return was filed. A copy of exceptions to a return of 64327
that nature, when the tax commissioner files them within that 64328
period, shall be sent by ordinary mail to the person who filed the 64329
return. The tax commissioner is not bound under this division by a 64330
determination that no estate tax is due, with respect to property 64331
not disclosed in the return. 64332

(C) If the executor, administrator, or other person required 64333
to file an estate tax return fails to file it within nine months 64334
of the date of the decedent's death, the tax commissioner may 64335
determine the estate tax in that estate and issue a certificate of 64336
determination in the same manner as is provided in division (B) of 64337

section 5731.27 of the Revised Code. A certificate of 64338
determination of that nature has the same force and effect as 64339
though a return had been filed and a certificate of determination 64340
issued with respect to the return. 64341

(D) No return shall be filed under this section or section 64342
5731.24 of the Revised Code, and no tax shall be due under this 64343
chapter, with respect to either of the following: 64344

(1) Property first discovered after December 31, 2021, that 64345
would otherwise be subject to the tax imposed by this chapter; 64346

(2) Property first discovered on or before December 31, 2021, 64347
but not disclosed on a return or included in a certificate of 64348
determination issued by the tax commissioner on or before December 64349
31, 2021. 64350

Nothing in this division shall be construed to affect any 64351
estate tax liability determined by the tax commissioner for 64352
returns filed on or before December 31, 2021, or any tax liability 64353
determined under an agreement entered into under division (C) of 64354
section 5731.26 of the Revised Code. The estate shall pay any such 64355
liability. 64356

Sec. 5731.24. ¶ Except as provided in division (D) of 64357
section 5731.21 of the Revised Code, if an additional tax 64358
prescribed by section 5731.18 of the Revised Code is due, the 64359
executor, administrator, or other person required to file the 64360
estate tax return, within sixty days after the date of the final 64361
determination of the federal estate tax liability, shall file an 64362
additional tax return, in the form prescribed by the tax 64363
commissioner, in the same manner as is prescribed for the filing 64364
of the estate tax return. Subject to division (A) of section 64365
5731.25 of the Revised Code or any other ~~state~~ statute extending 64366
the time for payment of an estate tax, the additional tax shall be 64367
paid, without notice or demand by the tax commissioner, with the 64368

return, and shall be charged and collected in the same manner as 64369
the estate tax, except that no interest shall accrue until sixty 64370
days after the date of the final determination of the federal 64371
estate tax liability. 64372

Sec. 5731.28. If any debts deductible under section 5731.16 64373
of the Revised Code are proved against the gross estate after the 64374
tax levied by section 5731.02 or division (A) of section 5731.19 64375
of the Revised Code has been determined, or if the determination 64376
of taxes so made is erroneous due to a mistake of fact or law, a 64377
claim for refund of tax may be filed by an executor, 64378
administrator, trustee, person in possession of property subject 64379
to tax, or any transferee thereof, within three years from the 64380
time the return was required to be filed (determined without 64381
regard to any extension of time for filing) or before January 1, 64382
2022, whichever is earlier, in the form prescribed by the tax 64383
commissioner. The claim for refund shall be filed in the same 64384
manner as is prescribed for the filing of a return in section 64385
5731.21 of the Revised Code and the determination of its 64386
correctness shall be made in the same manner as is provided for in 64387
the case of the return itself. 64388

Sec. 5731.41. To enforce section 5731.39 of the Revised Code, 64389
and to administer Chapters 5713. and 4503. of the Revised Code the 64390
tax commissioner may appoint agents in the unclassified civil 64391
service who shall perform such duties as are prescribed by the 64392
commissioner. Such agents shall, as compensation, receive annually 64393
eight cents per capita for each full one thousand of the first 64394
twenty thousand of the population of the county and two cents per 64395
capita for each full one thousand over twenty thousand of the 64396
population of the county, as shown by the ~~last~~ 2010 federal 64397
census, which shall be paid in equal monthly installments from the 64398
undivided inheritance or estate tax fund in the county treasury on 64399

the warrant of the county auditor or, if the balance of that fund 64400
is not sufficient to make such payments, from the county real 64401
estate assessment fund pursuant to division (B)(6) of section 64402
325.31 of the Revised Code, any other provision of law to the 64403
contrary notwithstanding. The amount paid to any agent in the 64404
unclassified service for all of the duties performed under this 64405
section, as directed by the commissioner, shall not exceed three 64406
thousand nor be less than twelve hundred dollars in any calendar 64407
year. 64408

Sec. 5739.01. As used in this chapter: 64409

(A) "Person" includes individuals, receivers, assignees, 64410
trustees in bankruptcy, estates, firms, partnerships, 64411
associations, joint-stock companies, joint ventures, clubs, 64412
societies, corporations, the state and its political subdivisions, 64413
and combinations of individuals of any form. 64414

(B) "Sale" and "selling" include all of the following 64415
transactions for a consideration in any manner, whether absolutely 64416
or conditionally, whether for a price or rental, in money or by 64417
exchange, and by any means whatsoever: 64418

(1) All transactions by which title or possession, or both, 64419
of tangible personal property, is or is to be transferred, or a 64420
license to use or consume tangible personal property is or is to 64421
be granted; 64422

(2) All transactions by which lodging by a hotel is or is to 64423
be furnished to transient guests; 64424

(3) All transactions by which: 64425

(a) An item of tangible personal property is or is to be 64426
repaired, except property, the purchase of which would not be 64427
subject to the tax imposed by section 5739.02 of the Revised Code; 64428

(b) An item of tangible personal property is or is to be 64429

installed, except property, the purchase of which would not be 64430
subject to the tax imposed by section 5739.02 of the Revised Code 64431
or property that is or is to be incorporated into and will become 64432
a part of a production, transmission, transportation, or 64433
distribution system for the delivery of a public utility service; 64434

(c) The service of washing, cleaning, waxing, polishing, or 64435
painting a motor vehicle is or is to be furnished; 64436

(d) Laundry and dry cleaning services are or are to be 64437
provided; 64438

(e) Automatic data processing, computer services, or 64439
electronic information services are or are to be provided for use 64440
in business when the true object of the transaction is the receipt 64441
by the consumer of automatic data processing, computer services, 64442
or electronic information services rather than the receipt of 64443
personal or professional services to which automatic data 64444
processing, computer services, or electronic information services 64445
are incidental or supplemental. Notwithstanding any other 64446
provision of this chapter, such transactions that occur between 64447
members of an affiliated group are not sales. An "affiliated 64448
group" means two or more persons related in such a way that one 64449
person owns or controls the business operation of another member 64450
of the group. In the case of corporations with stock, one 64451
corporation owns or controls another if it owns more than fifty 64452
per cent of the other corporation's common stock with voting 64453
rights. 64454

(f) Telecommunications service, including prepaid calling 64455
service, prepaid wireless calling service, or ancillary service, 64456
is or is to be provided, but not including coin-operated telephone 64457
service; 64458

(g) Landscaping and lawn care service is or is to be 64459
provided; 64460

(h) Private investigation and security service is or is to be provided;	64461 64462
(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;	64463 64464
(j) Building maintenance and janitorial service is or is to be provided;	64465 64466
(k) Employment service is or is to be provided;	64467
(l) Employment placement service is or is to be provided;	64468
(m) Exterminating service is or is to be provided;	64469
(n) (l) <u>Physical fitness facility service is or is to be provided, unless such service is or is to be provided by an organization described under section 501(c)(3) of the Internal Revenue Code and exempt from federal income taxation under section 501(a) of the Internal Revenue Code;</u>	64470 64471 64472 64473 64474
(o) (m) <u>Recreation and sports club service is or is to be provided, unless such service is or is to be provided by an organization described under section 501(c)(3) of the Internal Revenue Code and exempt from federal income taxation under section 501(a) of the Internal Revenue Code;</u>	64475 64476 64477 64478 64479
(p) (n) Satellite broadcasting service is or is to be provided;	64480 64481
(q) (o) Personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	64482 64483 64484 64485 64486 64487 64488 64489
(r) (p) The transportation of persons by motor vehicle or	64490

aircraft is or is to be provided, when the transportation is 64491
entirely within this state, except for transportation provided by 64492
an ambulance service, by a transit bus, as defined in section 64493
5735.01 of the Revised Code, and transportation provided by a 64494
citizen of the United States holding a certificate of public 64495
convenience and necessity issued under 49 U.S.C. 41102; 64496

~~(s)~~(q) Motor vehicle towing service is or is to be provided. 64497
As used in this division, "motor vehicle towing service" means the 64498
towing or conveyance of a wrecked, disabled, or illegally parked 64499
motor vehicle. 64500

~~(t)~~(r) Snow removal service is or is to be provided. As used 64501
in this division, "snow removal service" means the removal of snow 64502
by any mechanized means, but does not include the providing of 64503
such service by a person that has less than five thousand dollars 64504
in sales of such service during the calendar year. 64505

~~(u)~~(s) Electronic publishing service is or is to be provided 64506
to a consumer for use in business, except that such transactions 64507
occurring between members of an affiliated group, as defined in 64508
division (B)(3)(e) of this section, are not sales. 64509

(4) All transactions by which printed, imprinted, 64510
overprinted, lithographic, multilithic, blueprinted, photostatic, 64511
or other productions or reproductions of written or graphic matter 64512
are or are to be furnished or transferred; 64513

(5) The production or fabrication of tangible personal 64514
property for a consideration for consumers who furnish either 64515
directly or indirectly the materials used in the production of 64516
fabrication work; and include the furnishing, preparing, or 64517
serving for a consideration of any tangible personal property 64518
consumed on the premises of the person furnishing, preparing, or 64519
serving such tangible personal property. Except as provided in 64520
section 5739.03 of the Revised Code, a construction contract 64521

pursuant to which tangible personal property is or is to be 64522
incorporated into a structure or improvement on and becoming a 64523
part of real property is not a sale of such tangible personal 64524
property. The construction contractor is the consumer of such 64525
tangible personal property, provided that the sale and 64526
installation of carpeting, the sale and installation of 64527
agricultural land tile, the sale and erection or installation of 64528
portable grain bins, or the provision of landscaping and lawn care 64529
service and the transfer of property as part of such service is 64530
never a construction contract. 64531

As used in division (B)(5) of this section: 64532

(a) "Agricultural land tile" means fired clay or concrete 64533
tile, or flexible or rigid perforated plastic pipe or tubing, 64534
incorporated or to be incorporated into a subsurface drainage 64535
system appurtenant to land used or to be used primarily in 64536
production by farming, agriculture, horticulture, or floriculture. 64537
The term does not include such materials when they are or are to 64538
be incorporated into a drainage system appurtenant to a building 64539
or structure even if the building or structure is used or to be 64540
used in such production. 64541

(b) "Portable grain bin" means a structure that is used or to 64542
be used by a person engaged in farming or agriculture to shelter 64543
the person's grain and that is designed to be disassembled without 64544
significant damage to its component parts. 64545

(6) All transactions in which all of the shares of stock of a 64546
closely held corporation are transferred, or an ownership interest 64547
in a pass-through entity, as defined in section 5733.04 of the 64548
Revised Code, is transferred, if the corporation or pass-through 64549
entity is not engaging in business and its entire assets consist 64550
of boats, planes, motor vehicles, or other tangible personal 64551
property operated primarily for the use and enjoyment of the 64552
shareholders or owners; 64553

(7) All transactions in which a warranty, maintenance or 64554
service contract, or similar agreement by which the vendor of the 64555
warranty, contract, or agreement agrees to repair or maintain the 64556
tangible personal property of the consumer is or is to be 64557
provided; 64558

(8) The transfer of copyrighted motion picture films used 64559
solely for advertising purposes, except that the transfer of such 64560
films for exhibition purposes is not a sale; 64561

(9) All transactions by which tangible personal property is 64562
or is to be stored, except such property that the consumer of the 64563
storage holds for sale in the regular course of business; 64564

(10) All transactions in which "guaranteed auto protection" 64565
is provided whereby a person promises to pay to the consumer the 64566
difference between the amount the consumer receives from motor 64567
vehicle insurance and the amount the consumer owes to a person 64568
holding title to or a lien on the consumer's motor vehicle in the 64569
event the consumer's motor vehicle suffers a total loss under the 64570
terms of the motor vehicle insurance policy or is stolen and not 64571
recovered, if the protection and its price are included in the 64572
purchase or lease agreement; 64573

(11)(a) Except as provided in division (B)(11)(b) of this 64574
section, all transactions by which health care services are paid 64575
for, reimbursed, provided, delivered, arranged for, or otherwise 64576
made available by a medicaid health insuring corporation pursuant 64577
to the corporation's contract with the state. 64578

(b) If the centers for medicare and medicaid services of the 64579
United States department of health and human services determines 64580
that the taxation of transactions described in division (B)(11)(a) 64581
of this section constitutes an impermissible health care-related 64582
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 64583
1396b(w), and regulations adopted thereunder, the medicaid 64584

director shall notify the tax commissioner of that determination. 64585
Beginning with the first day of the month following that 64586
notification, the transactions described in division (B)(11)(a) of 64587
this section are not sales for the purposes of this chapter or 64588
Chapter 5741. of the Revised Code. The tax commissioner shall 64589
order that the collection of taxes under sections 5739.02, 64590
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 64591
5741.023 of the Revised Code shall cease for transactions 64592
occurring on or after that date. 64593

(12) All transactions by which a specified digital product is 64594
provided for permanent use or less than permanent use, regardless 64595
of whether continued payment is required. 64596

Except as provided in this section, "sale" and "selling" do 64597
not include transfers of interest in leased property where the 64598
original lessee and the terms of the original lease agreement 64599
remain unchanged, or professional, insurance, or personal service 64600
transactions that involve the transfer of tangible personal 64601
property as an inconsequential element, for which no separate 64602
charges are made. 64603

(C) "Vendor" means the person providing the service or by 64604
whom the transfer effected or license given by a sale is or is to 64605
be made or given and, for sales described in division (B)(3)(i) of 64606
this section, the telecommunications service vendor that provides 64607
the nine hundred telephone service; if two or more persons are 64608
engaged in business at the same place of business under a single 64609
trade name in which all collections on account of sales by each 64610
are made, such persons shall constitute a single vendor. 64611

Physicians, dentists, hospitals, and veterinarians who are 64612
engaged in selling tangible personal property as received from 64613
others, such as eyeglasses, mouthwashes, dentifrices, or similar 64614
articles, are vendors. Veterinarians who are engaged in 64615
transferring to others for a consideration drugs, the dispensing 64616

of which does not require an order of a licensed veterinarian or 64617
physician under federal law, are vendors. 64618

The operator of any peer-to-peer car sharing program shall be 64619
considered to be the vendor. 64620

(D)(1) "Consumer" means the person for whom the service is 64621
provided, to whom the transfer effected or license given by a sale 64622
is or is to be made or given, to whom the service described in 64623
division (B)(3)(f) or (i) of this section is charged, or to whom 64624
the admission is granted. 64625

(2) Physicians, dentists, hospitals, and blood banks operated 64626
by nonprofit institutions and persons licensed to practice 64627
veterinary medicine, surgery, and dentistry are consumers of all 64628
tangible personal property and services purchased by them in 64629
connection with the practice of medicine, dentistry, the rendition 64630
of hospital or blood bank service, or the practice of veterinary 64631
medicine, surgery, and dentistry. In addition to being consumers 64632
of drugs administered by them or by their assistants according to 64633
their direction, veterinarians also are consumers of drugs that 64634
under federal law may be dispensed only by or upon the order of a 64635
licensed veterinarian or physician, when transferred by them to 64636
others for a consideration to provide treatment to animals as 64637
directed by the veterinarian. 64638

(3) A person who performs a facility management, or similar 64639
service contract for a contractee is a consumer of all tangible 64640
personal property and services purchased for use in connection 64641
with the performance of such contract, regardless of whether title 64642
to any such property vests in the contractee. The purchase of such 64643
property and services is not subject to the exception for resale 64644
under division (E) of this section. 64645

(4)(a) In the case of a person who purchases printed matter 64646
for the purpose of distributing it or having it distributed to the 64647

public or to a designated segment of the public, free of charge, 64648
that person is the consumer of that printed matter, and the 64649
purchase of that printed matter for that purpose is a sale. 64650

(b) In the case of a person who produces, rather than 64651
purchases, printed matter for the purpose of distributing it or 64652
having it distributed to the public or to a designated segment of 64653
the public, free of charge, that person is the consumer of all 64654
tangible personal property and services purchased for use or 64655
consumption in the production of that printed matter. That person 64656
is not entitled to claim exemption under division (B)(42)(f) of 64657
section 5739.02 of the Revised Code for any material incorporated 64658
into the printed matter or any equipment, supplies, or services 64659
primarily used to produce the printed matter. 64660

(c) The distribution of printed matter to the public or to a 64661
designated segment of the public, free of charge, is not a sale to 64662
the members of the public to whom the printed matter is 64663
distributed or to any persons who purchase space in the printed 64664
matter for advertising or other purposes. 64665

(5) A person who makes sales of any of the services listed in 64666
division (B)(3) of this section is the consumer of any tangible 64667
personal property used in performing the service. The purchase of 64668
that property is not subject to the resale exception under 64669
division (E) of this section. 64670

(6) A person who engages in highway transportation for hire 64671
is the consumer of all packaging materials purchased by that 64672
person and used in performing the service, except for packaging 64673
materials sold by such person in a transaction separate from the 64674
service. 64675

(7) In the case of a transaction for health care services 64676
under division (B)(11) of this section, a medicaid health insuring 64677
corporation is the consumer of such services. The purchase of such 64678

services by a medicaid health insuring corporation is not subject 64679
to the exception for resale under division (E) of this section or 64680
to the exemptions provided under divisions (B)(12), (18), (19), 64681
and (22) of section 5739.02 of the Revised Code. 64682

(E) "Retail sale" and "sales at retail" include all sales, 64683
except those in which the purpose of the consumer is to resell the 64684
thing transferred or benefit of the service provided, by a person 64685
engaging in business, in the form in which the same is, or is to 64686
be, received by the person. 64687

(F) "Business" includes any activity engaged in by any person 64688
with the object of gain, benefit, or advantage, either direct or 64689
indirect. "Business" does not include the activity of a person in 64690
managing and investing the person's own funds. 64691

(G) "Engaging in business" means commencing, conducting, or 64692
continuing in business, and liquidating a business when the 64693
liquidator thereof holds itself out to the public as conducting 64694
such business. Making a casual sale is not engaging in business. 64695

(H)(1)(a) "Price," except as provided in divisions (H)(2), 64696
(3), and (4) of this section, means the total amount of 64697
consideration, including cash, credit, property, and services, for 64698
which tangible personal property or services are sold, leased, or 64699
rented, valued in money, whether received in money or otherwise, 64700
without any deduction for any of the following: 64701

(i) The vendor's cost of the property sold; 64702

(ii) The cost of materials used, labor or service costs, 64703
interest, losses, all costs of transportation to the vendor, all 64704
taxes imposed on the vendor, including the tax imposed under 64705
Chapter 5751. of the Revised Code, and any other expense of the 64706
vendor; 64707

(iii) Charges by the vendor for any services necessary to 64708
complete the sale; 64709

(iv) Delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing. 64710
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(v) Installation charges; 64715

(vi) Credit for any trade-in. 64716

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met: 64717
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(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented; 64726
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(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization. 64732
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(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer. 64737
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(c) "Price" does not include any of the following: 64741

(i) Discounts, including cash, term, or coupons that are not 64742
reimbursed by a third party that are allowed by a vendor and taken 64743
by a consumer on a sale; 64744

(ii) Interest, financing, and carrying charges from credit 64745
extended on the sale of tangible personal property or services, if 64746
the amount is separately stated on the invoice, bill of sale, or 64747
similar document given to the purchaser; 64748

(iii) Any taxes legally imposed directly on the consumer that 64749
are separately stated on the invoice, bill of sale, or similar 64750
document given to the consumer. For the purpose of this division, 64751
the tax imposed under Chapter 5751. of the Revised Code is not a 64752
tax directly on the consumer, even if the tax or a portion thereof 64753
is separately stated. 64754

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 64755
section, any discount allowed by an automobile manufacturer to its 64756
employee, or to the employee of a supplier, on the purchase of a 64757
new motor vehicle from a new motor vehicle dealer in this state. 64758

(v) The dollar value of a gift card that is not sold by a 64759
vendor or purchased by a consumer and that is redeemed by the 64760
consumer in purchasing tangible personal property or services if 64761
the vendor is not reimbursed and does not receive compensation 64762
from a third party to cover all or part of the gift card value. 64763
For the purposes of this division, a gift card is not sold by a 64764
vendor or purchased by a consumer if it is distributed pursuant to 64765
an awards, loyalty, or promotional program. Past and present 64766
purchases of tangible personal property or services by the 64767
consumer shall not be treated as consideration exchanged for a 64768
gift card. 64769

(2) In the case of a sale of any new motor vehicle by a new 64770
motor vehicle dealer, as defined in section 4517.01 of the Revised 64771

Code, in which another motor vehicle is accepted by the dealer as 64772
part of the consideration received, "price" has the same meaning 64773
as in division (H)(1) of this section, reduced by the credit 64774
afforded the consumer by the dealer for the motor vehicle received 64775
in trade. 64776

(3) In the case of a sale of any watercraft or outboard motor 64777
by a watercraft dealer licensed in accordance with section 64778
1547.543 of the Revised Code, in which another watercraft, 64779
watercraft and trailer, or outboard motor is accepted by the 64780
dealer as part of the consideration received, "price" has the same 64781
meaning as in division (H)(1) of this section, reduced by the 64782
credit afforded the consumer by the dealer for the watercraft, 64783
watercraft and trailer, or outboard motor received in trade. As 64784
used in this division, "watercraft" includes an outdrive unit 64785
attached to the watercraft. 64786

(4) In the case of transactions for health care services 64787
under division (B)(11) of this section, "price" means the amount 64788
of managed care premiums received each month by a medicaid health 64789
insuring corporation. 64790

(I) "Receipts" means the total amount of the prices of the 64791
sales of vendors, provided that the dollar value of gift cards 64792
distributed pursuant to an awards, loyalty, or promotional 64793
program, and cash discounts allowed and taken on sales at the time 64794
they are consummated are not included, minus any amount deducted 64795
as a bad debt pursuant to section 5739.121 of the Revised Code. 64796
"Receipts" does not include the sale price of property returned or 64797
services rejected by consumers when the full sale price and tax 64798
are refunded either in cash or by credit. 64799

(J) "Place of business" means any location at which a person 64800
engages in business. 64801

(K) "Premises" includes any real property or portion thereof 64802

upon which any person engages in selling tangible personal 64803
property at retail or making retail sales and also includes any 64804
real property or portion thereof designated for, or devoted to, 64805
use in conjunction with the business engaged in by such person. 64806

(L) "Casual sale" means a sale of an item of tangible 64807
personal property that was obtained by the person making the sale, 64808
through purchase or otherwise, for the person's own use and was 64809
previously subject to any state's taxing jurisdiction on its sale 64810
or use, and includes such items acquired for the seller's use that 64811
are sold by an auctioneer employed directly by the person for such 64812
purpose, provided the location of such sales is not the 64813
auctioneer's permanent place of business. As used in this 64814
division, "permanent place of business" includes any location 64815
where such auctioneer has conducted more than two auctions during 64816
the year. 64817

(M) "Hotel" means every establishment kept, used, maintained, 64818
advertised, or held out to the public to be a place where sleeping 64819
accommodations are offered to guests, in which five or more rooms 64820
are used for the accommodation of such guests, whether the rooms 64821
are in one or several structures, except as otherwise provided in 64822
section 5739.091 of the Revised Code. 64823

(N) "Transient guests" means persons occupying a room or 64824
rooms for sleeping accommodations for less than thirty consecutive 64825
days. 64826

(O) "Making retail sales" means the effecting of transactions 64827
wherein one party is obligated to pay the price and the other 64828
party is obligated to provide a service or to transfer title to or 64829
possession of the item sold. "Making retail sales" does not 64830
include the preliminary acts of promoting or soliciting the retail 64831
sales, other than the distribution of printed matter which 64832
displays or describes and prices the item offered for sale, nor 64833
does it include delivery of a predetermined quantity of tangible 64834

personal property or transportation of property or personnel to or 64835
from a place where a service is performed. 64836

(P) "Used directly in the rendition of a public utility 64837
service" means that property that is to be incorporated into and 64838
will become a part of the consumer's production, transmission, 64839
transportation, or distribution system and that retains its 64840
classification as tangible personal property after such 64841
incorporation; fuel or power used in the production, transmission, 64842
transportation, or distribution system; and tangible personal 64843
property used in the repair and maintenance of the production, 64844
transmission, transportation, or distribution system, including 64845
only such motor vehicles as are specially designed and equipped 64846
for such use. Tangible personal property and services used 64847
primarily in providing highway transportation for hire are not 64848
used directly in the rendition of a public utility service. In 64849
this definition, "public utility" includes a citizen of the United 64850
States holding, and required to hold, a certificate of public 64851
convenience and necessity issued under 49 U.S.C. 41102. 64852

(Q) "Refining" means removing or separating a desirable 64853
product from raw or contaminated materials by distillation or 64854
physical, mechanical, or chemical processes. 64855

(R) "Assembly" and "assembling" mean attaching or fitting 64856
together parts to form a product, but do not include packaging a 64857
product. 64858

(S) "Manufacturing operation" means a process in which 64859
materials are changed, converted, or transformed into a different 64860
state or form from which they previously existed and includes 64861
refining materials, assembling parts, and preparing raw materials 64862
and parts by mixing, measuring, blending, or otherwise committing 64863
such materials or parts to the manufacturing process. 64864
"Manufacturing operation" does not include packaging. 64865

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of

others' data, including keypunching or similar data entry services 64897
together with verification thereof, or providing access to 64898
computer equipment for the purpose of processing data. 64899

(b) "Computer services" means providing services consisting 64900
of specifying computer hardware configurations and evaluating 64901
technical processing characteristics, computer programming, and 64902
training of computer programmers and operators, provided in 64903
conjunction with and to support the sale, lease, or operation of 64904
taxable computer equipment or systems. 64905

(c) "Electronic information services" means providing access 64906
to computer equipment by means of telecommunications equipment for 64907
the purpose of either of the following: 64908

(i) Examining or acquiring data stored in or accessible to 64909
the computer equipment; 64910

(ii) Placing data into the computer equipment to be retrieved 64911
by designated recipients with access to the computer equipment. 64912

"Electronic information services" does not include electronic 64913
publishing. 64914

(d) "Automatic data processing, computer services, or 64915
electronic information services" shall not include personal or 64916
professional services. 64917

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 64918
section, "personal and professional services" means all services 64919
other than automatic data processing, computer services, or 64920
electronic information services, including but not limited to: 64921

(a) Accounting and legal services such as advice on tax 64922
matters, asset management, budgetary matters, quality control, 64923
information security, and auditing and any other situation where 64924
the service provider receives data or information and studies, 64925
alters, analyzes, interprets, or adjusts such material; 64926

(b) Analyzing business policies and procedures;	64927
(c) Identifying management information needs;	64928
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	64929 64930 64931
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	64932 64933 64934 64935
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	64936 64937 64938
(g) Testing of business procedures;	64939
(h) Training personnel in business procedure applications;	64940
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	64941 64942 64943 64944 64945 64946
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	64947 64948
(k) Providing digital advertising services.	64949
The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing or computer services.	64950 64951
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	64952 64953 64954
(1) The holder of a permit or certificate issued by this	64955

state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a

customer's premises;	64987
(c) Tangible personal property;	64988
(d) Advertising, including directory advertising;	64989
(e) Billing and collection services provided to third parties;	64990 64991
(f) Internet access service;	64992
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	64993 64994 64995 64996 64997 64998 64999 65000
(h) Ancillary service;	65001
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	65002 65003
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	65004 65005 65006 65007 65008
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	65009 65010 65011 65012 65013
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	65014 65015 65016

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital

products delivered electronically, and content and ancillary 65048
services, that must be paid for in advance and that is sold in 65049
predetermined units or dollars of which the number declines with 65050
use in a known amount. 65051

(6) "Value-added non-voice data service" means a 65052
telecommunications service in which computer processing 65053
applications are used to act on the form, content, code, or 65054
protocol of the information or data primarily for a purpose other 65055
than transmission, conveyance, or routing. 65056

(7) "Coin-operated telephone service" means a 65057
telecommunications service paid for by inserting money into a 65058
telephone accepting direct deposits of money to operate. 65059

(8) "Customer" has the same meaning as in section 5739.034 of 65060
the Revised Code. 65061

(BB) "Laundry and dry cleaning services" means removing soil 65062
or dirt from towels, linens, articles of clothing, or other fabric 65063
items that belong to others and supplying towels, linens, articles 65064
of clothing, or other fabric items. "Laundry and dry cleaning 65065
services" does not include the provision of self-service 65066
facilities for use by consumers to remove soil or dirt from 65067
towels, linens, articles of clothing, or other fabric items. 65068

(CC) "Magazines distributed as controlled circulation 65069
publications" means magazines containing at least twenty-four 65070
pages, at least twenty-five per cent editorial content, issued at 65071
regular intervals four or more times a year, and circulated 65072
without charge to the recipient, provided that such magazines are 65073
not owned or controlled by individuals or business concerns which 65074
conduct such publications as an auxiliary to, and essentially for 65075
the advancement of the main business or calling of, those who own 65076
or control them. 65077

(DD) "Landscaping and lawn care service" means the services 65078

of planting, seeding, sodding, removing, cutting, trimming, 65079
pruning, mulching, aerating, applying chemicals, watering, 65080
fertilizing, and providing similar services to establish, promote, 65081
or control the growth of trees, shrubs, flowers, grass, ground 65082
cover, and other flora, or otherwise maintaining a lawn or 65083
landscape grown or maintained by the owner for ornamentation or 65084
other nonagricultural purpose. However, "landscaping and lawn care 65085
service" does not include the providing of such services by a 65086
person who has less than five thousand dollars in sales of such 65087
services during the calendar year. 65088

(EE) "Private investigation and security service" means the 65089
performance of any activity for which the provider of such service 65090
is required to be licensed pursuant to Chapter 4749. of the 65091
Revised Code, or would be required to be so licensed in performing 65092
such services in this state, and also includes the services of 65093
conducting polygraph examinations and of monitoring or overseeing 65094
the activities on or in, or the condition of, the consumer's home, 65095
business, or other facility by means of electronic or similar 65096
monitoring devices. "Private investigation and security service" 65097
does not include special duty services provided by off-duty police 65098
officers, deputy sheriffs, and other peace officers regularly 65099
employed by the state or a political subdivision. 65100

(FF) "Information services" means providing conversation, 65101
giving consultation or advice, playing or making a voice or other 65102
recording, making or keeping a record of the number of callers, 65103
and any other service provided to a consumer by means of a nine 65104
hundred telephone call, except when the nine hundred telephone 65105
call is the means by which the consumer makes a contribution to a 65106
recognized charity. 65107

(GG) "Research and development" means designing, creating, or 65108
formulating new or enhanced products, equipment, or manufacturing 65109
processes, and also means conducting scientific or technological 65110

inquiry and experimentation in the physical sciences with the goal 65111
of increasing scientific knowledge which may reveal the bases for 65112
new or enhanced products, equipment, or manufacturing processes. 65113

(HH) "Qualified research and development equipment" means 65114
capitalized tangible personal property, and leased personal 65115
property that would be capitalized if purchased, used by a person 65116
primarily to perform research and development. Tangible personal 65117
property primarily used in testing, as defined in division (A)(4) 65118
of section 5739.011 of the Revised Code, or used for recording or 65119
storing test results, is not qualified research and development 65120
equipment unless such property is primarily used by the consumer 65121
in testing the product, equipment, or manufacturing process being 65122
created, designed, or formulated by the consumer in the research 65123
and development activity or in recording or storing such test 65124
results. 65125

(II) "Building maintenance and janitorial service" means 65126
cleaning the interior or exterior of a building and any tangible 65127
personal property located therein or thereon, including any 65128
services incidental to such cleaning for which no separate charge 65129
is made. However, "building maintenance and janitorial service" 65130
does not include the providing of such service by a person who has 65131
less than five thousand dollars in sales of such service during 65132
the calendar year. As used in this division, "cleaning" does not 65133
include sanitation services necessary for an establishment 65134
described in 21 U.S.C. 608 to comply with rules and regulations 65135
adopted pursuant to that section. 65136

(JJ) ~~"Employment service" means providing or supplying 65137
personnel, on a temporary or long term basis, to perform work or 65138
labor under the supervision or control of another, when the 65139
personnel so provided or supplied receive their wages, salary, or 65140
other compensation from the provider or supplier of the employment 65141
service or from a third party that provided or supplied the 65142~~

~~personnel to the provider or supplier. "Employment service" does not include:~~ 65143
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~~(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.~~ 65145
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~~(2) Medical and health care services.~~ 65148

~~(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.~~ 65149
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~~(4) Transactions between members of an affiliated group, as defined in division (B)(3)(c) of this section.~~ 65153
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~~(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.~~ 65155
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~~(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.~~ 65160
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~~(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.~~ 65163
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~~(MM)~~(KK) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or 65168
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gymnasium, which entitles the member to use the facility for 65173
physical exercise. 65174

~~(NN)~~(LL) "Recreation and sports club service" means all 65175
transactions by which a membership is granted, maintained, or 65176
renewed, including initiation fees, membership dues, renewal fees, 65177
monthly minimum fees, and other similar fees and dues, by a 65178
recreation and sports club, which entitles the member to use the 65179
facilities of the organization. "Recreation and sports club" means 65180
an organization that has ownership of, or controls or leases on a 65181
continuing, long-term basis, the facilities used by its members 65182
and includes an aviation club, gun or shooting club, yacht club, 65183
card club, swimming club, tennis club, golf club, country club, 65184
riding club, amateur sports club, or similar organization. 65185

~~(OO)~~(MM) "Livestock" means farm animals commonly raised for 65186
food, food production, or other agricultural purposes, including, 65187
but not limited to, cattle, sheep, goats, swine, poultry, and 65188
captive deer. "Livestock" does not include invertebrates, 65189
amphibians, reptiles, domestic pets, animals for use in 65190
laboratories or for exhibition, or other animals not commonly 65191
raised for food or food production. 65192

~~(PP)~~(NN) "Livestock structure" means a building or structure 65193
used exclusively for the housing, raising, feeding, or sheltering 65194
of livestock, and includes feed storage or handling structures and 65195
structures for livestock waste handling. 65196

~~(OO)~~(OO) "Horticulture" means the growing, cultivation, and 65197
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 65198
and nursery stock. As used in this division, "nursery stock" has 65199
the same meaning as in section 927.51 of the Revised Code. 65200

~~(RR)~~(PP) "Horticulture structure" means a building or 65201
structure used exclusively for the commercial growing, raising, or 65202
overwintering of horticultural products, and includes the area 65203

used for stocking, storing, and packing horticultural products 65204
when done in conjunction with the production of those products. 65205

~~(SS)~~(OO) "Newspaper" means an unbound publication bearing a 65206
title or name that is regularly published, at least as frequently 65207
as biweekly, and distributed from a fixed place of business to the 65208
public in a specific geographic area, and that contains a 65209
substantial amount of news matter of international, national, or 65210
local events of interest to the general public. 65211

~~(TT)~~(1)~~(RR)~~(1) "Feminine hygiene products" means tampons, 65212
panty liners, menstrual cups, sanitary napkins, and other similar 65213
tangible personal property designed for feminine hygiene in 65214
connection with the human menstrual cycle, but does not include 65215
grooming and hygiene products. 65216

(2) "Grooming and hygiene products" means soaps and cleaning 65217
solutions, shampoo, toothpaste, mouthwash, antiperspirants, and 65218
sun tan lotions and screens, regardless of whether any of these 65219
products are over-the-counter drugs. 65220

(3) "Over-the-counter drugs" means a drug that contains a 65221
label that identifies the product as a drug as required by 21 65222
C.F.R. 201.66, which label includes a drug facts panel or a 65223
statement of the active ingredients with a list of those 65224
ingredients contained in the compound, substance, or preparation. 65225

~~(UU)~~(1)~~(SS)~~(1) "Lease" or "rental" means any transfer of the 65226
possession or control of tangible personal property for a fixed or 65227
indefinite term, for consideration. "Lease" or "rental" includes 65228
future options to purchase or extend, and agreements described in 65229
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 65230
the amount of consideration may be increased or decreased by 65231
reference to the amount realized upon the sale or disposition of 65232
the property. "Lease" or "rental" does not include: 65233

(a) A transfer of possession or control of tangible personal 65234

property under a security agreement or a deferred payment plan 65235
that requires the transfer of title upon completion of the 65236
required payments; 65237

(b) A transfer of possession or control of tangible personal 65238
property under an agreement that requires the transfer of title 65239
upon completion of required payments and payment of an option 65240
price that does not exceed the greater of one hundred dollars or 65241
one per cent of the total required payments; 65242

(c) Providing tangible personal property along with an 65243
operator for a fixed or indefinite period of time, if the operator 65244
is necessary for the property to perform as designed. For purposes 65245
of this division, the operator must do more than maintain, 65246
inspect, or set up the tangible personal property. 65247

(2) "Lease" and "rental," as defined in division ~~(UU)~~(SS) of 65248
this section, shall not apply to leases or rentals that exist 65249
before June 26, 2003. 65250

(3) "Lease" and "rental" have the same meaning as in division 65251
~~(UU)(1)~~(SS)(1) of this section regardless of whether a transaction 65252
is characterized as a lease or rental under generally accepted 65253
accounting principles, the Internal Revenue Code, Title XIII of 65254
the Revised Code, or other federal, state, or local laws. 65255

~~(VV)~~(TT) "Mobile telecommunications service" has the same 65256
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 65257
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 65258
amended, and, on and after August 1, 2003, includes related fees 65259
and ancillary services, including universal service fees, detailed 65260
billing service, directory assistance, service initiation, voice 65261
mail service, and vertical services, such as caller ID and 65262
three-way calling. 65263

~~(WW)~~(UU) "Certified service provider" has the same meaning as 65264
in section 5740.01 of the Revised Code. 65265

~~(XX)~~(VV) "Satellite broadcasting service" means the 65266
distribution or broadcasting of programming or services by 65267
satellite directly to the subscriber's receiving equipment without 65268
the use of ground receiving or distribution equipment, except the 65269
subscriber's receiving equipment or equipment used in the uplink 65270
process to the satellite, and includes all service and rental 65271
charges, premium channels or other special services, installation 65272
and repair service charges, and any other charges having any 65273
connection with the provision of the satellite broadcasting 65274
service. 65275

~~(YY)~~(WW) "Tangible personal property" means personal property 65276
that can be seen, weighed, measured, felt, or touched, or that is 65277
in any other manner perceptible to the senses. For purposes of 65278
this chapter and Chapter 5741. of the Revised Code, "tangible 65279
personal property" includes motor vehicles, electricity, water, 65280
gas, steam, and prewritten computer software. 65281

~~(ZZ)~~(XX) "Municipal gas utility" means a municipal 65282
corporation that owns or operates a system for the distribution of 65283
natural gas. 65284

~~(AAA)~~(YY) "Computer" means an electronic device that accepts 65285
information in digital or similar form and manipulates it for a 65286
result based on a sequence of instructions. 65287

~~(BBB)~~(ZZ) "Computer software" means a set of coded 65288
instructions designed to cause a computer or automatic data 65289
processing equipment to perform a task. 65290

~~(CCC)~~(AAA) "Delivered electronically" means delivery of 65291
computer software from the seller to the purchaser by means other 65292
than tangible storage media. 65293

~~(DDD)~~(BBB) "Prewritten computer software" means computer 65294
software, including prewritten upgrades, that is not designed and 65295
developed by the author or other creator to the specifications of 65296

a specific purchaser. The combining of two or more prewritten 65297
computer software programs or prewritten portions thereof does not 65298
cause the combination to be other than prewritten computer 65299
software. "Prewritten computer software" includes software 65300
designed and developed by the author or other creator to the 65301
specifications of a specific purchaser when it is sold to a person 65302
other than the purchaser. If a person modifies or enhances 65303
computer software of which the person is not the author or 65304
creator, the person shall be deemed to be the author or creator 65305
only of such person's modifications or enhancements. Prewritten 65306
computer software or a prewritten portion thereof that is modified 65307
or enhanced to any degree, where such modification or enhancement 65308
is designed and developed to the specifications of a specific 65309
purchaser, remains prewritten computer software; provided, 65310
however, that where there is a reasonable, separately stated 65311
charge or an invoice or other statement of the price given to the 65312
purchaser for the modification or enhancement, the modification or 65313
enhancement shall not constitute prewritten computer software. 65314

~~(EEE)~~(1)(CCC)(1) "Food" means substances, whether in liquid, 65315
concentrated, solid, frozen, dried, or dehydrated form, that are 65316
sold for ingestion or chewing by humans and are consumed for their 65317
taste or nutritional value. "Food" does not include alcoholic 65318
beverages, dietary supplements, soft drinks, or tobacco. 65319

(2) As used in division ~~(EEE)~~(1)(CCC)(1) of this section: 65320

(a) "Alcoholic beverages" means beverages that are suitable 65321
for human consumption and contain one-half of one per cent or more 65322
of alcohol by volume. 65323

(b) "Dietary supplements" means any product, other than 65324
tobacco, that is intended to supplement the diet and that is 65325
intended for ingestion in tablet, capsule, powder, softgel, 65326
gelcap, or liquid form, or, if not intended for ingestion in such 65327
a form, is not represented as conventional food for use as a sole 65328

item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

- (i) A vitamin;
- (ii) A mineral;
- (iii) An herb or other botanical;
- (iv) An amino acid;
- (v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;
- (vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions ~~(EEE)(2)(b)(i)~~ (CCC)(2)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

~~(FFF)~~ (DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

~~(GGG)~~ (EEE) "Prescription" means an order, formula, or recipe

issued in any form of oral, written, electronic, or other means of 65359
transmission by a duly licensed practitioner authorized by the 65360
laws of this state to issue a prescription. 65361

~~(HHH)~~(FFF) "Durable medical equipment" means equipment, 65362
including repair and replacement parts for such equipment, that 65363
can withstand repeated use, is primarily and customarily used to 65364
serve a medical purpose, generally is not useful to a person in 65365
the absence of illness or injury, and is not worn in or on the 65366
body. "Durable medical equipment" does not include mobility 65367
enhancing equipment. 65368

~~(III)~~(GGG) "Mobility enhancing equipment" means equipment, 65369
including repair and replacement parts for such equipment, that is 65370
primarily and customarily used to provide or increase the ability 65371
to move from one place to another and is appropriate for use 65372
either in a home or a motor vehicle, that is not generally used by 65373
persons with normal mobility, and that does not include any motor 65374
vehicle or equipment on a motor vehicle normally provided by a 65375
motor vehicle manufacturer. "Mobility enhancing equipment" does 65376
not include durable medical equipment. 65377

~~(JJJ)~~(HHH) "Prosthetic device" means a replacement, 65378
corrective, or supportive device, including repair and replacement 65379
parts for the device, worn on or in the human body to artificially 65380
replace a missing portion of the body, prevent or correct physical 65381
deformity or malfunction, or support a weak or deformed portion of 65382
the body. As used in this division, before July 1, 2019, 65383
"prosthetic device" does not include corrective eyeglasses, 65384
contact lenses, or dental prosthesis. On or after July 1, 2019, 65385
"prosthetic device" does not include dental prosthesis but does 65386
include corrective eyeglasses or contact lenses. 65387

~~(KKK)~~(1)(III)(1) "Fractional aircraft ownership program" 65388
means a program in which persons within an affiliated group sell 65389
and manage fractional ownership program aircraft, provided that at 65390

least one hundred airworthy aircraft are operated in the program 65391
and the program meets all of the following criteria: 65392

(a) Management services are provided by at least one program 65393
manager within an affiliated group on behalf of the fractional 65394
owners. 65395

(b) Each program aircraft is owned or possessed by at least 65396
one fractional owner. 65397

(c) Each fractional owner owns or possesses at least a 65398
one-sixteenth interest in at least one fixed-wing program 65399
aircraft. 65400

(d) A dry-lease aircraft interchange arrangement is in effect 65401
among all of the fractional owners. 65402

(e) Multi-year program agreements are in effect regarding the 65403
fractional ownership, management services, and dry-lease aircraft 65404
interchange arrangement aspects of the program. 65405

(2) As used in division ~~(KKK)(1)~~(III)(1) of this section: 65406

(a) "Affiliated group" has the same meaning as in division 65407
(B)(3)(e) of this section. 65408

(b) "Fractional owner" means a person that owns or possesses 65409
at least a one-sixteenth interest in a program aircraft and has 65410
entered into the agreements described in division 65411
~~(KKK)(1)(e)~~(III)(1)(e) of this section. 65412

(c) "Fractional ownership program aircraft" or "program 65413
aircraft" means a turbojet aircraft that is owned or possessed by 65414
a fractional owner and that has been included in a dry-lease 65415
aircraft interchange arrangement and agreement under divisions 65416
~~(KKK)(1)(d)~~(III)(1)(d) and (e) of this section, or an aircraft a 65417
program manager owns or possesses primarily for use in a 65418
fractional aircraft ownership program. 65419

(d) "Management services" means administrative and aviation 65420

support services furnished under a fractional aircraft ownership 65421
program in accordance with a management services agreement under 65422
division ~~(KKK)(1)(e)~~(III)(1)(e) of this section, and offered by 65423
the program manager to the fractional owners, including, at a 65424
minimum, the establishment and implementation of safety 65425
guidelines; the coordination of the scheduling of the program 65426
aircraft and crews; program aircraft maintenance; program aircraft 65427
insurance; crew training for crews employed, furnished, or 65428
contracted by the program manager or the fractional owner; the 65429
satisfaction of record-keeping requirements; and the development 65430
and use of an operations manual and a maintenance manual for the 65431
fractional aircraft ownership program. 65432

(e) "Program manager" means the person that offers management 65433
services to fractional owners pursuant to a management services 65434
agreement under division ~~(KKK)(1)(e)~~(III)(1)(e) of this section. 65435

~~(LLL)~~(JJJ) "Electronic publishing" means providing access to 65436
one or more of the following primarily for business customers, 65437
including the federal government or a state government or a 65438
political subdivision thereof, to conduct research: news; 65439
business, financial, legal, consumer, or credit materials; 65440
editorials, columns, reader commentary, or features; photos or 65441
images; archival or research material; legal notices, identity 65442
verification, or public records; scientific, educational, 65443
instructional, technical, professional, trade, or other literary 65444
materials; or other similar information which has been gathered 65445
and made available by the provider to the consumer in an 65446
electronic format. Providing electronic publishing includes the 65447
functions necessary for the acquisition, formatting, editing, 65448
storage, and dissemination of data or information that is the 65449
subject of a sale. 65450

~~(MMM)~~(KKK) "Medicaid health insuring corporation" means a 65451
health insuring corporation that holds a certificate of authority 65452

under Chapter 1751. of the Revised Code and is under contract with 65453
the department of medicaid pursuant to section 5167.10 of the 65454
Revised Code. 65455

~~(NNN)~~(LLL) "Managed care premium" means any premium, 65456
capitation, or other payment a medicaid health insuring 65457
corporation receives for providing or arranging for the provision 65458
of health care services to its members or enrollees residing in 65459
this state. 65460

~~(OOO)~~(MMM) "Captive deer" means deer and other cervidae that 65461
have been legally acquired, or their offspring, that are privately 65462
owned for agricultural or farming purposes. 65463

~~(PPP)~~(NNN) "Gift card" means a document, card, certificate, 65464
or other record, whether tangible or intangible, that may be 65465
redeemed by a consumer for a dollar value when making a purchase 65466
of tangible personal property or services. 65467

~~(OOO)~~(OOO) "Specified digital product" means an 65468
electronically transferred digital audiovisual work, digital audio 65469
work, or digital book. 65470

As used in division ~~(OOO)~~(OOO) of this section: 65471

(1) "Digital audiovisual work" means a series of related 65472
images that, when shown in succession, impart an impression of 65473
motion, together with accompanying sounds, if any. 65474

(2) "Digital audio work" means a work that results from the 65475
fixation of a series of musical, spoken, or other sounds, 65476
including digitized sound files that are downloaded onto a device 65477
and that may be used to alert the customer with respect to a 65478
communication. 65479

(3) "Digital book" means a work that is generally recognized 65480
in the ordinary and usual sense as a book. 65481

(4) "Electronically transferred" means obtained by the 65482

purchaser by means other than tangible storage media. 65483

~~(RRR)~~(PPP) "Digital advertising services" means providing 65484
access, by means of telecommunications equipment, to computer 65485
equipment that is used to enter, upload, download, review, 65486
manipulate, store, add, or delete data for the purpose of 65487
electronically displaying, delivering, placing, or transferring 65488
promotional advertisements to potential customers about products 65489
or services or about industry or business brands. 65490

~~(SSS)~~(OOO) "Peer-to-peer car sharing program" has the same 65491
meaning as in section 4516.01 of the Revised Code. 65492

Sec. 5739.02. For the purpose of providing revenue with which 65493
to meet the needs of the state, for the use of the general revenue 65494
fund of the state, for the purpose of securing a thorough and 65495
efficient system of common schools throughout the state, for the 65496
purpose of affording revenues, in addition to those from general 65497
property taxes, permitted under constitutional limitations, and 65498
from other sources, for the support of local governmental 65499
functions, and for the purpose of reimbursing the state for the 65500
expense of administering this chapter, an excise tax is hereby 65501
levied on each retail sale made in this state. 65502

(A)(1) The tax shall be collected as provided in section 65503
5739.025 of the Revised Code. The rate of the tax shall be five 65504
and three-fourths per cent. The tax applies and is collectible 65505
when the sale is made, regardless of the time when the price is 65506
paid or delivered. 65507

(2) In the case of the lease or rental, with a fixed term of 65508
more than thirty days or an indefinite term with a minimum period 65509
of more than thirty days, of any motor vehicles designed by the 65510
manufacturer to carry a load of not more than one ton, watercraft, 65511
outboard motor, or aircraft, or of any tangible personal property, 65512
other than motor vehicles designed by the manufacturer to carry a 65513

load of more than one ton, to be used by the lessee or renter 65514
primarily for business purposes, the tax shall be collected by the 65515
vendor at the time the lease or rental is consummated and shall be 65516
calculated by the vendor on the basis of the total amount to be 65517
paid by the lessee or renter under the lease agreement. If the 65518
total amount of the consideration for the lease or rental includes 65519
amounts that are not calculated at the time the lease or rental is 65520
executed, the tax shall be calculated and collected by the vendor 65521
at the time such amounts are billed to the lessee or renter. In 65522
the case of an open-end lease or rental, the tax shall be 65523
calculated by the vendor on the basis of the total amount to be 65524
paid during the initial fixed term of the lease or rental, and for 65525
each subsequent renewal period as it comes due. As used in this 65526
division, "motor vehicle" has the same meaning as in section 65527
4501.01 of the Revised Code, and "watercraft" includes an outdrive 65528
unit attached to the watercraft. 65529

A lease with a renewal clause and a termination penalty or 65530
similar provision that applies if the renewal clause is not 65531
exercised is presumed to be a sham transaction. In such a case, 65532
the tax shall be calculated and paid on the basis of the entire 65533
length of the lease period, including any renewal periods, until 65534
the termination penalty or similar provision no longer applies. 65535
The taxpayer shall bear the burden, by a preponderance of the 65536
evidence, that the transaction or series of transactions is not a 65537
sham transaction. 65538

(3) Except as provided in division (A)(2) of this section, in 65539
the case of a sale, the price of which consists in whole or in 65540
part of the lease or rental of tangible personal property, the tax 65541
shall be measured by the installments of that lease or rental. 65542

(4) In the case of a sale of a physical fitness facility 65543
service or recreation and sports club service, the price of which 65544
consists in whole or in part of a membership for the receipt of 65545

the benefit of the service, the tax applicable to the sale shall 65546
be measured by the installments thereof. 65547

(B) The tax does not apply to the following: 65548

(1) Sales to the state or any of its political subdivisions, 65549
or to any other state or its political subdivisions if the laws of 65550
that state exempt from taxation sales made to this state and its 65551
political subdivisions; 65552

(2) Sales of food for human consumption off the premises 65553
where sold; 65554

(3) Sales of food sold to students only in a cafeteria, 65555
dormitory, fraternity, or sorority maintained in a private, 65556
public, or parochial school, college, or university; 65557

(4) Sales of newspapers and sales or transfers of magazines 65558
distributed as controlled circulation publications; 65559

(5) The furnishing, preparing, or serving of meals without 65560
charge by an employer to an employee provided the employer records 65561
the meals as part compensation for services performed or work 65562
done; 65563

(6)(a) Sales of motor fuel upon receipt, use, distribution, 65564
or sale of which in this state a tax is imposed by the law of this 65565
state, but this exemption shall not apply to the sale of motor 65566
fuel on which a refund of the tax is allowable under division (A) 65567
of section 5735.14 of the Revised Code; and the tax commissioner 65568
may deduct the amount of tax levied by this section applicable to 65569
the price of motor fuel when granting a refund of motor fuel tax 65570
pursuant to division (A) of section 5735.14 of the Revised Code 65571
and shall cause the amount deducted to be paid into the general 65572
revenue fund of this state; 65573

(b) Sales of motor fuel other than that described in division 65574
(B)(6)(a) of this section and used for powering a refrigeration 65575

unit on a vehicle other than one used primarily to provide comfort 65576
to the operator or occupants of the vehicle. 65577

(7) Sales of natural gas by a natural gas company or 65578
municipal gas utility, of water by a water-works company, or of 65579
steam by a heating company, if in each case the thing sold is 65580
delivered to consumers through pipes or conduits, and all sales of 65581
communications services by a telegraph company, all terms as 65582
defined in section 5727.01 of the Revised Code, and sales of 65583
electricity delivered through wires; 65584

(8) Casual sales by a person, or auctioneer employed directly 65585
by the person to conduct such sales, except as to such sales of 65586
motor vehicles, watercraft or outboard motors required to be 65587
titled under section 1548.06 of the Revised Code, watercraft 65588
documented with the United States coast guard, snowmobiles, and 65589
all-purpose vehicles as defined in section 4519.01 of the Revised 65590
Code; 65591

(9)(a) Sales of services or tangible personal property, other 65592
than motor vehicles, mobile homes, and manufactured homes, by 65593
churches, organizations exempt from taxation under section 65594
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 65595
organizations operated exclusively for charitable purposes as 65596
defined in division (B)(12) of this section, provided that the 65597
number of days on which such tangible personal property or 65598
services, other than items never subject to the tax, are sold does 65599
not exceed six in any calendar year, except as otherwise provided 65600
in division (B)(9)(b) of this section. If the number of days on 65601
which such sales are made exceeds six in any calendar year, the 65602
church or organization shall be considered to be engaged in 65603
business and all subsequent sales by it shall be subject to the 65604
tax. In counting the number of days, all sales by groups within a 65605
church or within an organization shall be considered to be sales 65606
of that church or organization. 65607

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division ~~(B)(3)(r)~~ (B)(3)(p) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease,

or injury; the operation of an organization exclusively for the 65639
provision of professional, laundry, printing, and purchasing 65640
services to hospitals or charitable institutions; the operation of 65641
a home for the aged, as defined in section 5701.13 of the Revised 65642
Code; the operation of a radio or television broadcasting station 65643
that is licensed by the federal communications commission as a 65644
noncommercial educational radio or television station; the 65645
operation of a nonprofit animal adoption service or a county 65646
humane society; the promotion of education by an institution of 65647
learning that maintains a faculty of qualified instructors, 65648
teaches regular continuous courses of study, and confers a 65649
recognized diploma upon completion of a specific curriculum; the 65650
operation of a parent-teacher association, booster group, or 65651
similar organization primarily engaged in the promotion and 65652
support of the curricular or extracurricular activities of a 65653
primary or secondary school; the operation of a community or area 65654
center in which presentations in music, dramatics, the arts, and 65655
related fields are made in order to foster public interest and 65656
education therein; the production of performances in music, 65657
dramatics, and the arts; or the promotion of education by an 65658
organization engaged in carrying on research in, or the 65659
dissemination of, scientific and technological knowledge and 65660
information primarily for the public. 65661

Nothing in this division shall be deemed to exempt sales to 65662
any organization for use in the operation or carrying on of a 65663
trade or business, or sales to a home for the aged for use in the 65664
operation of independent living facilities as defined in division 65665
(A) of section 5709.12 of the Revised Code. 65666

(13) Building and construction materials and services sold to 65667
construction contractors for incorporation into a structure or 65668
improvement to real property under a construction contract with 65669
this state or a political subdivision of this state, or with the 65670

United States government or any of its agencies; building and 65671
construction materials and services sold to construction 65672
contractors for incorporation into a structure or improvement to 65673
real property that are accepted for ownership by this state or any 65674
of its political subdivisions, or by the United States government 65675
or any of its agencies at the time of completion of the structures 65676
or improvements; building and construction materials sold to 65677
construction contractors for incorporation into a horticulture 65678
structure or livestock structure for a person engaged in the 65679
business of horticulture or producing livestock; building 65680
materials and services sold to a construction contractor for 65681
incorporation into a house of public worship or religious 65682
education, or a building used exclusively for charitable purposes 65683
under a construction contract with an organization whose purpose 65684
is as described in division (B)(12) of this section; building 65685
materials and services sold to a construction contractor for 65686
incorporation into a building under a construction contract with 65687
an organization exempt from taxation under section 501(c)(3) of 65688
the Internal Revenue Code of 1986 when the building is to be used 65689
exclusively for the organization's exempt purposes; building and 65690
construction materials sold for incorporation into the original 65691
construction of a sports facility under section 307.696 of the 65692
Revised Code; building and construction materials and services 65693
sold to a construction contractor for incorporation into real 65694
property outside this state if such materials and services, when 65695
sold to a construction contractor in the state in which the real 65696
property is located for incorporation into real property in that 65697
state, would be exempt from a tax on sales levied by that state; 65698
building and construction materials for incorporation into a 65699
transportation facility pursuant to a public-private agreement 65700
entered into under sections 5501.70 to 5501.83 of the Revised 65701
Code; and, until one calendar year after the construction of a 65702
convention center that qualifies for property tax exemption under 65703

section 5709.084 of the Revised Code is completed, building and 65704
construction materials and services sold to a construction 65705
contractor for incorporation into the real property comprising 65706
that convention center; 65707

(14) Sales of ships or vessels or rail rolling stock used or 65708
to be used principally in interstate or foreign commerce, and 65709
repairs, alterations, fuel, and lubricants for such ships or 65710
vessels or rail rolling stock; 65711

(15) Sales to persons primarily engaged in any of the 65712
activities mentioned in division (B)(42)(a), (g), or (h) of this 65713
section, to persons engaged in making retail sales, or to persons 65714
who purchase for sale from a manufacturer tangible personal 65715
property that was produced by the manufacturer in accordance with 65716
specific designs provided by the purchaser, of packages, including 65717
material, labels, and parts for packages, and of machinery, 65718
equipment, and material for use primarily in packaging tangible 65719
personal property produced for sale, including any machinery, 65720
equipment, and supplies used to make labels or packages, to 65721
prepare packages or products for labeling, or to label packages or 65722
products, by or on the order of the person doing the packaging, or 65723
sold at retail. "Packages" includes bags, baskets, cartons, 65724
crates, boxes, cans, bottles, bindings, wrappings, and other 65725
similar devices and containers, but does not include motor 65726
vehicles or bulk tanks, trailers, or similar devices attached to 65727
motor vehicles. "Packaging" means placing in a package. Division 65728
(B)(15) of this section does not apply to persons engaged in 65729
highway transportation for hire. 65730

(16) Sales of food to persons using supplemental nutrition 65731
assistance program benefits to purchase the food. As used in this 65732
division, "food" has the same meaning as in 7 U.S.C. 2012 and 65733
federal regulations adopted pursuant to the Food and Nutrition Act 65734
of 2008. 65735

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption primarily in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption primarily in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs for a human being that may be dispensed only pursuant to a prescription; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased by hospitals, nursing homes, or other medical facilities; and medical oxygen and medical oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities;

(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and

emergency medical services, for political subdivisions of the 65768
state; 65769

(21) Sales of tangible personal property manufactured in this 65770
state, if sold by the manufacturer in this state to a retailer for 65771
use in the retail business of the retailer outside of this state 65772
and if possession is taken from the manufacturer by the purchaser 65773
within this state for the sole purpose of immediately removing the 65774
same from this state in a vehicle owned by the purchaser; 65775

(22) Sales of services provided by the state or any of its 65776
political subdivisions, agencies, instrumentalities, institutions, 65777
or authorities, or by governmental entities of the state or any of 65778
its political subdivisions, agencies, instrumentalities, 65779
institutions, or authorities; 65780

(23) Sales of motor vehicles to nonresidents of this state 65781
under the circumstances described in division (B) of section 65782
5739.029 of the Revised Code; 65783

(24) Sales to persons engaged in the preparation of eggs for 65784
sale of tangible personal property used or consumed directly in 65785
such preparation, including such tangible personal property used 65786
for cleaning, sanitizing, preserving, grading, sorting, and 65787
classifying by size; packages, including material and parts for 65788
packages, and machinery, equipment, and material for use in 65789
packaging eggs for sale; and handling and transportation equipment 65790
and parts therefor, except motor vehicles licensed to operate on 65791
public highways, used in intraplant or interplant transfers or 65792
shipment of eggs in the process of preparation for sale, when the 65793
plant or plants within or between which such transfers or 65794
shipments occur are operated by the same person. "Packages" 65795
includes containers, cases, baskets, flats, fillers, filler flats, 65796
cartons, closure materials, labels, and labeling materials, and 65797
"packaging" means placing therein. 65798

(25)(a) Sales of water to a consumer for residential use;	65799
(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	65800 65801 65802 65803
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	65804 65805
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	65806 65807 65808 65809
(a) To prepare food for human consumption for sale;	65810
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	65811 65812 65813 65814
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	65815 65816
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	65817 65818
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	65819 65820 65821 65822
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	65823 65824 65825
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	65826 65827 65828

(32) The sale, lease, repair, and maintenance of, parts for, 65829
or items attached to or incorporated in, motor vehicles that are 65830
primarily used for transporting tangible personal property 65831
belonging to others by a person engaged in highway transportation 65832
for hire, except for packages and packaging used for the 65833
transportation of tangible personal property; 65834

(33) Sales to the state headquarters of any veterans' 65835
organization in this state that is either incorporated and issued 65836
a charter by the congress of the United States or is recognized by 65837
the United States veterans administration, for use by the 65838
headquarters; 65839

(34) Sales to a telecommunications service vendor, mobile 65840
telecommunications service vendor, or satellite broadcasting 65841
service vendor of tangible personal property and services used 65842
directly and primarily in transmitting, receiving, switching, or 65843
recording any interactive, one- or two-way electromagnetic 65844
communications, including voice, image, data, and information, 65845
through the use of any medium, including, but not limited to, 65846
poles, wires, cables, switching equipment, computers, and record 65847
storage devices and media, and component parts for the tangible 65848
personal property. The exemption provided in this division shall 65849
be in lieu of all other exemptions under division (B)(42)(a) or 65850
(n) of this section to which the vendor may otherwise be entitled, 65851
based upon the use of the thing purchased in providing the 65852
telecommunications, mobile telecommunications, or satellite 65853
broadcasting service. 65854

(35)(a) Sales where the purpose of the consumer is to use or 65855
consume the things transferred in making retail sales and 65856
consisting of newspaper inserts, catalogues, coupons, flyers, gift 65857
certificates, or other advertising material that prices and 65858
describes tangible personal property offered for retail sale. 65859

(b) Sales to direct marketing vendors of preliminary 65860

materials such as photographs, artwork, and typesetting that will 65861
be used in printing advertising material; and of printed matter 65862
that offers free merchandise or chances to win sweepstake prizes 65863
and that is mailed to potential customers with advertising 65864
material described in division (B)(35)(a) of this section; 65865

(c) Sales of equipment such as telephones, computers, 65866
facsimile machines, and similar tangible personal property 65867
primarily used to accept orders for direct marketing retail sales. 65868

(d) Sales of automatic food vending machines that preserve 65869
food with a shelf life of forty-five days or less by refrigeration 65870
and dispense it to the consumer. 65871

For purposes of division (B)(35) of this section, "direct 65872
marketing" means the method of selling where consumers order 65873
tangible personal property by United States mail, delivery 65874
service, or telecommunication and the vendor delivers or ships the 65875
tangible personal property sold to the consumer from a warehouse, 65876
catalogue distribution center, or similar fulfillment facility by 65877
means of the United States mail, delivery service, or common 65878
carrier. 65879

(36) Sales to a person engaged in the business of 65880
horticulture or producing livestock of materials to be 65881
incorporated into a horticulture structure or livestock structure; 65882

(37) Sales of personal computers, computer monitors, computer 65883
keyboards, modems, and other peripheral computer equipment to an 65884
individual who is licensed or certified to teach in an elementary 65885
or a secondary school in this state for use by that individual in 65886
preparation for teaching elementary or secondary school students; 65887

(38) Sales of tangible personal property that is not required 65888
to be registered or licensed under the laws of this state to a 65889
citizen of a foreign nation that is not a citizen of the United 65890
States, provided the property is delivered to a person in this 65891

state that is not a related member of the purchaser, is physically 65892
present in this state for the sole purpose of temporary storage 65893
and package consolidation, and is subsequently delivered to the 65894
purchaser at a delivery address in a foreign nation. As used in 65895
division (B)(38) of this section, "related member" has the same 65896
meaning as in section 5733.042 of the Revised Code, and "temporary 65897
storage" means the storage of tangible personal property for a 65898
period of not more than sixty days. 65899

(39) Sales of used manufactured homes and used mobile homes, 65900
as defined in section 5739.0210 of the Revised Code, made on or 65901
after January 1, 2000; 65902

(40) Sales of tangible personal property and services to a 65903
provider of electricity used or consumed directly and primarily in 65904
generating, transmitting, or distributing electricity for use by 65905
others, including property that is or is to be incorporated into 65906
and will become a part of the consumer's production, transmission, 65907
or distribution system and that retains its classification as 65908
tangible personal property after incorporation; fuel or power used 65909
in the production, transmission, or distribution of electricity; 65910
energy conversion equipment as defined in section 5727.01 of the 65911
Revised Code; and tangible personal property and services used in 65912
the repair and maintenance of the production, transmission, or 65913
distribution system, including only those motor vehicles as are 65914
specially designed and equipped for such use. The exemption 65915
provided in this division shall be in lieu of all other exemptions 65916
in division (B)(42)(a) or (n) of this section to which a provider 65917
of electricity may otherwise be entitled based on the use of the 65918
tangible personal property or service purchased in generating, 65919
transmitting, or distributing electricity. 65920

(41) Sales to a person providing services under division 65921
~~(B)(3)(r)~~ (B)(3)(p) of section 5739.01 of the Revised Code of 65922
tangible personal property and services used directly and 65923

primarily in providing taxable services under that section. 65924

(42) Sales where the purpose of the purchaser is to do any of 65925
the following: 65926

(a) To incorporate the thing transferred as a material or a 65927
part into tangible personal property to be produced for sale by 65928
manufacturing, assembling, processing, or refining; or to use or 65929
consume the thing transferred directly in producing tangible 65930
personal property for sale by mining, including, without 65931
limitation, the extraction from the earth of all substances that 65932
are classed geologically as minerals, or directly in the rendition 65933
of a public utility service, except that the sales tax levied by 65934
this section shall be collected upon all meals, drinks, and food 65935
for human consumption sold when transporting persons. This 65936
paragraph does not exempt from "retail sale" or "sales at retail" 65937
the sale of tangible personal property that is to be incorporated 65938
into a structure or improvement to real property. 65939

(b) To hold the thing transferred as security for the 65940
performance of an obligation of the vendor; 65941

(c) To resell, hold, use, or consume the thing transferred as 65942
evidence of a contract of insurance; 65943

(d) To use or consume the thing directly in commercial 65944
fishing; 65945

(e) To incorporate the thing transferred as a material or a 65946
part into, or to use or consume the thing transferred directly in 65947
the production of, magazines distributed as controlled circulation 65948
publications; 65949

(f) To use or consume the thing transferred in the production 65950
and preparation in suitable condition for market and sale of 65951
printed, imprinted, overprinted, lithographic, multilithic, 65952
blueprinted, photostatic, or other productions or reproductions of 65953
written or graphic matter; 65954

(g) To use the thing transferred, as described in section 65955
5739.011 of the Revised Code, primarily in a manufacturing 65956
operation to produce tangible personal property for sale; 65957

(h) To use the benefit of a warranty, maintenance or service 65958
contract, or similar agreement, as described in division (B)(7) of 65959
section 5739.01 of the Revised Code, to repair or maintain 65960
tangible personal property, if all of the property that is the 65961
subject of the warranty, contract, or agreement would not be 65962
subject to the tax imposed by this section; 65963

(i) To use the thing transferred as qualified research and 65964
development equipment; 65965

(j) To use or consume the thing transferred primarily in 65966
storing, transporting, mailing, or otherwise handling purchased 65967
sales inventory in a warehouse, distribution center, or similar 65968
facility when the inventory is primarily distributed outside this 65969
state to retail stores of the person who owns or controls the 65970
warehouse, distribution center, or similar facility, to retail 65971
stores of an affiliated group of which that person is a member, or 65972
by means of direct marketing. This division does not apply to 65973
motor vehicles registered for operation on the public highways. As 65974
used in this division, "affiliated group" has the same meaning as 65975
in division (B)(3)(e) of section 5739.01 of the Revised Code and 65976
"direct marketing" has the same meaning as in division (B)(35) of 65977
this section. 65978

(k) To use or consume the thing transferred to fulfill a 65979
contractual obligation incurred by a warrantor pursuant to a 65980
warranty provided as a part of the price of the tangible personal 65981
property sold or by a vendor of a warranty, maintenance or service 65982
contract, or similar agreement the provision of which is defined 65983
as a sale under division (B)(7) of section 5739.01 of the Revised 65984
Code; 65985

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;	65986 65987
(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;	65988 65989 65990 65991 65992
(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.	65993 65994 65995 65996 65997 65998 65999 66000 66001
(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;	66002 66003 66004
(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced;	66005 66006 66007 66008 66009 66010 66011
(q) To use or consume the thing transferred directly in production of crude oil and natural gas for sale. Persons engaged in rendering production services for others are deemed engaged in production.	66012 66013 66014 66015
As used in division (B)(42)(q) of this section, "production"	66016

means operations and tangible personal property directly used to 66017
expose and evaluate an underground reservoir that may contain 66018
hydrocarbon resources, prepare the wellbore for production, and 66019
lift and control all substances yielded by the reservoir to the 66020
surface of the earth. 66021

(i) For the purposes of division (B)(42)(q) of this section, 66022
the "thing transferred" includes, but is not limited to, any of 66023
the following: 66024

(I) Services provided in the construction of permanent access 66025
roads, services provided in the construction of the well site, and 66026
services provided in the construction of temporary impoundments; 66027

(II) Equipment and rigging used for the specific purpose of 66028
creating with integrity a wellbore pathway to underground 66029
reservoirs; 66030

(III) Drilling and workover services used to work within a 66031
subsurface wellbore, and tangible personal property directly used 66032
in providing such services; 66033

(IV) Casing, tubulars, and float and centralizing equipment; 66034

(V) Trailers to which production equipment is attached; 66035

(VI) Well completion services, including cementing of casing, 66036
and tangible personal property directly used in providing such 66037
services; 66038

(VII) Wireline evaluation, mud logging, and perforation 66039
services, and tangible personal property directly used in 66040
providing such services; 66041

(VIII) Reservoir stimulation, hydraulic fracturing, and 66042
acidizing services, and tangible personal property directly used 66043
in providing such services, including all material pumped 66044
downhole; 66045

(IX) Pressure pumping equipment; 66046

(X) Artificial lift systems equipment;	66047
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	66048 66049 66050
(XII) Tangible personal property directly used to control production equipment.	66051 66052
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	66053 66054
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	66055 66056 66057
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	66058 66059 66060
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	66061 66062 66063
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	66064 66065 66066 66067
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	66068 66069 66070 66071
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	66072 66073
(VII) Well site fencing, lighting, or security systems;	66074
(VIII) Communication devices or services;	66075

(IX) Office supplies;	66076
(X) Trailers used as offices or lodging;	66077
(XI) Motor vehicles of any kind;	66078
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	66079 66080
(XIII) Tangible personal property used primarily as a safety device;	66081 66082
(XIV) Data collection or monitoring devices;	66083
(XV) Access ladders, stairs, or platforms attached to storage tanks.	66084 66085
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	66086 66087 66088 66089 66090
The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.	66091 66092 66093 66094
As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.	66095 66096 66097
(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.	66098 66099 66100 66101 66102 66103 66104
(44) Sales of replacement and modification parts for engines,	66105

airframes, instruments, and interiors in, and paint for, aircraft 66106
used primarily in a fractional aircraft ownership program, and 66107
sales of services for the repair, modification, and maintenance of 66108
such aircraft, and machinery, equipment, and supplies primarily 66109
used to provide those services. 66110

(45) Sales of telecommunications service that is used 66111
directly and primarily to perform the functions of a call center. 66112
As used in this division, "call center" means any physical 66113
location where telephone calls are placed or received in high 66114
volume for the purpose of making sales, marketing, customer 66115
service, technical support, or other specialized business 66116
activity, and that employs at least fifty individuals that engage 66117
in call center activities on a full-time basis, or sufficient 66118
individuals to fill fifty full-time equivalent positions. 66119

(46) Sales by a telecommunications service vendor of 900 66120
service to a subscriber. This division does not apply to 66121
information services. 66122

(47) Sales of value-added non-voice data service. This 66123
division does not apply to any similar service that is not 66124
otherwise a telecommunications service. 66125

(48) Sales of feminine hygiene products. 66126

(49) Sales of materials, parts, equipment, or engines used in 66127
the repair or maintenance of aircraft or avionics systems of such 66128
aircraft, and sales of repair, remodeling, replacement, or 66129
maintenance services in this state performed on aircraft or on an 66130
aircraft's avionics, engine, or component materials or parts. As 66131
used in division (B)(49) of this section, "aircraft" means 66132
aircraft of more than six thousand pounds maximum certified 66133
takeoff weight or used exclusively in general aviation. 66134

(50) Sales of full flight simulators that are used for pilot 66135
or flight-crew training, sales of repair or replacement parts or 66136

components, and sales of repair or maintenance services for such 66137
full flight simulators. "Full flight simulator" means a replica of 66138
a specific type, or make, model, and series of aircraft cockpit. 66139
It includes the assemblage of equipment and computer programs 66140
necessary to represent aircraft operations in ground and flight 66141
conditions, a visual system providing an out-of-the-cockpit view, 66142
and a system that provides cues at least equivalent to those of a 66143
three-degree-of-freedom motion system, and has the full range of 66144
capabilities of the systems installed in the device as described 66145
in appendices A and B of part 60 of chapter 1 of title 14 of the 66146
Code of Federal Regulations. 66147

(51) Any transfer or lease of tangible personal property 66148
between the state and JobsOhio in accordance with section 4313.02 66149
of the Revised Code. 66150

(52)(a) Sales to a qualifying corporation. 66151

(b) As used in division (B)(52) of this section: 66152

(i) "Qualifying corporation" means a nonprofit corporation 66153
organized in this state that leases from an eligible county land, 66154
buildings, structures, fixtures, and improvements to the land that 66155
are part of or used in a public recreational facility used by a 66156
major league professional athletic team or a class A to class AAA 66157
minor league affiliate of a major league professional athletic 66158
team for a significant portion of the team's home schedule, 66159
provided the following apply: 66160

(I) The facility is leased from the eligible county pursuant 66161
to a lease that requires substantially all of the revenue from the 66162
operation of the business or activity conducted by the nonprofit 66163
corporation at the facility in excess of operating costs, capital 66164
expenditures, and reserves to be paid to the eligible county at 66165
least once per calendar year. 66166

(II) Upon dissolution and liquidation of the nonprofit 66167

corporation, all of its net assets are distributable to the board 66168
of commissioners of the eligible county from which the corporation 66169
leases the facility. 66170

(ii) "Eligible county" has the same meaning as in section 66171
307.695 of the Revised Code. 66172

(53) Sales to or by a cable service provider, video service 66173
provider, or radio or television broadcast station regulated by 66174
the federal government of cable service or programming, video 66175
service or programming, audio service or programming, or 66176
electronically transferred digital audiovisual or audio work. As 66177
used in division (B)(53) of this section, "cable service" and 66178
"cable service provider" have the same meanings as in section 66179
1332.01 of the Revised Code, and "video service," "video service 66180
provider," and "video programming" have the same meanings as in 66181
section 1332.21 of the Revised Code. 66182

(54) Sales of a digital audio work electronically transferred 66183
for delivery through use of a machine, such as a juke box, that 66184
does all of the following: 66185

(a) Accepts direct payments to operate; 66186

(b) Automatically plays a selected digital audio work for a 66187
single play upon receipt of a payment described in division 66188
(B)(54)(a) of this section; 66189

(c) Operates exclusively for the purpose of playing digital 66190
audio works in a commercial establishment. 66191

(55)(a) Sales of the following occurring on the first Friday 66192
of August and the following Saturday and Sunday of each year, 66193
beginning in 2018: 66194

(i) An item of clothing, the price of which is seventy-five 66195
dollars or less; 66196

(ii) An item of school supplies, the price of which is twenty 66197

dollars or less; 66198

(iii) An item of school instructional material, the price of which is twenty dollars or less. 66199
66200

(b) As used in division (B)(55) of this section: 66201

(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers. 66202
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(ii) "School supplies" means items commonly used by a student in a course of study. "School supplies" includes only the following items: binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; folders, expandable, pocket, plastic, and manila; glue, paste, and paste sticks; highlighters; index cards; index card boxes; legal pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 66223
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notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; protractors; rulers; scissors; and writing tablets. "School supplies" does not include any item purchased for use in a trade or business.

(iii) "School instructional material" means written material commonly used by a student in a course of study as a reference and to learn the subject being taught. "School instructional material" includes only the following items: reference books, reference maps and globes, textbooks, and workbooks. "School instructional material" does not include any material purchased for use in a trade or business.

(56)(a) Sales of diapers or incontinence underpads sold pursuant to a prescription, for the benefit of a medicaid recipient with a diagnosis of incontinence, and by a medicaid provider that maintains a valid provider agreement under section 5164.30 of the Revised Code with the department of medicaid, provided that the medicaid program covers diapers or incontinence underpads as an incontinence garment.

(b) As used in division (B)(56)(a) of this section:

(i) "Diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty, controlling their bladder or bowel movements.

(ii) "Incontinence underpad" means an absorbent product, not worn on the body, designed to protect furniture or other tangible personal property from soiling or damage due to human incontinence.

(57) Sales of investment metal bullion and investment coins.
"Investment metal bullion" means any bullion described in section 408(m)(3)(B) of the Internal Revenue Code, regardless of whether

that bullion is in the physical possession of a trustee. 66261

"Investment coin" means any coin composed primarily of gold, 66262

silver, platinum, or palladium. 66263

(C) For the purpose of the proper administration of this 66264
chapter, and to prevent the evasion of the tax, it is presumed 66265
that all sales made in this state are subject to the tax until the 66266
contrary is established. 66267

(D) The tax collected by the vendor from the consumer under 66268
this chapter is not part of the price, but is a tax collection for 66269
the benefit of the state, and of counties levying an additional 66270
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 66271
Code and of transit authorities levying an additional sales tax 66272
pursuant to section 5739.023 of the Revised Code. Except for the 66273
discount authorized under section 5739.12 of the Revised Code and 66274
the effects of any rounding pursuant to section 5703.055 of the 66275
Revised Code, no person other than the state or such a county or 66276
transit authority shall derive any benefit from the collection or 66277
payment of the tax levied by this section or section 5739.021, 66278
5739.023, or 5739.026 of the Revised Code. 66279

Sec. 5739.021. (A) For the purpose of providing additional 66280
general revenues for the county, supporting criminal and 66281
administrative justice services in the county, funding a regional 66282
transportation improvement project under section 5595.06 of the 66283
Revised Code, or any combination of the foregoing, and to pay the 66284
expenses of administering such levy, any county may levy a tax at 66285
the rate of not more than one per cent upon every retail sale made 66286
in the county, except sales of watercraft and outboard motors 66287
required to be titled pursuant to Chapter 1548. of the Revised 66288
Code and sales of motor vehicles, and may increase the rate of an 66289
existing tax to not more than one per cent. The rate of any tax 66290
levied pursuant to this section shall be a multiple of 66291

one-twentieth of one per cent. The rate levied under this section 66292
in any county other than a county that adopted a charter under 66293
Article X, Section 3, Ohio Constitution, may exceed one per cent, 66294
but may not exceed one and one-half per cent minus the amount by 66295
which the rate levied under section 5739.023 of the Revised Code 66296
by the county transit authority exceeds one per cent. 66297

The tax shall be levied and the rate increased pursuant to a 66298
resolution of the board of county commissioners. The resolution 66299
shall state the purpose for which the tax is to be levied and the 66300
number of years for which the tax is to be levied, or that it is 66301
for a continuing period of time. If the tax is to be levied for 66302
the purpose of providing additional general revenues and for the 66303
purpose of supporting criminal and administrative justice 66304
services, the resolution shall state the rate or amount of the tax 66305
to be apportioned to each such purpose. The rate or amount may be 66306
different for each year the tax is to be levied, but the rates or 66307
amounts actually apportioned each year shall not be different from 66308
that stated in the resolution for that year. Any amount by which 66309
the rate of the tax exceeds one per cent shall be apportioned 66310
exclusively for the construction, operation, acquisition, 66311
equipping, or repair of a detention facility in the county. 66312

If the resolution is adopted as an emergency measure 66313
necessary for the immediate preservation of the public peace, 66314
health, or safety, it must receive an affirmative vote of all of 66315
the members of the board of county commissioners and shall state 66316
the reasons for such necessity. The board shall deliver a 66317
certified copy of the resolution to the tax commissioner, not 66318
later than the sixty-fifth day prior to the date on which the tax 66319
is to become effective, which shall be the first day of the 66320
calendar quarter. A resolution proposing to levy a tax at a rate 66321
that would cause the rate levied under this section to exceed one 66322
per cent may not be adopted as an emergency measure. 66323

Prior to the adoption of any resolution under this section, 66324
the board of county commissioners shall conduct two public 66325
hearings on the resolution, the second hearing to be not less than 66326
three nor more than ten days after the first. Notice of the date, 66327
time, and place of the hearings shall be given by publication in a 66328
newspaper of general circulation in the county, or as provided in 66329
section 7.16 of the Revised Code, once a week on the same day of 66330
the week for two consecutive weeks, the second publication being 66331
not less than ten nor more than thirty days prior to the first 66332
hearing. 66333

Except as provided in division (B)(1) or (3) of this section, 66334
the resolution shall be subject to a referendum as provided in 66335
sections 305.31 to 305.41 of the Revised Code. 66336

If a petition for a referendum is filed, the county auditor 66337
with whom the petition was filed shall, within five days, notify 66338
the board of county commissioners and the tax commissioner of the 66339
filing of the petition by certified mail. If the board of 66340
elections with which the petition was filed declares the petition 66341
invalid, the board of elections, within five days, shall notify 66342
the board of county commissioners and the tax commissioner of that 66343
declaration by certified mail. If the petition is declared to be 66344
invalid, the effective date of the tax or increased rate of tax 66345
levied by this section shall be the first day of a calendar 66346
quarter following the expiration of sixty-five days from the date 66347
the commissioner receives notice from the board of elections that 66348
the petition is invalid. 66349

(B)(1) A resolution that is not adopted as an emergency 66350
measure may direct the board of elections to submit the question 66351
of levying the tax or increasing the rate of tax to the electors 66352
of the county at a special election held on the date specified by 66353
the board of county commissioners in the resolution, provided that 66354
the election occurs not less than ninety days after a certified 66355

copy of such resolution is transmitted to the board of elections 66356
and the election is not held in August of any year. A resolution 66357
proposing to levy a tax at a rate that would cause the rate levied 66358
under this section to exceed one per cent may not go into effect 66359
unless the question is submitted to electors under this division. 66360
Upon transmission of the resolution to the board of elections, the 66361
board of county commissioners shall notify the tax commissioner in 66362
writing of the levy question to be submitted to the electors. No 66363
resolution adopted under this division shall go into effect unless 66364
approved by a majority of those voting upon it, and, except as 66365
provided in division (B)(3) of this section, shall become 66366
effective on the first day of a calendar quarter following the 66367
expiration of sixty-five days from the date the tax commissioner 66368
receives notice from the board of elections of the affirmative 66369
vote. 66370

(2) A resolution that is adopted as an emergency measure 66371
shall go into effect as provided in division (A) of this section, 66372
but may direct the board of elections to submit the question of 66373
repealing the tax or increase in the rate of the tax to the 66374
electors of the county at the next general election in the county 66375
occurring not less than ninety days after a certified copy of the 66376
resolution is transmitted to the board of elections. Upon 66377
transmission of the resolution to the board of elections, the 66378
board of county commissioners shall notify the tax commissioner in 66379
writing of the levy question to be submitted to the electors. The 66380
ballot question shall be the same as that prescribed in section 66381
5739.022 of the Revised Code. The board of elections shall notify 66382
the board of county commissioners and the tax commissioner of the 66383
result of the election immediately after the result has been 66384
declared. If a majority of the qualified electors voting on the 66385
question of repealing the tax or increase in the rate of the tax 66386
vote for repeal of the tax or repeal of the increase, the board of 66387
county commissioners, on the first day of a calendar quarter 66388

following the expiration of sixty-five days after the date the board and tax commissioner receive notice of the result of the election, shall, in the case of a repeal of the tax, cease to levy the tax, or, in the case of a repeal of an increase in the rate of the tax, cease to levy the increased rate and levy the tax at the rate at which it was imposed immediately prior to the increase in rate.

(3) If a vendor makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or repealed or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (H) of this section.

(C) If a resolution is rejected at a referendum or if a resolution adopted after January 1, 1982, as an emergency measure is repealed by the electors pursuant to division (B)(2) of this section or section 5739.022 of the Revised Code, then for one year after the date of the election at which the resolution was rejected or repealed the board of county commissioners may not adopt any resolution authorized by this section as an emergency measure.

(D) The board of county commissioners, at any time while a tax levied under this section is in effect, may by resolution reduce the rate at which the tax is levied to a lower rate authorized by this section. Any reduction in the rate at which the tax is levied shall be made effective on the first day of a calendar quarter next following the sixty-fifth day after a certified copy of the resolution is delivered to the tax commissioner.

(E) The tax on every retail sale subject to a tax levied pursuant to this section shall be in addition to the tax levied by

section 5739.02 of the Revised Code and any tax levied pursuant to 66421
section 5739.023 or 5739.026 of the Revised Code. 66422

A county that levies a tax pursuant to this section shall 66423
levy a tax at the same rate pursuant to section 5741.021 of the 66424
Revised Code. 66425

The additional tax levied by the county shall be collected 66426
pursuant to section 5739.025 of the Revised Code. If the 66427
additional tax or some portion thereof is levied for the purpose 66428
of criminal and administrative justice services or specifically 66429
for the purpose of constructing, operating, acquiring, equipping, 66430
or repairing a detention facility, the revenue from the tax, or 66431
the amount or rate apportioned to that purpose, shall be credited 66432
to one or more special funds created in the county treasury for 66433
receipt of that revenue. 66434

Any tax levied pursuant to this section is subject to the 66435
exemptions provided in section 5739.02 of the Revised Code and in 66436
addition shall not be applicable to sales not within the taxing 66437
power of a county under the Constitution of the United States or 66438
the Ohio Constitution. 66439

(F) For purposes of this section, a copy of a resolution is 66440
"certified" when it contains a written statement attesting that 66441
the copy is a true and exact reproduction of the original 66442
resolution. 66443

(G) If a board of commissioners intends to adopt a resolution 66444
to levy a tax in whole or in part for the purpose of criminal and 66445
administrative justice services, the board shall prepare and make 66446
available at the first public hearing at which the resolution is 66447
considered a statement containing the following information: 66448

(1) For each of the two preceding fiscal years, the amount of 66449
expenditures made by the county from the county general fund for 66450
the purpose of criminal and administrative justice services; 66451

(2) For the fiscal year in which the resolution is adopted, 66452
the board's estimate of the amount of expenditures to be made by 66453
the county from the county general fund for the purpose of 66454
criminal and administrative justice services; 66455

(3) For each of the two fiscal years after the fiscal year in 66456
which the resolution is adopted, the board's preliminary plan for 66457
expenditures to be made from the county general fund for the 66458
purpose of criminal and administrative justice services, both 66459
under the assumption that the tax will be imposed for that purpose 66460
and under the assumption that the tax would not be imposed for 66461
that purpose, and for expenditures to be made from the special 66462
fund created under division (E) of this section under the 66463
assumption that the tax will be imposed for that purpose. 66464

The board shall prepare the statement and the preliminary 66465
plan using the best information available to the board at the time 66466
the statement is prepared. Neither the statement nor the 66467
preliminary plan shall be used as a basis to challenge the 66468
validity of the tax in any court of competent jurisdiction, nor 66469
shall the statement or preliminary plan limit the authority of the 66470
board to appropriate, pursuant to section 5705.38 of the Revised 66471
Code, an amount different from that specified in the preliminary 66472
plan. 66473

(H) Upon receipt from a board of county commissioners of a 66474
certified copy of a resolution required by division (A) or (D) of 66475
this section, or from the board of elections of a notice of the 66476
results of an election required by division (A) or (B)(1) or (2) 66477
of this section, the tax commissioner shall provide notice of a 66478
tax rate change in a manner that is reasonably accessible to all 66479
affected vendors. The commissioner shall provide this notice at 66480
least sixty days prior to the effective date of the rate change. 66481
The commissioner, by rule, may establish the method by which 66482
notice will be provided. 66483

(I) As used in this section: 66484

(1) "Criminal and administrative justice services" means the 66485
exercise by the county sheriff of all powers and duties vested in 66486
that office by law; the exercise by the county prosecuting 66487
attorney of all powers and duties vested in that office by law; 66488
the exercise by any court in the county of all powers and duties 66489
vested in that court; the exercise by the clerk of the court of 66490
common pleas, any clerk of a municipal court having jurisdiction 66491
throughout the county, or the clerk of any county court of all 66492
powers and duties vested in the clerk by law except, in the case 66493
of the clerk of the court of common pleas, the titling of motor 66494
vehicles or watercraft pursuant to Chapter 1548. or 4505. of the 66495
Revised Code; the exercise by the county coroner of all powers and 66496
duties vested in that office by law; making payments to any other 66497
public agency or a private, nonprofit agency, the purposes of 66498
which in the county include the diversion, adjudication, 66499
detention, or rehabilitation of criminals or juvenile offenders; 66500
the operation and maintenance of any detention facility; and the 66501
construction, acquisition, equipping, or repair of such a 66502
detention facility. 66503

(2) "Detention facility" has the same meaning as in section 66504
2921.01 of the Revised Code. 66505

(3) "Construction, operation, acquisition, equipping, or 66506
repair" of a detention facility includes the payment of any debt 66507
charges incurred in the issuance of securities pursuant to Chapter 66508
133. of the Revised Code for the purpose of constructing, 66509
acquiring, equipping, or repairing such a facility. 66510

Sec. 5739.03. (A) Except as provided in section 5739.05 or 66511
section 5739.051 of the Revised Code, the tax imposed by or 66512
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 66513
the Revised Code shall be paid by the consumer to the vendor, and 66514

each vendor shall collect from the consumer, as a trustee for the state of Ohio, the full and exact amount of the tax payable on each taxable sale, in the manner and at the times provided as follows:

(1) If the price is, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or the consumer's agent to the vendor or the vendor's agent, the vendor or the vendor's agent shall collect the tax with and at the same time as the price;

(2) If the price is otherwise paid or to be paid, the vendor or the vendor's agent shall, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, charge the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to the account of the consumer, which amount shall be collected by the vendor from the consumer in addition to the price. Such sale shall be reported on and the amount of the tax applicable thereto shall be remitted with the return for the period in which the sale is made, and the amount of the tax shall become a legal charge in favor of the vendor and against the consumer.

(B)(1)(a) If any sale is claimed to be exempt under division (E) of section 5739.01 of the Revised Code or under section 5739.02 of the Revised Code, with the exception of divisions (B)(1) to (11), (28), (48), or (55) of section 5739.02 of the Revised Code, ~~or if the consumer claims the transaction is not a taxable sale due to one or more of the exclusions provided under divisions (JJ)(1) to (5) of section 5739.01 of the Revised Code,~~ the consumer must provide to the vendor, and the vendor must obtain from the consumer, a certificate specifying the reason that the sale is not legally subject to the tax. The certificate shall

be in such form, and shall be provided either in a hard copy form 66546
or electronic form, as the tax commissioner prescribes. 66547

(b) A vendor that obtains a fully completed exemption 66548
certificate from a consumer is relieved of liability for 66549
collecting and remitting tax on any sale covered by that 66550
certificate. If it is determined the exemption was improperly 66551
claimed, the consumer shall be liable for any tax due on that sale 66552
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 66553
5741. of the Revised Code. Relief under this division from 66554
liability does not apply to any of the following: 66555

(i) A vendor that fraudulently fails to collect tax; 66556

(ii) A vendor that solicits consumers to participate in the 66557
unlawful claim of an exemption; 66558

(iii) A vendor that accepts an exemption certificate from a 66559
consumer that claims an exemption based on who purchases or who 66560
sells property or a service, when the subject of the transaction 66561
sought to be covered by the exemption certificate is actually 66562
received by the consumer at a location operated by the vendor in 66563
this state, and this state has posted to its web site an exemption 66564
certificate form that clearly and affirmatively indicates that the 66565
claimed exemption is not available in this state; 66566

(iv) A vendor that accepts an exemption certificate from a 66567
consumer who claims a multiple points of use exemption under 66568
division (D) of section 5739.033 of the Revised Code, if the item 66569
purchased is tangible personal property, other than prewritten 66570
computer software. 66571

(2) The vendor shall maintain records, including exemption 66572
certificates, of all sales on which a consumer has claimed an 66573
exemption, and provide them to the tax commissioner on request. 66574

(3) The tax commissioner may establish an identification 66575
system whereby the commissioner issues an identification number to 66576

a consumer that is exempt from payment of the tax. The consumer 66577
must present the number to the vendor, if any sale is claimed to 66578
be exempt as provided in this section. 66579

(4) If no certificate is provided or obtained within ninety 66580
days after the date on which such sale is consummated, it shall be 66581
presumed that the tax applies. Failure to have so provided or 66582
obtained a certificate shall not preclude a vendor, within one 66583
hundred twenty days after the tax commissioner gives written 66584
notice of intent to levy an assessment, from either establishing 66585
that the sale is not subject to the tax, or obtaining, in good 66586
faith, a fully completed exemption certificate. 66587

(5) Certificates need not be obtained nor provided where the 66588
identity of the consumer is such that the transaction is never 66589
subject to the tax imposed or where the item of tangible personal 66590
property sold or the service provided is never subject to the tax 66591
imposed, regardless of use, or when the sale is in interstate 66592
commerce. 66593

(6) If a transaction is claimed to be exempt under division 66594
(B)(13) of section 5739.02 of the Revised Code, the contractor 66595
shall obtain certification of the claimed exemption from the 66596
contractee. This certification shall be in addition to an 66597
exemption certificate provided by the contractor to the vendor. A 66598
contractee that provides a certification under this division shall 66599
be deemed to be the consumer of all items purchased by the 66600
contractor under the claim of exemption, if it is subsequently 66601
determined that the exemption is not properly claimed. The 66602
certification shall be in such form as the tax commissioner 66603
prescribes. 66604

(C) As used in this division, "contractee" means a person who 66605
seeks to enter or enters into a contract or agreement with a 66606
contractor or vendor for the construction of real property or for 66607
the sale and installation onto real property of tangible personal 66608

property. 66609

Any contractor or vendor may request from any contractee a 66610
certification of what portion of the property to be transferred 66611
under such contract or agreement is to be incorporated into the 66612
realty and what portion will retain its status as tangible 66613
personal property after installation is completed. The contractor 66614
or vendor shall request the certification by certified mail 66615
delivered to the contractee, return receipt requested. Upon 66616
receipt of such request and prior to entering into the contract or 66617
agreement, the contractee shall provide to the contractor or 66618
vendor a certification sufficiently detailed to enable the 66619
contractor or vendor to ascertain the resulting classification of 66620
all materials purchased or fabricated by the contractor or vendor 66621
and transferred to the contractee. This requirement applies to a 66622
contractee regardless of whether the contractee holds a direct 66623
payment permit under section 5739.031 of the Revised Code or 66624
provides to the contractor or vendor an exemption certificate as 66625
provided under this section. 66626

For the purposes of the taxes levied by this chapter and 66627
Chapter 5741. of the Revised Code, the contractor or vendor may in 66628
good faith rely on the contractee's certification. Notwithstanding 66629
division (B) of section 5739.01 of the Revised Code, if the tax 66630
commissioner determines that certain property certified by the 66631
contractee as tangible personal property pursuant to this division 66632
is, in fact, real property, the contractee shall be considered to 66633
be the consumer of all materials so incorporated into that real 66634
property and shall be liable for the applicable tax, and the 66635
contractor or vendor shall be excused from any liability on those 66636
materials. 66637

If a contractee fails to provide such certification upon the 66638
request of the contractor or vendor, the contractor or vendor 66639
shall comply with the provisions of this chapter and Chapter 5741. 66640

of the Revised Code without the certification. If the tax 66641
commissioner determines that such compliance has been performed in 66642
good faith and that certain property treated as tangible personal 66643
property by the contractor or vendor is, in fact, real property, 66644
the contractee shall be considered to be the consumer of all 66645
materials so incorporated into that real property and shall be 66646
liable for the applicable tax, and the construction contractor or 66647
vendor shall be excused from any liability on those materials. 66648

This division does not apply to any contract or agreement 66649
where the tax commissioner determines as a fact that a 66650
certification under this division was made solely on the decision 66651
or advice of the contractor or vendor. 66652

(D) Notwithstanding division (B) of section 5739.01 of the 66653
Revised Code, whenever the total rate of tax imposed under this 66654
chapter is increased after the date after a construction contract 66655
is entered into, the contractee shall reimburse the construction 66656
contractor for any additional tax paid on tangible property 66657
consumed or services received pursuant to the contract. 66658

(E) A vendor who files a petition for reassessment contesting 66659
the assessment of tax on sales for which the vendor obtained no 66660
valid exemption certificates and for which the vendor failed to 66661
establish that the sales were properly not subject to the tax 66662
during the one-hundred-twenty-day period allowed under division 66663
(B) of this section, may present to the tax commissioner 66664
additional evidence to prove that the sales were properly subject 66665
to a claim of exception or exemption. The vendor shall file such 66666
evidence within ninety days of the receipt by the vendor of the 66667
notice of assessment, except that, upon application and for 66668
reasonable cause, the period for submitting such evidence shall be 66669
extended thirty days. 66670

The commissioner shall consider such additional evidence in 66671
reaching the final determination on the assessment and petition 66672

for reassessment. 66673

(F) Whenever a vendor refunds the price, minus any separately 66674
stated delivery charge, of an item of tangible personal property 66675
on which the tax imposed under this chapter has been paid, the 66676
vendor shall also refund the amount of tax paid, minus the amount 66677
of tax attributable to the delivery charge. 66678

Sec. 5741.01. As used in this chapter: 66679

(A) "Person" includes individuals, receivers, assignees, 66680
trustees in bankruptcy, estates, firms, partnerships, 66681
associations, joint-stock companies, joint ventures, clubs, 66682
societies, corporations, business trusts, governments, and 66683
combinations of individuals of any form. 66684

(B) "Storage" means and includes any keeping or retention in 66685
this state for use or other consumption in this state. 66686

(C) "Use" means and includes the exercise of any right or 66687
power incidental to the ownership of the thing used. A thing is 66688
also "used" in this state if its consumer gives or otherwise 66689
distributes it, without charge, to recipients in this state. 66690

(D) "Purchase" means acquired or received for a 66691
consideration, whether such acquisition or receipt was effected by 66692
a transfer of title, or of possession, or of both, or a license to 66693
use or consume; whether such transfer was absolute or conditional, 66694
and by whatever means the transfer was effected; and whether the 66695
consideration was money, credit, barter, or exchange. Purchase 66696
includes production, even though the article produced was used, 66697
stored, or consumed by the producer. The transfer of copyrighted 66698
motion picture films for exhibition purposes is not a purchase, 66699
except such films as are used solely for advertising purposes. 66700

(E) "Seller" means the person from whom a purchase is made, 66701
and includes every person engaged in this state or elsewhere in 66702

the business of selling tangible personal property or providing a 66703
service for storage, use, or other consumption or benefit in this 66704
state; and when, in the opinion of the tax commissioner, it is 66705
necessary for the efficient administration of this chapter, to 66706
regard any salesperson, representative, peddler, or canvasser as 66707
the agent of a dealer, distributor, supervisor, or employer under 66708
whom the person operates, or from whom the person obtains tangible 66709
personal property, sold by the person for storage, use, or other 66710
consumption in this state, irrespective of whether or not the 66711
person is making such sales on the person's own behalf, or on 66712
behalf of such dealer, distributor, supervisor, or employer, the 66713
commissioner may regard the person as such agent, and may regard 66714
such dealer, distributor, supervisor, or employer as the seller. A 66715
marketplace facilitator shall be treated as the "seller" with 66716
respect to all sales facilitated by the marketplace facilitator on 66717
behalf of one or more marketplace sellers on and after the first 66718
day of the first month that begins at least thirty days after the 66719
marketplace facilitator first has substantial nexus with this 66720
state. Otherwise, "seller" does not include any person to the 66721
extent the person provides a communications medium, such as, but 66722
not limited to, newspapers, magazines, radio, television, or cable 66723
television, by means of which sellers solicit purchases of their 66724
goods or services. 66725

(F) "Consumer" means any person who has purchased tangible 66726
personal property or has been provided a service for storage, use, 66727
or other consumption or benefit in this state. "Consumer" does not 66728
include a person who receives, without charge, tangible personal 66729
property or a service. 66730

A person who performs a facility management or similar 66731
service contract for a contractee is a consumer of all tangible 66732
personal property and services purchased for use in connection 66733
with the performance of such contract, regardless of whether title 66734

to any such property vests in the contractee. The purchase of such 66735
property and services is not subject to the exception for resale 66736
under division (E) of section 5739.01 of the Revised Code. 66737

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 66738
of this section, has the same meaning as in division (H)(1) of 66739
section 5739.01 of the Revised Code. 66740

(2) In the case of watercraft, outboard motors, or new motor 66741
vehicles, "price" has the same meaning as in divisions (H)(2) and 66742
(3) of section 5739.01 of the Revised Code. 66743

(3) In the case of a nonresident business consumer that 66744
purchases and uses tangible personal property outside this state 66745
and subsequently temporarily stores, uses, or otherwise consumes 66746
such tangible personal property in the conduct of business in this 66747
state, the consumer or the tax commissioner may determine the 66748
price based on the value of the temporary storage, use, or other 66749
consumption, in lieu of determining the price pursuant to division 66750
(G)(1) of this section. A price determination made by the consumer 66751
is subject to review and redetermination by the commissioner. 66752

(4) In the case of tangible personal property held in this 66753
state as inventory for sale or lease, and that is temporarily 66754
stored, used, or otherwise consumed in a taxable manner, the price 66755
is the value of the temporary use. A price determination made by 66756
the consumer is subject to review and redetermination by the 66757
commissioner. 66758

(5) In the case of tangible personal property originally 66759
purchased and used by the consumer outside this state, and that 66760
becomes permanently stored, used, or otherwise consumed in this 66761
state more than six months after its acquisition by the consumer, 66762
the consumer or the commissioner may determine the price based on 66763
the current value of such tangible personal property, in lieu of 66764
determining the price pursuant to division (G)(1) of this section. 66765

A price determination made by the consumer is subject to review 66766
and redetermination by the commissioner. 66767

(6) If a consumer produces tangible personal property for 66768
sale and removes that property from inventory for the consumer's 66769
own use, the price is the produced cost of that tangible personal 66770
property. 66771

(H) "Nexus with this state" means that the seller engages in 66772
continuous and widespread solicitation of purchases from residents 66773
of this state or otherwise purposefully directs its business 66774
activities at residents of this state. 66775

(I)(1) "Substantial nexus with this state" means that the 66776
seller has sufficient contact with this state, in accordance with 66777
Section 8 of Article I of the Constitution of the United States, 66778
to allow the state to require the seller to collect and remit use 66779
tax on sales of tangible personal property or services made to 66780
consumers in this state. 66781

(2) "Substantial nexus with this state" is presumed to exist 66782
when the seller does any of the following: 66783

(a) Uses an office, distribution facility, warehouse, storage 66784
facility, or similar place of business within this state, whether 66785
operated by the seller or any other person, other than a common 66786
carrier acting in its capacity as a common carrier. 66787

(b) Regularly uses employees, agents, representatives, 66788
solicitors, installers, repairers, salespersons, or other persons 66789
in this state for the purpose of conducting the business of the 66790
seller or either to engage in a business with the same or a 66791
similar industry classification as the seller selling a similar 66792
product or line of products as the seller, or to use trademarks, 66793
service marks, or trade names in this state that are the same or 66794
substantially similar to those used by the seller. 66795

(c) Uses any person, other than a common carrier acting in 66796

its capacity as a common carrier, in this state for any of the 66797
following purposes: 66798

(i) Receiving or processing orders of the seller's goods or 66799
services; 66800

(ii) Using that person's employees or facilities in this 66801
state to advertise, promote, or facilitate sales by the seller to 66802
customers; 66803

(iii) Delivering, installing, assembling, or performing 66804
maintenance services for the seller's customers; 66805

(iv) Facilitating the seller's delivery of tangible personal 66806
property to customers in this state by allowing the seller's 66807
customers to pick up property sold by the seller at an office, 66808
distribution facility, warehouse, storage facility, or similar 66809
place of business. 66810

(d) Makes regular deliveries of tangible personal property 66811
into this state by means other than common carrier. 66812

(e) Has an affiliated person that has substantial nexus with 66813
this state. 66814

(f) Owns tangible personal property that is rented or leased 66815
to a consumer in this state, or offers tangible personal property, 66816
on approval, to consumers in this state. 66817

(g) Has gross receipts in excess of one hundred thousand 66818
dollars in the current or preceding calendar year from the sale of 66819
tangible personal property for storage, use, or consumption in 66820
this state or from providing services the benefit of which is 66821
realized in this state. 66822

(h) Engages, in the current or preceding calendar year, in 66823
two hundred or more separate transactions selling tangible 66824
personal property for storage, use, or consumption in this state 66825
or providing services the benefit of which is realized in this 66826

state. 66827

(3) A seller presumed to have substantial nexus with this 66828
state under divisions (I)(2)(a) to (f), (g), and (h) of this 66829
section may rebut that presumption by demonstrating that 66830
activities described in any of those divisions that are conducted 66831
by a person in this state on the seller's behalf are not 66832
significantly associated with the seller's ability to establish or 66833
maintain a market in this state for the seller's sales. 66834

(4) A marketplace facilitator is presumed to have substantial 66835
nexus with this state if either of the following apply in the 66836
current or preceding calendar year: 66837

(a) The aggregate gross receipts derived from sales of 66838
tangible personal property for storage, use, or consumption in 66839
this state or services the benefit of which is realized in this 66840
state, including sales made by the marketplace facilitator on its 66841
own behalf and sales facilitated by the marketplace facilitator on 66842
behalf of one or more marketplace sellers, exceed one hundred 66843
thousand dollars; 66844

(b) The marketplace facilitator engages in on its own behalf, 66845
or facilitates on behalf of one or more marketplace sellers, two 66846
hundred or more separate transactions selling tangible personal 66847
property for storage, use, or consumption in this state or 66848
services the benefit of which is realized in this state. 66849

(5) A seller that does not have substantial nexus with this 66850
state, and any affiliated person of the seller, before selling or 66851
leasing tangible personal property or services to a state agency, 66852
shall register with the tax commissioner in the same manner as a 66853
seller described in division (A)(1) of section 5741.17 of the 66854
Revised Code. 66855

(6) As used in division (I) of this section: 66856

(a) "Affiliated person" means any person that is a member of 66857

the same controlled group of corporations as the seller or any 66858
other person that, notwithstanding the form of organization, bears 66859
the same ownership relationship to the seller as a corporation 66860
that is a member of the same controlled group of corporations. 66861

(b) "Controlled group of corporations" has the same meaning 66862
as in section 1563(a) of the Internal Revenue Code. 66863

(c) "State agency" has the same meaning as in section 1.60 of 66864
the Revised Code. 66865

(J) "Fiscal officer" means, with respect to a regional 66866
transit authority, the secretary-treasurer thereof, and with 66867
respect to a county which is a transit authority, the fiscal 66868
officer of the county transit board appointed pursuant to section 66869
306.03 of the Revised Code or, if the board of county 66870
commissioners operates the county transit system, the county 66871
auditor. 66872

(K) "Territory of the transit authority" means all of the 66873
area included within the territorial boundaries of a transit 66874
authority as they from time to time exist. Such territorial 66875
boundaries must at all times include all the area of a single 66876
county or all the area of the most populous county which is a part 66877
of such transit authority. County population shall be measured by 66878
the most recent census taken by the United States census bureau. 66879

(L) "Transit authority" means a regional transit authority 66880
created pursuant to section 306.31 of the Revised Code or a county 66881
in which a county transit system is created pursuant to section 66882
306.01 of the Revised Code. For the purposes of this chapter, a 66883
transit authority must extend to at least the entire area of a 66884
single county. A transit authority which includes territory in 66885
more than one county must include all the area of the most 66886
populous county which is a part of such transit authority. County 66887
population shall be measured by the most recent census taken by 66888

the United States census bureau. 66889

(M) "Providing a service" has the same meaning as in section 66890
5739.01 of the Revised Code. 66891

(N) "Other consumption" includes receiving the benefits of a 66892
service. 66893

(O) "Lease" or "rental" has the same meaning as in section 66894
5739.01 of the Revised Code. 66895

(P) "Certified service provider" has the same meaning as in 66896
section 5740.01 of the Revised Code. 66897

~~(Q) "Remote sale" means a sale for which the seller could not 66898
be legally required to pay, collect, or remit a tax imposed under 66899
this chapter or Chapter 5739. of the Revised Code, unless 66900
otherwise provided by the laws of the United States. 66901~~

~~(R) "Remote seller" means a seller that lacks substantial 66902
nexus with this state but is required to register with the tax 66903
commissioner under section 5741.17 of the Revised Code pursuant to 66904
federal law authorizing states to require such sellers to 66905
register, collect, and remit use tax. A seller that is not 66906
required to register with the commissioner under division (A) of 66907
section 5741.17 of the Revised Code but registers voluntarily 66908
under division (B) of that section is not a "remote seller." A 66909
seller that registers with the commissioner under section 5741.17 66910
of the Revised Code after the effective date of any federal law 66911
that authorizes states to require sellers that lack substantial 66912
nexus with the state to register, collect, and remit use tax is 66913
presumed to be a "remote seller." The seller or the commissioner 66914
may rebut this presumption with evidence that the seller has 66915
substantial nexus with this state. 66916~~

~~(S) "Remote small seller" means a remote seller that has 66917
gross annual receipts from remote sales in the United States not 66918
exceeding one million dollars for the preceding calendar year. For 66919~~

~~the purposes of determining whether a person is a small remote seller, the sales of all persons related within the meaning of subsection (b) or (c) of section 267 or section 707(b)(1) of the Internal Revenue Code shall be aggregated, and persons with one or more ownership relationships shall be aggregated if those relationships were designed with the principal purpose to qualify as a remote small seller.~~

~~(T)~~ "Marketplace facilitator" means a person that owns, operates, or controls a physical or electronic marketplace through which retail sales are facilitated on behalf of one or more marketplace sellers, or an affiliate of such a person. "Marketplace facilitator" does not include a person that provides advertising services, including tangible personal property or services listed for sale, if the advertising service platform or forum does not engage directly or indirectly through one or more affiliated persons in the activities described in division ~~(W)(2)~~ (T)(2) of this section.

~~(U)~~ (R) "Marketplace seller" means a person on behalf of which a marketplace facilitator facilitates the sale of tangible personal property for storage, use, or consumption in this state or services the benefit of which are realized in this state, regardless of whether or not the person has a substantial nexus with this state.

~~(V)~~ (S) "Electronic marketplace" includes digital distribution services, digital distribution platforms, online portals, application stores, computer software applications, in-app purchase mechanisms, or other digital products.

~~(W)~~ (T) A sale is "facilitated" by a marketplace facilitator on behalf of a marketplace seller if it satisfies divisions ~~(W)(1)~~ (T)(1), (2), and (3) of this section:

(1) The marketplace facilitator, directly or indirectly, does

any of the following: 66951

(a) Lists, makes available, or advertises the tangible 66952
personal property or services that are the subject of the sale in 66953
a physical or electronic marketplace owned, operated, or 66954
controlled by the marketplace facilitator; 66955

(b) Transmits or otherwise communicates an offer or 66956
acceptance of the sale between the marketplace seller and the 66957
purchaser in a shop, store, booth, catalog, internet site, or 66958
other similar forum; 66959

(c) Owns, rents, licenses, makes available, or operates any 66960
electronic or physical infrastructure or any property, process, 66961
method, copyright, trademark, or patent that connects the 66962
marketplace seller to the purchaser for the purpose of making 66963
sales; 66964

(d) Provides the marketplace in which the sale was made or 66965
otherwise facilitates the sale regardless of ownership or control 66966
of the tangible personal property or services that are the subject 66967
of the sale; 66968

(e) Provides software development or research and development 66969
services directly related to a physical or electronic marketplace 66970
that is involved in one or more of the activities described in 66971
division ~~(W)(1)~~ (T)(1) of this section; 66972

(f) Provides fulfillment or storage services for the 66973
marketplace seller that are related to the tangible personal 66974
property or services that are the subject of the sale; 66975

(g) Sets the price of the sale on behalf of the marketplace 66976
seller; 66977

(h) Provides or offers customer service to the marketplace 66978
seller or the marketplace seller's customers, or accepts or 66979
assists with taking orders, returns, or exchanges of the tangible 66980

personal property or services that are the subject of the sale; 66981

(i) Brands or otherwise identifies the sale as a sale of the 66982
marketplace facilitator. 66983

(2) The marketplace facilitator, directly or indirectly, does 66984
any of the following: 66985

(a) Collects the price of the tangible personal property or 66986
services sold to the consumer; 66987

(b) Provides payment processing services for the sale; 66988

(c) Collects payment in connection with the sale from the 66989
consumer through terms and conditions, agreements, or arrangements 66990
with a third party, and transmits that payment to the marketplace 66991
seller, regardless of whether the person collecting and 66992
transmitting such payment receives compensation or other 66993
consideration in exchange for the service; 66994

(d) Provides virtual currency that consumers are allowed or 66995
required to use to purchase the tangible personal property or 66996
services that are the subject of the sale. 66997

(3) The subject of the sale is tangible personal property or 66998
services other than lodging by a hotel that is or is to be 66999
furnished to transient guests. 67000

Sec. 5741.03. (A) One hundred per cent of all money deposited 67001
into the state treasury under sections 5741.01 to 5741.22 of the 67002
Revised Code that is not required to be distributed as provided in 67003
division (B) of this section shall be credited to the general 67004
revenue fund. 67005

(B) In any case where any county or transit authority has 67006
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 67007
5741.023 of the Revised Code, the tax commissioner shall, within 67008
forty-five days after the end of each month, determine and certify 67009
to the director of budget and management the amount of the 67010

proceeds of such tax or taxes from billings and assessments 67011
received during that month, or shown on tax returns or reports 67012
filed during that month, to be returned to the county or transit 67013
authority levying the tax or taxes, which amounts shall be 67014
determined in the manner provided in section 5739.21 of the 67015
Revised Code. The director of budget and management shall 67016
transfer, from the general revenue fund, to the permissive tax 67017
distribution fund created by division (B)(1) of section 4301.423 67018
of the Revised Code and to the local sales tax administrative fund 67019
created by division (C) of section 5739.21 of the Revised Code, 67020
the amounts certified by the tax commissioner. The tax 67021
commissioner shall then, on or before the twentieth day of the 67022
month in which such certification is made, provide for payment of 67023
such respective amounts to the county treasurer or to the fiscal 67024
officer of the transit authority levying the tax or taxes. The 67025
amount transferred to the local sales tax administrative fund is 67026
for use by the tax commissioner in defraying costs the 67027
commissioner incurs in administering such taxes levied by a county 67028
or transit authority. 67029

~~(C)(1) Not later than the first day of each January and July 67030
following the date remote sellers are first required to register, 67031
collect, and remit use tax under this chapter, the tax 67032
commissioner and the director of budget and management shall 67033
jointly determine the amount of tax imposed by section 5741.02 of 67034
the Revised Code and remitted under this chapter by remote sellers 67035
during the six month period ending on the preceding last day of 67036
November and of May, respectively, reduced by any refunds issued 67037
during the six month period to remote sellers from the tax refund 67038
fund on account of that tax. 67039~~

~~(2) Not later than that last day of each January and July 67040
following the date the commissioner and the director make a 67041
determination under division (C)(1) of this section, the director 67042~~

~~of budget and management shall transfer from the general revenue 67043
fund to the income tax reduction fund the amount determined under 67044
that division. Amounts transferred to the income tax reduction 67045
fund under this division shall be included in the determination of 67046
the percentage under division (B)(2) of section 131.44 of the 67047
Revised Code required to be made by the thirty first day of July 67048
of the calendar year in which the commissioner makes the 67049
certifications under this division. 67050~~

Sec. 5741.17. (A)(1) Except as otherwise provided in 67052
divisions (A)(2), (3), and (4) of this section, every seller of 67053
tangible personal property or services who has substantial nexus 67054
with this state shall register with the tax commissioner and 67055
supply any information concerning the seller's contacts with this 67056
state that may be required by the commissioner. 67057

(2) A seller who is licensed as a vendor pursuant to section 67058
5739.17 of the Revised Code shall not be required to register with 67059
the commissioner pursuant to this section if all sales to 67060
consumers in this state are made under the authority of the 67061
seller's vendor's license. 67062

(3) A seller is not required to register under this section 67063
if the seller has no contact with this state other than an agency 67064
relationship with a person engaged in the business of 67065
telemarketing in this state and engaged by the seller exclusively 67066
for the purpose of solicitation of customers in other states. 67067

(4) A seller is not required to register under this section 67068
if the seller has no contact with this state other than the 67069
ownership of property that is located at the facility of a printer 67070
with which the seller has contracted for printing and that 67071
consists of the final printed product, property that becomes a 67072
part of the final printed product, or copy from which the final 67073
printed product is produced. 67074

(B) A seller who does not have substantial nexus with this state may voluntarily register with the commissioner. A seller who voluntarily registers with the commissioner under this section is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the commissioner under this chapter.

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

~~(C) A remote small seller is not required to register under this section.~~

Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession

of the United States to the extent that the interest or dividends 67105
are exempt from federal income taxes but not from state income 67106
taxes. 67107

(3) Deduct interest or dividends on obligations of the United 67108
States and its territories and possessions or of any authority, 67109
commission, or instrumentality of the United States to the extent 67110
that the interest or dividends are included in federal adjusted 67111
gross income but exempt from state income taxes under the laws of 67112
the United States. 67113

(4) Deduct disability and survivor's benefits to the extent 67114
included in federal adjusted gross income. 67115

(5) Deduct ~~benefits~~ the following, to the extent not 67116
otherwise deducted or excluded in computing federal or Ohio 67117
adjusted gross income: 67118

(a) Benefits under Title II of the Social Security Act and 67119
tier 1 railroad retirement ~~benefits to the extent included in~~ 67120
~~federal adjusted gross income under section 86 of the Internal~~ 67121
~~Revenue Code;~~ 67122

(b) Railroad retirement benefits, other than tier 1 railroad 67123
retirement benefits, to the extent such amounts are exempt from 67124
state taxation under federal law. 67125

(6) Deduct the amount of wages and salaries, if any, not 67126
otherwise allowable as a deduction but that would have been 67127
allowable as a deduction in computing federal adjusted gross 67128
income for the taxable year, had the ~~targeted jobs work~~ 67129
opportunity tax credit allowed and determined under sections 38, 67130
51, and 52 of the Internal Revenue Code not been in effect. 67131

(7) Deduct any interest or interest equivalent on public 67132
obligations and purchase obligations to the extent that the 67133
interest or interest equivalent is included in federal adjusted 67134
gross income. 67135

(8) Add any loss or deduct any gain resulting from the sale, 67136
exchange, or other disposition of public obligations to the extent 67137
that the loss has been deducted or the gain has been included in 67138
computing federal adjusted gross income. 67139

(9) Deduct or add amounts, as provided under section 5747.70 67140
of the Revised Code, related to contributions to variable college 67141
savings program accounts made or tuition units purchased pursuant 67142
to Chapter 3334. of the Revised Code. 67143

(10)(a) Deduct, to the extent not otherwise allowable as a 67144
deduction or exclusion in computing federal or Ohio adjusted gross 67145
income for the taxable year, the amount the taxpayer paid during 67146
the taxable year for medical care insurance and qualified 67147
long-term care insurance for the taxpayer, the taxpayer's spouse, 67148
and dependents. No deduction for medical care insurance under 67149
division (A)(10)(a) of this section shall be allowed either to any 67150
taxpayer who is eligible to participate in any subsidized health 67151
plan maintained by any employer of the taxpayer or of the 67152
taxpayer's spouse, or to any taxpayer who is entitled to, or on 67153
application would be entitled to, benefits under part A of Title 67154
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 67155
301, as amended. For the purposes of division (A)(10)(a) of this 67156
section, "subsidized health plan" means a health plan for which 67157
the employer pays any portion of the plan's cost. The deduction 67158
allowed under division (A)(10)(a) of this section shall be the net 67159
of any related premium refunds, related premium reimbursements, or 67160
related insurance premium dividends received during the taxable 67161
year. 67162

(b) Deduct, to the extent not otherwise deducted or excluded 67163
in computing federal or Ohio adjusted gross income during the 67164
taxable year, the amount the taxpayer paid during the taxable 67165
year, not compensated for by any insurance or otherwise, for 67166
medical care of the taxpayer, the taxpayer's spouse, and 67167

dependents, to the extent the expenses exceed seven and one-half 67168
per cent of the taxpayer's federal adjusted gross income. 67169

(c) For purposes of division (A)(10) of this section, 67170
"medical care" has the meaning given in section 213 of the 67171
Internal Revenue Code, subject to the special rules, limitations, 67172
and exclusions set forth therein, and "qualified long-term care" 67173
has the same meaning given in section 7702B(c) of the Internal 67174
Revenue Code. Solely for purposes of division (A)(10)(a) of this 67175
section, "dependent" includes a person who otherwise would be a 67176
"qualifying relative" and thus a "dependent" under section 152 of 67177
the Internal Revenue Code but for the fact that the person fails 67178
to meet the income and support limitations under section 67179
152(d)(1)(B) and (C) of the Internal Revenue Code. 67180

(11)(a) Deduct any amount included in federal adjusted gross 67181
income solely because the amount represents a reimbursement or 67182
refund of expenses that in any year the taxpayer had deducted as 67183
an itemized deduction pursuant to section 63 of the Internal 67184
Revenue Code and applicable United States department of the 67185
treasury regulations. The deduction otherwise allowed under 67186
division (A)(11)(a) of this section shall be reduced to the extent 67187
the reimbursement is attributable to an amount the taxpayer 67188
deducted under this section in any taxable year. 67189

(b) Add any amount not otherwise included in Ohio adjusted 67190
gross income for any taxable year to the extent that the amount is 67191
attributable to the recovery during the taxable year of any amount 67192
deducted or excluded in computing federal or Ohio adjusted gross 67193
income in any taxable year. 67194

(12) Deduct any portion of the deduction described in section 67195
1341(a)(2) of the Internal Revenue Code, for repaying previously 67196
reported income received under a claim of right, that meets both 67197
of the following requirements: 67198

(a) It is allowable for repayment of an item that was 67199
included in the taxpayer's adjusted gross income for a prior 67200
taxable year and did not qualify for a credit under division (A) 67201
or (B) of section 5747.05 of the Revised Code for that year; 67202

(b) It does not otherwise reduce the taxpayer's adjusted 67203
gross income for the current or any other taxable year. 67204

(13) Deduct an amount equal to the deposits made to, and net 67205
investment earnings of, a medical savings account during the 67206
taxable year, in accordance with section 3924.66 of the Revised 67207
Code. The deduction allowed by division (A)(13) of this section 67208
does not apply to medical savings account deposits and earnings 67209
otherwise deducted or excluded for the current or any other 67210
taxable year from the taxpayer's federal adjusted gross income. 67211

(14)(a) Add an amount equal to the funds withdrawn from a 67212
medical savings account during the taxable year, and the net 67213
investment earnings on those funds, when the funds withdrawn were 67214
used for any purpose other than to reimburse an account holder 67215
for, or to pay, eligible medical expenses, in accordance with 67216
section 3924.66 of the Revised Code; 67217

(b) Add the amounts distributed from a medical savings 67218
account under division (A)(2) of section 3924.68 of the Revised 67219
Code during the taxable year. 67220

(15) Add any amount claimed as a credit under section 67221
5747.059 of the Revised Code to the extent that such amount 67222
satisfies either of the following: 67223

(a) The amount was deducted or excluded from the computation 67224
of the taxpayer's federal adjusted gross income as required to be 67225
reported for the taxpayer's taxable year under the Internal 67226
Revenue Code; 67227

(b) The amount resulted in a reduction of the taxpayer's 67228
federal adjusted gross income as required to be reported for any 67229

of the taxpayer's taxable years under the Internal Revenue Code. 67230

(16) Deduct the amount contributed by the taxpayer to an 67231
individual development account program established by a county 67232
department of job and family services pursuant to sections 329.11 67233
to 329.14 of the Revised Code for the purpose of matching funds 67234
deposited by program participants. On request of the tax 67235
commissioner, the taxpayer shall provide any information that, in 67236
the tax commissioner's opinion, is necessary to establish the 67237
amount deducted under division (A)(16) of this section. 67238

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and 67239
(v) of this section, add five-sixths of the amount of depreciation 67240
expense allowed by subsection (k) of section 168 of the Internal 67241
Revenue Code, including the taxpayer's proportionate or 67242
distributive share of the amount of depreciation expense allowed 67243
by that subsection to a pass-through entity in which the taxpayer 67244
has a direct or indirect ownership interest. 67245

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of 67246
this section, add five-sixths of the amount of qualifying section 67247
179 depreciation expense, including the taxpayer's proportionate 67248
or distributive share of the amount of qualifying section 179 67249
depreciation expense allowed to any pass-through entity in which 67250
the taxpayer has a direct or indirect ownership interest. 67251

(iii) Subject to division (A)(17)(a)(v) of this section, for 67252
taxable years beginning in 2012 or thereafter, if the increase in 67253
income taxes withheld by the taxpayer is equal to or greater than 67254
ten per cent of income taxes withheld by the taxpayer during the 67255
taxpayer's immediately preceding taxable year, "two-thirds" shall 67256
be substituted for "five-sixths" for the purpose of divisions 67257
(A)(17)(a)(i) and (ii) of this section. 67258

(iv) Subject to division (A)(17)(a)(v) of this section, for 67259
taxable years beginning in 2012 or thereafter, a taxpayer is not 67260

required to add an amount under division (A)(17) of this section 67261
if the increase in income taxes withheld by the taxpayer and by 67262
any pass-through entity in which the taxpayer has a direct or 67263
indirect ownership interest is equal to or greater than the sum of 67264
(I) the amount of qualifying section 179 depreciation expense and 67265
(II) the amount of depreciation expense allowed to the taxpayer by 67266
subsection (k) of section 168 of the Internal Revenue Code, and 67267
including the taxpayer's proportionate or distributive shares of 67268
such amounts allowed to any such pass-through entities. 67269

(v) If a taxpayer directly or indirectly incurs a net 67270
operating loss for the taxable year for federal income tax 67271
purposes, to the extent such loss resulted from depreciation 67272
expense allowed by subsection (k) of section 168 of the Internal 67273
Revenue Code and by qualifying section 179 depreciation expense, 67274
"the entire" shall be substituted for "five-sixths of the" for the 67275
purpose of divisions (A)(17)(a)(i) and (ii) of this section. 67276

The tax commissioner, under procedures established by the 67277
commissioner, may waive the add-backs related to a pass-through 67278
entity if the taxpayer owns, directly or indirectly, less than 67279
five per cent of the pass-through entity. 67280

(b) Nothing in division (A)(17) of this section shall be 67281
construed to adjust or modify the adjusted basis of any asset. 67282

(c) To the extent the add-back required under division 67283
(A)(17)(a) of this section is attributable to property generating 67284
nonbusiness income or loss allocated under section 5747.20 of the 67285
Revised Code, the add-back shall be situated to the same location 67286
as the nonbusiness income or loss generated by the property for 67287
the purpose of determining the credit under division (A) of 67288
section 5747.05 of the Revised Code. Otherwise, the add-back shall 67289
be apportioned, subject to one or more of the four alternative 67290
methods of apportionment enumerated in section 5747.21 of the 67291
Revised Code. 67292

(d) For the purposes of division (A)(17)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A)(17) and (18) of this section:

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(18)(a) If the taxpayer was required to add an amount under division (A)(17)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal

Revenue Code; 67324

(ii) One-half of the amount so added for each of the two 67325
succeeding taxable years if the amount so added was two-thirds of 67326
such depreciation expense; 67327

(iii) One-sixth of the amount so added for each of the six 67328
succeeding taxable years if the entire amount of such depreciation 67329
expense was so added. 67330

(b) If the amount deducted under division (A)(18)(a) of this 67331
section is attributable to an add-back allocated under division 67332
(A)(17)(c) of this section, the amount deducted shall be sitused 67333
to the same location. Otherwise, the add-back shall be apportioned 67334
using the apportionment factors for the taxable year in which the 67335
deduction is taken, subject to one or more of the four alternative 67336
methods of apportionment enumerated in section 5747.21 of the 67337
Revised Code. 67338

(c) No deduction is available under division (A)(18)(a) of 67339
this section with regard to any depreciation allowed by section 67340
168(k) of the Internal Revenue Code and by the qualifying section 67341
179 depreciation expense amount to the extent that such 67342
depreciation results in or increases a federal net operating loss 67343
carryback or carryforward. If no such deduction is available for a 67344
taxable year, the taxpayer may carry forward the amount not 67345
deducted in such taxable year to the next taxable year and add 67346
that amount to any deduction otherwise available under division 67347
(A)(18)(a) of this section for that next taxable year. The 67348
carryforward of amounts not so deducted shall continue until the 67349
entire addition required by division (A)(17)(a) of this section 67350
has been deducted. 67351

(19) Deduct, to the extent not otherwise deducted or excluded 67352
in computing federal or Ohio adjusted gross income for the taxable 67353
year, the amount the taxpayer received during the taxable year as 67354

reimbursement for life insurance premiums under section 5919.31 of 67355
the Revised Code. 67356

(20) Deduct, to the extent not otherwise deducted or excluded 67357
in computing federal or Ohio adjusted gross income for the taxable 67358
year, the amount the taxpayer received during the taxable year as 67359
a death benefit paid by the adjutant general under section 5919.33 67360
of the Revised Code. 67361

(21) Deduct, to the extent included in federal adjusted gross 67362
income and not otherwise allowable as a deduction or exclusion in 67363
computing federal or Ohio adjusted gross income for the taxable 67364
year, military pay and allowances received by the taxpayer during 67365
the taxable year for active duty service in the United States 67366
army, air force, navy, marine corps, or coast guard or reserve 67367
components thereof or the national guard. The deduction may not be 67368
claimed for military pay and allowances received by the taxpayer 67369
while the taxpayer is stationed in this state. 67370

(22) Deduct, to the extent not otherwise allowable as a 67371
deduction or exclusion in computing federal or Ohio adjusted gross 67372
income for the taxable year and not otherwise compensated for by 67373
any other source, the amount of qualified organ donation expenses 67374
incurred by the taxpayer during the taxable year, not to exceed 67375
ten thousand dollars. A taxpayer may deduct qualified organ 67376
donation expenses only once for all taxable years beginning with 67377
taxable years beginning in 2007. 67378

For the purposes of division (A)(22) of this section: 67379

(a) "Human organ" means all or any portion of a human liver, 67380
pancreas, kidney, intestine, or lung, and any portion of human 67381
bone marrow. 67382

(b) "Qualified organ donation expenses" means travel 67383
expenses, lodging expenses, and wages and salary forgone by a 67384
taxpayer in connection with the taxpayer's donation, while living, 67385

of one or more of the taxpayer's human organs to another human being. 67386
67387

(23) Deduct, to the extent not otherwise deducted or excluded 67388
in computing federal or Ohio adjusted gross income for the taxable 67389
year, amounts received by the taxpayer as retired personnel pay 67390
for service in the uniformed services or reserve components 67391
thereof, or the national guard, or received by the surviving 67392
spouse or former spouse of such a taxpayer under the survivor 67393
benefit plan on account of such a taxpayer's death. If the 67394
taxpayer receives income on account of retirement paid under the 67395
federal civil service retirement system or federal employees 67396
retirement system, or under any successor retirement program 67397
enacted by the congress of the United States that is established 67398
and maintained for retired employees of the United States 67399
government, and such retirement income is based, in whole or in 67400
part, on credit for the taxpayer's uniformed service, the 67401
deduction allowed under this division shall include only that 67402
portion of such retirement income that is attributable to the 67403
taxpayer's uniformed service, to the extent that portion of such 67404
retirement income is otherwise included in federal adjusted gross 67405
income and is not otherwise deducted under this section. Any 67406
amount deducted under division (A)(23) of this section is not 67407
included in a taxpayer's adjusted gross income for the purposes of 67408
section 5747.055 of the Revised Code. No amount may be deducted 67409
under division (A)(23) of this section on the basis of which a 67410
credit was claimed under section 5747.055 of the Revised Code. 67411

(24) Deduct, to the extent not otherwise deducted or excluded 67412
in computing federal or Ohio adjusted gross income for the taxable 67413
year, the amount the taxpayer received during the taxable year 67414
from the military injury relief fund created in section 5902.05 of 67415
the Revised Code. 67416

(25) Deduct, to the extent not otherwise deducted or excluded 67417

in computing federal or Ohio adjusted gross income for the taxable 67418
year, the amount the taxpayer received as a veterans bonus during 67419
the taxable year from the Ohio department of veterans services as 67420
authorized by Section 2r of Article VIII, Ohio Constitution. 67421

(26) Deduct, to the extent not otherwise deducted or excluded 67422
in computing federal or Ohio adjusted gross income for the taxable 67423
year, any income derived from a transfer agreement or from the 67424
enterprise transferred under that agreement under section 4313.02 67425
of the Revised Code. 67426

(27) Deduct, to the extent not otherwise deducted or excluded 67427
in computing federal or Ohio adjusted gross income for the taxable 67428
year, Ohio college opportunity or federal Pell grant amounts 67429
received by the taxpayer or the taxpayer's spouse or dependent 67430
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 67431
1070a, et seq., and used to pay room or board furnished by the 67432
educational institution for which the grant was awarded at the 67433
institution's facilities, including meal plans administered by the 67434
institution. For the purposes of this division, receipt of a grant 67435
includes the distribution of a grant directly to an educational 67436
institution and the crediting of the grant to the enrollee's 67437
account with the institution. 67438

(28) Deduct from the portion of an individual's federal 67439
adjusted gross income that is business income, to the extent not 67440
otherwise deducted or excluded in computing federal adjusted gross 67441
income for the taxable year, one hundred twenty-five thousand 67442
dollars for each spouse if spouses file separate returns under 67443
section 5747.08 of the Revised Code or two hundred fifty thousand 67444
dollars for all other individuals. 67445

(29) Deduct, as provided under section 5747.78 of the Revised 67446
Code, contributions to ABLE savings accounts made in accordance 67447
with sections 113.50 to 113.56 of the Revised Code. 67448

(30)(a) Deduct, to the extent not otherwise deducted or 67449
excluded in computing federal or Ohio adjusted gross income during 67450
the taxable year, all of the following: 67451

(i) Compensation paid to a qualifying employee described in 67452
division (A)(14)(a) of section 5703.94 of the Revised Code to the 67453
extent such compensation is for disaster work conducted in this 67454
state during a disaster response period pursuant to a qualifying 67455
solicitation received by the employee's employer; 67456

(ii) Compensation paid to a qualifying employee described in 67457
division (A)(14)(b) of section 5703.94 of the Revised Code to the 67458
extent such compensation is for disaster work conducted in this 67459
state by the employee during the disaster response period on 67460
critical infrastructure owned or used by the employee's employer; 67461

(iii) Income received by an out-of-state disaster business 67462
for disaster work conducted in this state during a disaster 67463
response period, or, if the out-of-state disaster business is a 67464
pass-through entity, a taxpayer's distributive share of the 67465
pass-through entity's income from the business conducting disaster 67466
work in this state during a disaster response period, if, in 67467
either case, the disaster work is conducted pursuant to a 67468
qualifying solicitation received by the business. 67469

(b) All terms used in division (A)(30) of this section have 67470
the same meanings as in section 5703.94 of the Revised Code. 67471

(31) For a taxpayer who is a qualifying Ohio educator, 67472
deduct, to the extent not otherwise deducted or excluded in 67473
computing federal or Ohio adjusted gross income for the taxable 67474
year, the lesser of two hundred fifty dollars or the amount of 67475
expenses described in subsections (a)(2)(D)(i) and (ii) of section 67476
62 of the Internal Revenue Code paid or incurred by the taxpayer 67477
during the taxpayer's taxable year in excess of the amount the 67478
taxpayer is authorized to deduct for that taxable year under 67479

subsection (a)(2)(D) of that section. 67480

~~(34)~~(32) Deduct, to the extent not otherwise deducted or 67481
excluded in computing federal or Ohio adjusted gross income for 67482
the taxable year, amounts received by the taxpayer as a disability 67483
severance payment, computed under 10 U.S.C. 1212, following 67484
discharge or release under honorable conditions from the armed 67485
forces, as defined by 10 U.S.C. 101. 67486

(33) Deduct, to the extent not otherwise deducted or excluded 67487
in computing federal adjusted gross income or Ohio adjusted gross 67488
income, amounts not subject to tax due to an agreement entered 67489
into under division (A)(2) of section 5747.05 of the Revised Code. 67490

(B) "Business income" means income, including gain or loss, 67491
arising from transactions, activities, and sources in the regular 67492
course of a trade or business and includes income, gain, or loss 67493
from real property, tangible property, and intangible property if 67494
the acquisition, rental, management, and disposition of the 67495
property constitute integral parts of the regular course of a 67496
trade or business operation. "Business income" includes income, 67497
including gain or loss, from a partial or complete liquidation of 67498
a business, including, but not limited to, gain or loss from the 67499
sale or other disposition of goodwill. 67500

(C) "Nonbusiness income" means all income other than business 67501
income and may include, but is not limited to, compensation, rents 67502
and royalties from real or tangible personal property, capital 67503
gains, interest, dividends and distributions, patent or copyright 67504
royalties, or lottery winnings, prizes, and awards. 67505

(D) "Compensation" means any form of remuneration paid to an 67506
employee for personal services. 67507

(E) "Fiduciary" means a guardian, trustee, executor, 67508
administrator, receiver, conservator, or any other person acting 67509
in any fiduciary capacity for any individual, trust, or estate. 67510

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December. 67511
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(G) "Individual" means any natural person. 67513

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 67514
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(I) "Resident" means any of the following: 67516

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 67517
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(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section. 67519
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(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part. 67523
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For the purposes of division (I)(3) of this section: 67526

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following: 67527
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(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section; 67533
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(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this 67537
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state for the purposes of this chapter during all or some portion 67541
of the trust's current taxable year; 67542

(iii) A person who was domiciled in this state for the 67543
purposes of this chapter when the trust document or instrument or 67544
part of the trust document or instrument became irrevocable, but 67545
only if at least one of the trust's qualifying beneficiaries is a 67546
resident domiciled in this state for the purposes of this chapter 67547
during all or some portion of the trust's current taxable year. If 67548
a trust document or instrument became irrevocable upon the death 67549
of a person who at the time of death was domiciled in this state 67550
for purposes of this chapter, that person is a person described in 67551
division (I)(3)(a)(iii) of this section. 67552

(b) A trust is irrevocable to the extent that the transferor 67553
is not considered to be the owner of the net assets of the trust 67554
under sections 671 to 678 of the Internal Revenue Code. 67555

(c) With respect to a trust other than a charitable lead 67556
trust, "qualifying beneficiary" has the same meaning as "potential 67557
current beneficiary" as defined in section 1361(e)(2) of the 67558
Internal Revenue Code, and with respect to a charitable lead trust 67559
"qualifying beneficiary" is any current, future, or contingent 67560
beneficiary, but with respect to any trust "qualifying 67561
beneficiary" excludes a person or a governmental entity or 67562
instrumentality to any of which a contribution would qualify for 67563
the charitable deduction under section 170 of the Internal Revenue 67564
Code. 67565

(d) For the purposes of division (I)(3)(a) of this section, 67566
the extent to which a trust consists directly or indirectly, in 67567
whole or in part, of assets, net of any related liabilities, that 67568
were transferred directly or indirectly, in whole or part, to the 67569
trust by any of the sources enumerated in that division shall be 67570
ascertained by multiplying the fair market value of the trust's 67571
assets, net of related liabilities, by the qualifying ratio, which 67572

shall be computed as follows: 67573

(i) The first time the trust receives assets, the numerator 67574
of the qualifying ratio is the fair market value of those assets 67575
at that time, net of any related liabilities, from sources 67576
enumerated in division (I)(3)(a) of this section. The denominator 67577
of the qualifying ratio is the fair market value of all the 67578
trust's assets at that time, net of any related liabilities. 67579

(ii) Each subsequent time the trust receives assets, a 67580
revised qualifying ratio shall be computed. The numerator of the 67581
revised qualifying ratio is the sum of (1) the fair market value 67582
of the trust's assets immediately prior to the subsequent 67583
transfer, net of any related liabilities, multiplied by the 67584
qualifying ratio last computed without regard to the subsequent 67585
transfer, and (2) the fair market value of the subsequently 67586
transferred assets at the time transferred, net of any related 67587
liabilities, from sources enumerated in division (I)(3)(a) of this 67588
section. The denominator of the revised qualifying ratio is the 67589
fair market value of all the trust's assets immediately after the 67590
subsequent transfer, net of any related liabilities. 67591

(iii) Whether a transfer to the trust is by or from any of 67592
the sources enumerated in division (I)(3)(a) of this section shall 67593
be ascertained without regard to the domicile of the trust's 67594
beneficiaries. 67595

(e) For the purposes of division (I)(3)(a)(i) of this 67596
section: 67597

(i) A trust is described in division (I)(3)(e)(i) of this 67598
section if the trust is a testamentary trust and the testator of 67599
that testamentary trust was domiciled in this state at the time of 67600
the testator's death for purposes of the taxes levied under 67601
Chapter 5731. of the Revised Code. 67602

(ii) A trust is described in division (I)(3)(e)(ii) of this 67603

section if the transfer is a qualifying transfer described in any 67604
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 67605
irrevocable inter vivos trust, and at least one of the trust's 67606
qualifying beneficiaries is domiciled in this state for purposes 67607
of this chapter during all or some portion of the trust's current 67608
taxable year. 67609

(f) For the purposes of division (I)(3)(e)(ii) of this 67610
section, a "qualifying transfer" is a transfer of assets, net of 67611
any related liabilities, directly or indirectly to a trust, if the 67612
transfer is described in any of the following: 67613

(i) The transfer is made to a trust, created by the decedent 67614
before the decedent's death and while the decedent was domiciled 67615
in this state for the purposes of this chapter, and, prior to the 67616
death of the decedent, the trust became irrevocable while the 67617
decedent was domiciled in this state for the purposes of this 67618
chapter. 67619

(ii) The transfer is made to a trust to which the decedent, 67620
prior to the decedent's death, had directly or indirectly 67621
transferred assets, net of any related liabilities, while the 67622
decedent was domiciled in this state for the purposes of this 67623
chapter, and prior to the death of the decedent the trust became 67624
irrevocable while the decedent was domiciled in this state for the 67625
purposes of this chapter. 67626

(iii) The transfer is made on account of a contractual 67627
relationship existing directly or indirectly between the 67628
transferor and either the decedent or the estate of the decedent 67629
at any time prior to the date of the decedent's death, and the 67630
decedent was domiciled in this state at the time of death for 67631
purposes of the taxes levied under Chapter 5731. of the Revised 67632
Code. 67633

(iv) The transfer is made to a trust on account of a 67634

contractual relationship existing directly or indirectly between 67635
the transferor and another person who at the time of the 67636
decedent's death was domiciled in this state for purposes of this 67637
chapter. 67638

(v) The transfer is made to a trust on account of the will of 67639
a testator who was domiciled in this state at the time of the 67640
testator's death for purposes of the taxes levied under Chapter 67641
5731. of the Revised Code. 67642

(vi) The transfer is made to a trust created by or caused to 67643
be created by a court, and the trust was directly or indirectly 67644
created in connection with or as a result of the death of an 67645
individual who, for purposes of the taxes levied under Chapter 67646
5731. of the Revised Code, was domiciled in this state at the time 67647
of the individual's death. 67648

(g) The tax commissioner may adopt rules to ascertain the 67649
part of a trust residing in this state. 67650

(J) "Nonresident" means an individual or estate that is not a 67651
resident. An individual who is a resident for only part of a 67652
taxable year is a nonresident for the remainder of that taxable 67653
year. 67654

(K) "Pass-through entity" has the same meaning as in section 67655
5733.04 of the Revised Code. 67656

(L) "Return" means the notifications and reports required to 67657
be filed pursuant to this chapter for the purpose of reporting the 67658
tax due and includes declarations of estimated tax when so 67659
required. 67660

(M) "Taxable year" means the calendar year or the taxpayer's 67661
fiscal year ending during the calendar year, or fractional part 67662
thereof, upon which the adjusted gross income is calculated 67663
pursuant to this chapter. 67664

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means one of the following:

(1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, dependents as defined in the Internal Revenue Code;

(2) For all other taxable years, dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined

and used in the Internal Revenue Code, adjusted as follows: 67695

(1) Add interest or dividends, net of ordinary, necessary, 67696
and reasonable expenses not deducted in computing federal taxable 67697
income, on obligations or securities of any state or of any 67698
political subdivision or authority of any state, other than this 67699
state and its subdivisions and authorities, but only to the extent 67700
that such net amount is not otherwise includible in Ohio taxable 67701
income and is described in either division (S)(1)(a) or (b) of 67702
this section: 67703

(a) The net amount is not attributable to the S portion of an 67704
electing small business trust and has not been distributed to 67705
beneficiaries for the taxable year; 67706

(b) The net amount is attributable to the S portion of an 67707
electing small business trust for the taxable year. 67708

(2) Add interest or dividends, net of ordinary, necessary, 67709
and reasonable expenses not deducted in computing federal taxable 67710
income, on obligations of any authority, commission, 67711
instrumentality, territory, or possession of the United States to 67712
the extent that the interest or dividends are exempt from federal 67713
income taxes but not from state income taxes, but only to the 67714
extent that such net amount is not otherwise includible in Ohio 67715
taxable income and is described in either division (S)(1)(a) or 67716
(b) of this section; 67717

(3) Add the amount of personal exemption allowed to the 67718
estate pursuant to section 642(b) of the Internal Revenue Code; 67719

(4) Deduct interest or dividends, net of related expenses 67720
deducted in computing federal taxable income, on obligations of 67721
the United States and its territories and possessions or of any 67722
authority, commission, or instrumentality of the United States to 67723
the extent that the interest or dividends are exempt from state 67724
taxes under the laws of the United States, but only to the extent 67725

that such amount is included in federal taxable income and is 67726
described in either division (S)(1)(a) or (b) of this section; 67727

(5) Deduct the amount of wages and salaries, if any, not 67728
otherwise allowable as a deduction but that would have been 67729
allowable as a deduction in computing federal taxable income for 67730
the taxable year, had the ~~targeted jobs~~ work opportunity tax 67731
credit allowed under sections 38, 51, and 52 of the Internal 67732
Revenue Code not been in effect, but only to the extent such 67733
amount relates either to income included in federal taxable income 67734
for the taxable year or to income of the S portion of an electing 67735
small business trust for the taxable year; 67736

(6) Deduct any interest or interest equivalent, net of 67737
related expenses deducted in computing federal taxable income, on 67738
public obligations and purchase obligations, but only to the 67739
extent that such net amount relates either to income included in 67740
federal taxable income for the taxable year or to income of the S 67741
portion of an electing small business trust for the taxable year; 67742

(7) Add any loss or deduct any gain resulting from sale, 67743
exchange, or other disposition of public obligations to the extent 67744
that such loss has been deducted or such gain has been included in 67745
computing either federal taxable income or income of the S portion 67746
of an electing small business trust for the taxable year; 67747

(8) Except in the case of the final return of an estate, add 67748
any amount deducted by the taxpayer on both its Ohio estate tax 67749
return pursuant to section 5731.14 of the Revised Code, and on its 67750
federal income tax return in determining federal taxable income; 67751

(9)(a) Deduct any amount included in federal taxable income 67752
solely because the amount represents a reimbursement or refund of 67753
expenses that in a previous year the decedent had deducted as an 67754
itemized deduction pursuant to section 63 of the Internal Revenue 67755
Code and applicable treasury regulations. The deduction otherwise 67756

allowed under division (S)(9)(a) of this section shall be reduced 67757
to the extent the reimbursement is attributable to an amount the 67758
taxpayer or decedent deducted under this section in any taxable 67759
year. 67760

(b) Add any amount not otherwise included in Ohio taxable 67761
income for any taxable year to the extent that the amount is 67762
attributable to the recovery during the taxable year of any amount 67763
deducted or excluded in computing federal or Ohio taxable income 67764
in any taxable year, but only to the extent such amount has not 67765
been distributed to beneficiaries for the taxable year. 67766

(10) Deduct any portion of the deduction described in section 67767
1341(a)(2) of the Internal Revenue Code, for repaying previously 67768
reported income received under a claim of right, that meets both 67769
of the following requirements: 67770

(a) It is allowable for repayment of an item that was 67771
included in the taxpayer's taxable income or the decedent's 67772
adjusted gross income for a prior taxable year and did not qualify 67773
for a credit under division (A) or (B) of section 5747.05 of the 67774
Revised Code for that year. 67775

(b) It does not otherwise reduce the taxpayer's taxable 67776
income or the decedent's adjusted gross income for the current or 67777
any other taxable year. 67778

(11) Add any amount claimed as a credit under section 67779
5747.059 of the Revised Code to the extent that the amount 67780
satisfies either of the following: 67781

(a) The amount was deducted or excluded from the computation 67782
of the taxpayer's federal taxable income as required to be 67783
reported for the taxpayer's taxable year under the Internal 67784
Revenue Code; 67785

(b) The amount resulted in a reduction in the taxpayer's 67786
federal taxable income as required to be reported for any of the 67787

taxpayer's taxable years under the Internal Revenue Code. 67788

(12) Deduct any amount, net of related expenses deducted in 67789
computing federal taxable income, that a trust is required to 67790
report as farm income on its federal income tax return, but only 67791
if the assets of the trust include at least ten acres of land 67792
satisfying the definition of "land devoted exclusively to 67793
agricultural use" under section 5713.30 of the Revised Code, 67794
regardless of whether the land is valued for tax purposes as such 67795
land under sections 5713.30 to 5713.38 of the Revised Code. If the 67796
trust is a pass-through entity investor, section 5747.231 of the 67797
Revised Code applies in ascertaining if the trust is eligible to 67798
claim the deduction provided by division (S)(12) of this section 67799
in connection with the pass-through entity's farm income. 67800

Except for farm income attributable to the S portion of an 67801
electing small business trust, the deduction provided by division 67802
(S)(12) of this section is allowed only to the extent that the 67803
trust has not distributed such farm income. 67804

(13) Add the net amount of income described in section 641(c) 67805
of the Internal Revenue Code to the extent that amount is not 67806
included in federal taxable income. 67807

(14) Add or deduct the amount the taxpayer would be required 67808
to add or deduct under division (A)(17) or (18) of this section if 67809
the taxpayer's Ohio taxable income were computed in the same 67810
manner as an individual's Ohio adjusted gross income is computed 67811
under this section. 67812

(T) "School district income" and "school district income tax" 67813
have the same meanings as in section 5748.01 of the Revised Code. 67814

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) 67815
of this section, "public obligations," "purchase obligations," and 67816
"interest or interest equivalent" have the same meanings as in 67817
section 5709.76 of the Revised Code. 67818

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.

Any gain or loss that is not a qualifying trust amount is

modified business income, qualifying investment income, or 67849
modified nonbusiness income, as the case may be. 67850

(3) "Modified nonbusiness income" means a trust's Ohio 67851
taxable income other than modified business income, other than the 67852
qualifying trust amount, and other than qualifying investment 67853
income, as defined in section 5747.012 of the Revised Code, to the 67854
extent such qualifying investment income is not otherwise part of 67855
modified business income. 67856

(4) "Modified Ohio taxable income" applies only to trusts, 67857
and means the sum of the amounts described in divisions (AA)(4)(a) 67858
to (c) of this section: 67859

(a) The fraction, calculated under section 5747.013, and 67860
applying section 5747.231 of the Revised Code, multiplied by the 67861
sum of the following amounts: 67862

(i) The trust's modified business income; 67863

(ii) The trust's qualifying investment income, as defined in 67864
section 5747.012 of the Revised Code, but only to the extent the 67865
qualifying investment income does not otherwise constitute 67866
modified business income and does not otherwise constitute a 67867
qualifying trust amount. 67868

(b) The qualifying trust amount multiplied by a fraction, the 67869
numerator of which is the sum of the book value of the qualifying 67870
investee's physical assets in this state on the last day of the 67871
qualifying investee's fiscal or calendar year ending immediately 67872
prior to the day on which the trust recognizes the qualifying 67873
trust amount, and the denominator of which is the sum of the book 67874
value of the qualifying investee's total physical assets 67875
everywhere on the last day of the qualifying investee's fiscal or 67876
calendar year ending immediately prior to the day on which the 67877
trust recognizes the qualifying trust amount. If, for a taxable 67878
year, the trust recognizes a qualifying trust amount with respect 67879

to more than one qualifying investee, the amount described in 67880
division (AA)(4)(b) of this section shall equal the sum of the 67881
products so computed for each such qualifying investee. 67882

(c)(i) With respect to a trust or portion of a trust that is 67883
a resident as ascertained in accordance with division (I)(3)(d) of 67884
this section, its modified nonbusiness income. 67885

(ii) With respect to a trust or portion of a trust that is 67886
not a resident as ascertained in accordance with division 67887
(I)(3)(d) of this section, the amount of its modified nonbusiness 67888
income satisfying the descriptions in divisions (B)(2) to (5) of 67889
section 5747.20 of the Revised Code, except as otherwise provided 67890
in division (AA)(4)(c)(ii) of this section. With respect to a 67891
trust or portion of a trust that is not a resident as ascertained 67892
in accordance with division (I)(3)(d) of this section, the trust's 67893
portion of modified nonbusiness income recognized from the sale, 67894
exchange, or other disposition of a debt interest in or equity 67895
interest in a section 5747.212 entity, as defined in section 67896
5747.212 of the Revised Code, without regard to division (A) of 67897
that section, shall not be allocated to this state in accordance 67898
with section 5747.20 of the Revised Code but shall be apportioned 67899
to this state in accordance with division (B) of section 5747.212 67900
of the Revised Code without regard to division (A) of that 67901
section. 67902

If the allocation and apportionment of a trust's income under 67903
divisions (AA)(4)(a) and (c) of this section do not fairly 67904
represent the modified Ohio taxable income of the trust in this 67905
state, the alternative methods described in division (C) of 67906
section 5747.21 of the Revised Code may be applied in the manner 67907
and to the same extent provided in that section. 67908

(5)(a) Except as set forth in division (AA)(5)(b) of this 67909
section, "qualifying investee" means a person in which a trust has 67910
an equity or ownership interest, or a person or unit of government 67911

the debt obligations of either of which are owned by a trust. For 67912
the purposes of division (AA)(2)(a) of this section and for the 67913
purpose of computing the fraction described in division (AA)(4)(b) 67914
of this section, all of the following apply: 67915

(i) If the qualifying investee is a member of a qualifying 67916
controlled group on the last day of the qualifying investee's 67917
fiscal or calendar year ending immediately prior to the date on 67918
which the trust recognizes the gain or loss, then "qualifying 67919
investee" includes all persons in the qualifying controlled group 67920
on such last day. 67921

(ii) If the qualifying investee, or if the qualifying 67922
investee and any members of the qualifying controlled group of 67923
which the qualifying investee is a member on the last day of the 67924
qualifying investee's fiscal or calendar year ending immediately 67925
prior to the date on which the trust recognizes the gain or loss, 67926
separately or cumulatively own, directly or indirectly, on the 67927
last day of the qualifying investee's fiscal or calendar year 67928
ending immediately prior to the date on which the trust recognizes 67929
the qualifying trust amount, more than fifty per cent of the 67930
equity of a pass-through entity, then the qualifying investee and 67931
the other members are deemed to own the proportionate share of the 67932
pass-through entity's physical assets which the pass-through 67933
entity directly or indirectly owns on the last day of the 67934
pass-through entity's calendar or fiscal year ending within or 67935
with the last day of the qualifying investee's fiscal or calendar 67936
year ending immediately prior to the date on which the trust 67937
recognizes the qualifying trust amount. 67938

(iii) For the purposes of division (AA)(5)(a)(iii) of this 67939
section, "upper level pass-through entity" means a pass-through 67940
entity directly or indirectly owning any equity of another 67941
pass-through entity, and "lower level pass-through entity" means 67942
that other pass-through entity. 67943

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last day of the upper level pass-through entity's fiscal or calendar year. If the upper level pass-through entity directly and indirectly owns less than fifty per cent of the equity of the lower level pass-through entity on each day of the upper level pass-through entity's calendar or fiscal year in which or with which ends the calendar or fiscal year of the lower level pass-through entity and if, based upon clear and convincing evidence, complete information about the location and cost of the physical assets of the lower pass-through entity is not available to the upper level pass-through entity, then solely for purposes of ascertaining if a gain or loss constitutes a qualifying trust amount, the upper level pass-through entity shall be deemed as owning no equity of the lower level pass-through entity for each day during the upper level pass-through entity's calendar or fiscal year in which or with which ends the lower level pass-through entity's calendar or fiscal year. Nothing in division (AA)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income.

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply:

(i) During the taxable year the trust or part of the trust

recognizes a gain or loss from the sale, exchange, or other 67976
disposition of equity or ownership interests in, or debt 67977
obligations of, the C corporation. 67978

(ii) Such gain or loss constitutes nonbusiness income. 67979

(6) "Available" means information is such that a person is 67980
able to learn of the information by the due date plus extensions, 67981
if any, for filing the return for the taxable year in which the 67982
trust recognizes the gain or loss. 67983

(BB) "Qualifying controlled group" has the same meaning as in 67984
section 5733.04 of the Revised Code. 67985

(CC) "Related member" has the same meaning as in section 67986
5733.042 of the Revised Code. 67987

(DD)(1) For the purposes of division (DD) of this section: 67988

(a) "Qualifying person" means any person other than a 67989
qualifying corporation. 67990

(b) "Qualifying corporation" means any person classified for 67991
federal income tax purposes as an association taxable as a 67992
corporation, except either of the following: 67993

(i) A corporation that has made an election under subchapter 67994
S, chapter one, subtitle A, of the Internal Revenue Code for its 67995
taxable year ending within, or on the last day of, the investor's 67996
taxable year; 67997

(ii) A subsidiary that is wholly owned by any corporation 67998
that has made an election under subchapter S, chapter one, 67999
subtitle A of the Internal Revenue Code for its taxable year 68000
ending within, or on the last day of, the investor's taxable year. 68001

(2) For the purposes of this chapter, unless expressly stated 68002
otherwise, no qualifying person indirectly owns any asset directly 68003
or indirectly owned by any qualifying corporation. 68004

(EE) For purposes of this chapter and Chapter 5751. of the 68005

Revised Code: 68006

(1) "Trust" does not include a qualified pre-income tax trust. 68007
trust. 68008

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE)(3) of this section. 68009
68010
68011

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust. 68012
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(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements: 68023
68024

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972; 68025
68026

(b) The trust became irrevocable upon the creation of the trust; and 68027
68028

(c) The grantor was domiciled in this state at the time the trust was created. 68029
68030

(FF) "Uniformed services" has the same meaning as in 10 U.S.C. 101. 68031
68032

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual 68033
68034
68035

is authorized to deduct under division ~~(A)(31)~~ (A)(28) of this 68036
section for the taxable year. 68037

(HH) "Employer" does not include a franchisor with respect to 68038
the franchisor's relationship with a franchisee or an employee of 68039
a franchisee, unless the franchisor agrees to assume that role in 68040
writing or a court of competent jurisdiction determines that the 68041
franchisor exercises a type or degree of control over the 68042
franchisee or the franchisee's employees that is not customarily 68043
exercised by a franchisor for the purpose of protecting the 68044
franchisor's trademark, brand, or both. For purposes of this 68045
division, "franchisor" and "franchisee" have the same meanings as 68046
in 16 C.F.R. 436.1. 68047

(II) "Modified adjusted gross income" means Ohio adjusted 68048
gross income plus any amount deducted under division (A)(28) of 68049
this section for the taxable year. 68050

(JJ) "Qualifying Ohio educator" means an individual who, for 68051
a taxable year, qualifies as an eligible educator, as that term is 68052
defined in section 62 of the Internal Revenue Code, and who holds 68053
a certificate, license, or permit described in Chapter 3319. or 68054
section 3301.071 of the Revised Code. 68055

Sec. 5747.02. (A) For the purpose of providing revenue for 68056
the support of schools and local government functions, to provide 68057
relief to property taxpayers, to provide revenue for the general 68058
revenue fund, and to meet the expenses of administering the tax 68059
levied by this chapter, there is hereby levied on every 68060
individual, trust, and estate residing in or earning or receiving 68061
income in this state, on every individual, trust, and estate 68062
earning or receiving lottery winnings, prizes, or awards pursuant 68063
to Chapter 3770. of the Revised Code, on every individual, trust, 68064
and estate earning or receiving winnings on casino gaming, and on 68065
every individual, trust, and estate otherwise having nexus with or 68066

in this state under the Constitution of the United States, an 68067
annual tax measured as prescribed in divisions (A)(1) to (4) of 68068
this section. 68069

(1) In the case of trusts, the tax imposed by this section 68070
shall be measured by modified Ohio taxable income under division 68071
(D) of this section and levied in the same amount as the tax is 68072
imposed on estates as prescribed in division (A)(2) of this 68073
section. 68074

(2) In the case of estates, the tax imposed by this section 68075
shall be measured by Ohio taxable income. ~~The~~ For the first 68076
twenty-two thousand one hundred fifty dollars of such income, the 68077
tax shall be levied at the rate of ~~one and forty-two thousand~~ 68078
~~seven hundred forty-four hundred thousandths per cent for the~~ 68079
~~first twenty-one thousand seven hundred fifty dollars of such~~ 68080
~~income~~ 1.37774% for taxable years beginning in 2021 and 1.35643% 68081
for taxable years beginning in 2022 and thereafter and, for income 68082
in excess of that amount, the tax shall be levied at the same 68083
rates prescribed in division (A)(3) of this section for 68084
individuals. 68085

(3) In the case of individuals, the tax imposed by this 68086
section on income other than taxable business income shall be 68087
measured by Ohio adjusted gross income, less taxable business 68088
income and less an exemption for the taxpayer, the taxpayer's 68089
spouse, and each dependent as provided in section 5747.025 of the 68090
Revised Code. If the balance thus obtained is equal to or less 68091
than ~~twenty-one~~ twenty-two thousand ~~seven~~ one hundred fifty 68092
dollars, no tax shall be imposed on that balance. If the balance 68093
thus obtained is greater than ~~twenty-one~~ twenty-two thousand ~~seven~~ 68094
one hundred fifty dollars, the tax is hereby levied as follows: 68095

(a) For taxable years beginning in 2021: 68096

OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND TAX 68097

EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS)			
OR OHIO TAXABLE INCOME (ESTATES)			
More than \$21,750 <u>22,150</u> but not	\$310.47 <u>305.17</u> plus 2.850 <u>2.750%</u>		68098
more than \$43,450 <u>44,250</u>	of the amount in excess of		
	\$21,750 <u>22,150</u>		
More than \$43,450 <u>44,250</u> but not	\$928.92 <u>912.92</u> plus 3.326 <u>3.210%</u>		68099
more than \$86,900 <u>88,450</u>	of the amount in excess of		
	\$43,450 <u>44,250</u>		
More than \$86,900 <u>88,450</u> but not	\$2,374.07 <u>2,331.74</u> plus 3.802		68100
more than \$108,700 <u>110,650</u>	<u>3.669%</u> of the amount in excess of		
	\$86,900 <u>88,450</u>		
More than \$108,700 <u>110,650</u> but	\$3,202.91 <u>3,146.26</u> plus 4.413		68101
not more than \$217,400 <u>221,300</u>	<u>4.259%</u> of the amount in excess of		
	\$108,700 <u>110,650</u>		
More than \$217,400 <u>221,300</u>	\$7,999.84 <u>7,858.84</u> plus 4.797		68102
	<u>4.629%</u> of the amount in excess of		
	\$217,400 <u>221,300</u>		
		<u>(b) For taxable years beginning in 2022 and thereafter:</u>	68103
		<u>OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND TAX</u>	68104
<u>EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS)</u>			
<u>OR OHIO TAXABLE INCOME (ESTATES)</u>			
<u>More than \$22,150 but not more</u>	<u>\$300.45 plus 2.708% of the amount</u>		68105
<u>than \$44,250</u>	<u>in excess of \$22,150</u>		
<u>More than \$44,250 but not more</u>	<u>\$898.92 plus 3.160% of the amount</u>		68106
<u>than \$88,450</u>	<u>in excess of \$44,250</u>		
<u>More than \$88,450 but not more</u>	<u>\$2,295.64 plus 3.612% of the</u>		68107
<u>than \$110,650</u>	<u>amount in excess of \$88,450</u>		
<u>More than \$110,650 but not more</u>	<u>\$3,097.50 plus 4.192% of the</u>		68108
<u>than \$221,300</u>	<u>amount in excess of \$110,650</u>		
<u>More than \$221,300</u>	<u>\$7,735.95 plus 4.557% of the</u>		68109
	<u>amount in excess of \$221,300</u>		
		<u>(4)(a) In the case of individuals, the tax imposed by this</u>	68110
		<u>section on taxable business income shall equal three per cent of</u>	68111

the result obtained by subtracting any amount allowed under 68112
division (A)(4)(b) of this section from the individual's taxable 68113
business income. 68114

(b) If the exemptions allowed to an individual under division 68115
(A)(3) of this section exceed the taxpayer's Ohio adjusted gross 68116
income less taxable business income, the excess shall be deducted 68117
from taxable business income before computing the tax under 68118
division (A)(4)(a) of this section. 68119

(5) Except as otherwise provided in this division, in August 68120
of each year, the tax commissioner shall make a new adjustment to 68121
the income amounts prescribed in divisions (A)(2) and (3) of this 68122
section by multiplying the percentage increase in the gross 68123
domestic product deflator computed that year under section 68124
5747.025 of the Revised Code by each of the income amounts 68125
resulting from the adjustment under this division in the preceding 68126
year, adding the resulting product to the corresponding income 68127
amount resulting from the adjustment in the preceding year, and 68128
rounding the resulting sum to the nearest multiple of fifty 68129
dollars. The tax commissioner also shall recompute each of the tax 68130
dollar amounts to the extent necessary to reflect the new 68131
adjustment of the income amounts. To recompute the tax dollar 68132
amount corresponding to the lowest tax rate in division (A)(3) of 68133
this section, the commissioner shall multiply the tax rate 68134
prescribed in division (A)(2) of this section by the income amount 68135
specified in that division and as adjusted according to this 68136
paragraph. The rates of taxation shall not be adjusted. 68137

The adjusted amounts apply to taxable years beginning in the 68138
calendar year in which the adjustments are made and to taxable 68139
years beginning in each ensuing calendar year until a calendar 68140
year in which a new adjustment is made pursuant to this division. 68141
The tax commissioner shall not make a new adjustment in any year 68142
in which the amount resulting from the adjustment would be less 68143

than the amount resulting from the adjustment in the preceding 68144
year. 68145

(B) If the director of budget and management makes a 68146
certification to the tax commissioner under division (B) of 68147
section 131.44 of the Revised Code, the amount of tax as 68148
determined under divisions (A)(1) to (3) of this section shall be 68149
reduced by the percentage prescribed in that certification for 68150
taxable years beginning in the calendar year in which that 68151
certification is made. 68152

(C)(1) The tax imposed by this section on a trust shall be 68153
computed by multiplying the Ohio modified taxable income of the 68154
trust by the rates prescribed by division (A) of this section. 68155

(2) A resident trust may claim a credit against the tax 68156
computed under division (C) of this section equal to the lesser of 68157
(a) the tax paid to another state or the District of Columbia on 68158
the resident trust's modified nonbusiness income, other than the 68159
portion of the resident trust's nonbusiness income that is 68160
qualifying investment income as defined in section 5747.012 of the 68161
Revised Code, or (b) the effective tax rate, based on modified 68162
Ohio taxable income, multiplied by the resident trust's modified 68163
nonbusiness income other than the portion of the resident trust's 68164
nonbusiness income that is qualifying investment income. The 68165
credit applies before any other applicable credits. 68166

(3) Any credit authorized against the tax imposed by this 68167
section applies to a trust subject to division (C) of this section 68168
only if the trust otherwise qualifies for the credit. To the 68169
extent that the trust distributes income for the taxable year for 68170
which a credit is available to the trust, the credit shall be 68171
shared by the trust and its beneficiaries. The tax commissioner 68172
and the trust shall be guided by applicable regulations of the 68173
United States treasury regarding the sharing of credits. 68174

(D) For the purposes of this section, "trust" means any trust 68175
described in Subchapter J of Chapter 1 of the Internal Revenue 68176
Code, excluding trusts that are not irrevocable as defined in 68177
division (I)(3)(b) of section 5747.01 of the Revised Code and that 68178
have no modified Ohio taxable income for the taxable year, 68179
charitable remainder trusts, qualified funeral trusts and preneed 68180
funeral contract trusts established pursuant to sections 4717.31 68181
to 4717.38 of the Revised Code that are not qualified funeral 68182
trusts, endowment and perpetual care trusts, qualified settlement 68183
trusts and funds, designated settlement trusts and funds, and 68184
trusts exempted from taxation under section 501(a) of the Internal 68185
Revenue Code. 68186

(E) Nothing in division (A)(3) of this section shall prohibit 68187
an individual with an Ohio adjusted gross income, less taxable 68188
business income and exemptions, of ~~twenty-one~~ twenty-two thousand 68189
~~seven~~ one hundred fifty dollars or less from filing a return under 68190
this chapter to receive a refund of taxes withheld or to claim any 68191
refundable credit allowed under this chapter. 68192

Sec. 5747.05. As used in this section, "income tax" includes 68193
both a tax on net income and a tax measured by net income. 68194

The following credits shall be allowed against the aggregate 68195
income tax liability imposed by section 5747.02 of the Revised 68196
Code on individuals and estates: 68197

(A)(1) The amount of tax otherwise due under section 5747.02 68198
of the Revised Code on such portion of the combined adjusted gross 68199
income and business income of any nonresident taxpayer that is not 68200
allocable or apportionable to this state pursuant to sections 68201
5747.20 to 5747.23 of the Revised Code. The credit provided under 68202
this division shall not exceed the total tax due under section 68203
5747.02 of the Revised Code. 68204

(2) The tax commissioner may enter into an agreement with the 68205

taxing authorities of any state or of the District of Columbia 68206
that imposes an income tax to provide that compensation paid in 68207
this state to a nonresident taxpayer shall not be subject to the 68208
tax levied in section 5747.02 of the Revised Code so long as 68209
compensation paid in such other state or in the District of 68210
Columbia to a resident taxpayer shall likewise not be subject to 68211
the income tax of such other state or of the District of Columbia. 68212

(B) The lesser of division (B)(1) or (2) of this section: 68213

(1) The aggregate amount of tax otherwise due under section 68214
5747.02 of the Revised Code on such portion of the combined 68215
adjusted gross income and business income of a resident taxpayer 68216
that in another state or in the District of Columbia is subjected 68217
to an income tax. The credit provided under division (B)(1) of 68218
this section shall not exceed the total tax due under section 68219
5747.02 of the Revised Code. 68220

(2) The amount of income tax liability to another state or 68221
the District of Columbia on the portion of the combined adjusted 68222
gross income and business income of a resident taxpayer that in 68223
another state or in the District of Columbia is subjected to an 68224
income tax. The credit provided under division (B)(2) of this 68225
section shall not exceed the total amount of tax otherwise due 68226
under section 5747.02 of the Revised Code. 68227

(3) If the credit provided under division (B) of this section 68228
is affected by a change in either the portion of the combined 68229
adjusted gross income and business income of a resident taxpayer 68230
subjected to an income tax in another state or the District of 68231
Columbia or the amount of income tax liability that has been paid 68232
to another state or the District of Columbia, the taxpayer shall 68233
report the change to the tax commissioner within ~~sixty~~ ninety days 68234
of the change in such form as the commissioner requires. 68235

(a) In the case of an underpayment, the report shall be 68236

accompanied by payment of any additional tax due as a result of 68237
the reduction in credit together with interest on the additional 68238
tax and is a return subject to assessment under section 5747.13 of 68239
the Revised Code solely for the purpose of assessing any 68240
additional tax due under this division, together with any 68241
applicable penalty and interest. It shall not reopen the 68242
computation of the taxpayer's tax liability under this chapter 68243
from a previously filed return no longer subject to assessment 68244
except to the extent that such liability is affected by an 68245
adjustment to the credit allowed by division (B) of this section. 68246

(b) In the case of an overpayment, an application for refund 68247
may be filed under this division within the ~~sixty-day~~ ninety-day 68248
period prescribed for filing the report even if it is beyond the 68249
period prescribed in section 5747.11 of the Revised Code if it 68250
otherwise conforms to the requirements of such section. An 68251
application filed under this division shall only claim refund of 68252
overpayments resulting from an adjustment to the credit allowed by 68253
division (B) of this section unless it is also filed within the 68254
time prescribed in section 5747.11 of the Revised Code. It shall 68255
not reopen the computation of the taxpayer's tax liability except 68256
to the extent that such liability is affected by an adjustment to 68257
the credit allowed by division (B) of this section. 68258

(4) No credit shall be allowed under division (B) of this 68259
section: 68260

(a) For income tax paid or accrued to another state or to the 68261
District of Columbia if the taxpayer, when computing federal 68262
adjusted gross income, has directly or indirectly deducted, or was 68263
required to directly or indirectly deduct, the amount of that 68264
income tax; 68265

(b) For compensation that is not subject to the income tax of 68266
another state or the District of Columbia as the result of an 68267
agreement entered into by the tax commissioner under division 68268

(A)(3) of this section; or 68269

(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid. 68270
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(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits. 68274
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(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. 68279
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(E)(1) On a joint return filed by a husband and wife, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the lesser of six hundred fifty dollars or the percentage shown in column B that corresponds with the taxpayer's modified adjusted gross income, less exemptions for the taxable year, of the total amount of tax due after allowing for any other credit that precedes this credit as required under section 5747.98 of the Revised Code: 68289
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A.	B.	68298
IF THE MODIFIED ADJUSTED GROSS	THE CREDIT FOR THE TAXABLE	68299

INCOME, LESS EXEMPTIONS, FOR THE YEAR IS:

TAX YEAR IS:

\$25,000 or less	20%	68300
More than \$25,000 but not more than \$50,000	15%	68301
More than \$50,000 but not more than \$75,000	10%	68302
More than \$75,000	5%	68303

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 68304
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(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules. 68306
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Sec. 5747.065. (A) If a taxpayer has elected under section 4141.321 of the Revised Code to have the director of job and family services deduct and withhold state income tax from the unemployment compensation benefits payable to the taxpayer, the director shall deduct and withhold such tax at the rate or rates that the director shall prescribe in consultation with the tax commissioner. 68309
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(B)(1) The On or before the tenth day of each month, the director of job and family services shall file returns and pay a return electronically with the tax commissioner identifying each taxpayer from whose unemployment compensation amounts were deducted and withheld under this section during the preceding month, the amount of each such deduction and withholding, the amount of the unemployment compensation from which each such amount was withheld, and any other information required by the commissioner. With the return, the director shall remit electronically to the commissioner all the amounts deducted and withheld in accordance with the requirements of section 5747.07 of 68316
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~~the Revised Code under this section during the preceding month.~~ 68327

(2) Annually, on or before the thirty-first day of January, 68328
the director shall issue an information return to each taxpayer 68329
with respect to whom an amount has been deducted and withheld 68330
under this section during the preceding calendar year. The 68331
information return shall show the total amount deducted from the 68332
taxpayer's unemployment compensation benefits during the preceding 68333
calendar year and any other information the tax commissioner 68334
requires. If the director is required under the Internal Revenue 68335
Code to report federal income tax deducted and withheld from 68336
unemployment compensation benefits, then the director may report 68337
the information required under this section on that report, as 68338
authorized by the Internal Revenue Code. 68339

~~(C) Amounts deducted and withheld under this section shall be 68340
allowed as a credit against payment of the tax imposed by this 68341
chapter and shall be treated as taxes paid for purposes of section 68342
5747.09 of the Revised Code. This division applies only to the 68343
person for whom the amount is deducted and withheld. 68344~~

~~(D)~~ Failure of the director to deduct and withhold the 68345
required amounts from unemployment compensation benefits or to 68346
remit amounts withheld as required by this section does not 68347
relieve a taxpayer from liability for the tax imposed by section 68348
5747.02 of the Revised Code. 68349

~~(E)~~(D) The director of job and family services may adopt 68350
rules as necessary to administer this section. 68351

Sec. 5747.08. An annual return with respect to the tax 68352
imposed by section 5747.02 of the Revised Code and each tax 68353
imposed under Chapter 5748. of the Revised Code shall be made by 68354
every taxpayer for any taxable year for which the taxpayer is 68355
liable for the tax imposed by that section or under that chapter, 68356
unless the total credits allowed under division (E) of section 68357

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 68421
section. Such a pass-through entity also shall make the filing and 68422
payment of estimated taxes on behalf of the pass-through entity 68423
investors other than an investor that is a person subject to the 68424
tax imposed under section 5733.06 of the Revised Code. 68425

(2) For the purposes of this section, "business credits" 68426
means the credits listed in section 5747.98 of the Revised Code 68427
excluding the following credits: 68428

(a) The retirement income credit under division (B) of 68429
section 5747.055 of the Revised Code; 68430

(b) The senior citizen credit under division (F) of section 68431
5747.055 of the Revised Code; 68432

(c) The lump sum distribution credit under division (G) of 68433
section 5747.055 of the Revised Code; 68434

(d) The dependent care credit under section 5747.054 of the 68435
Revised Code; 68436

(e) The lump sum retirement income credit under division (C) 68437
of section 5747.055 of the Revised Code; 68438

(f) The lump sum retirement income credit under division (D) 68439
of section 5747.055 of the Revised Code; 68440

(g) The lump sum retirement income credit under division (E) 68441
of section 5747.055 of the Revised Code; 68442

(h) The credit for displaced workers who pay for job training 68443
under section 5747.27 of the Revised Code; 68444

(i) The twenty-dollar personal exemption credit under section 68445
5747.022 of the Revised Code; 68446

(j) The joint filing credit under division (E) of section 68447
5747.05 of the Revised Code; 68448

(k) The nonresident credit under division (A) of section 68449

5747.05 of the Revised Code; 68450

(l) The credit for a resident's out-of-state income under 68451
division (B) of section 5747.05 of the Revised Code; 68452

(m) The earned income tax credit under section 5747.71 of the 68453
Revised Code; 68454

(n) The lead abatement credit under section 5747.26 of the 68455
Revised Code; 68456

(o) The credit for education expenses under section 5747.72 68457
of the Revised Code; 68458

(p) The credit for donations to scholarship granting 68459
organizations under section 5747.73 of the Revised Code; 68460

(q) The credit for tuition paid to a nonchartered nonpublic 68461
school under section 5747.75 of the Revised Code. 68462

(3) The election provided for under division (D) of this 68463
section applies only to the taxable year for which the election is 68464
made by the pass-through entity. Unless the tax commissioner 68465
provides otherwise, this election, once made, is binding and 68466
irrevocable for the taxable year for which the election is made. 68467
Nothing in this division shall be construed to provide for any 68468
deduction or credit that would not be allowable if a nonresident 68469
pass-through entity investor were to file an annual return. 68470

(4) If a pass-through entity makes the election provided for 68471
under division (D) of this section, the pass-through entity shall 68472
be liable for any additional taxes, interest, interest penalty, or 68473
penalties imposed by this chapter if the tax commissioner finds 68474
that the single return does not reflect the correct tax due by the 68475
pass-through entity investors covered by that return. Nothing in 68476
this division shall be construed to limit or alter the liability, 68477
if any, imposed on pass-through entity investors for unpaid or 68478
underpaid taxes, interest, interest penalty, or penalties as a 68479

result of the pass-through entity's making the election provided 68480
for under division (D) of this section. For the purposes of 68481
division (D) of this section, "correct tax due" means the tax that 68482
would have been paid by the pass-through entity had the single 68483
return been filed in a manner reflecting the commissioner's 68484
findings. Nothing in division (D) of this section shall be 68485
construed to make or hold a pass-through entity liable for tax 68486
attributable to a pass-through entity investor's income from a 68487
source other than the pass-through entity electing to file the 68488
single return. 68489

(E) If a husband and wife file a joint federal income tax 68490
return for a taxable year, they shall file a joint return under 68491
this section for that taxable year, and their liabilities are 68492
joint and several, but, if the federal income tax liability of 68493
either spouse is determined on a separate federal income tax 68494
return, they shall file separate returns under this section. 68495

If either spouse is not required to file a federal income tax 68496
return and either or both are required to file a return pursuant 68497
to this chapter, they may elect to file separate or joint returns, 68498
and, pursuant to that election, their liabilities are separate or 68499
joint and several. If a husband and wife file separate returns 68500
pursuant to this chapter, each must claim the taxpayer's own 68501
exemption, but not both, as authorized under section 5747.02 of 68502
the Revised Code on the taxpayer's own return. 68503

(F) Each return or notice required to be filed under this 68504
section shall contain the signature of the taxpayer or the 68505
taxpayer's duly authorized agent and of the person who prepared 68506
the return for the taxpayer, and shall include the taxpayer's 68507
social security number. Each return shall be verified by a 68508
declaration under the penalties of perjury. The tax commissioner 68509
shall prescribe the form that the signature and declaration shall 68510
take. 68511

(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. 68544

(H) The amounts withheld ~~by an employer~~ pursuant to section 68545
5747.06 ~~of the Revised Code, a casino operator pursuant to~~ 68546
~~section, 5747.062, 5747.063 of the Revised Code, or a lottery~~ 68547
~~sales agent pursuant to section, 5747.064, 5747.065, or 5747.071~~ 68548
of the Revised Code shall be allowed to the ultimate recipient of 68549
the ~~compensation casino winnings, or lottery prize award income~~ as 68550
credits against payment of the appropriate taxes imposed on the 68551
ultimate recipient by section 5747.02 and under Chapter 5748. of 68552
the Revised Code. As used in this division, "ultimate recipient" 68553
means the person who is required to report income from which 68554
amounts are withheld pursuant to section 5747.06, 5747.062, 68555
5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code on 68556
the annual return required to be filed under this section. 68557

(I) If a pass-through entity elects to file a single return 68558
under division (D) of this section and if any investor is required 68559
to file the annual return and make the payment of taxes required 68560
by this chapter on account of the investor's other income that is 68561
not included in a single return filed by a pass-through entity or 68562
any other investor elects to file the annual return, the investor 68563
is entitled to a refundable credit equal to the investor's 68564
proportionate share of the tax paid by the pass-through entity on 68565
behalf of the investor. The investor shall claim the credit for 68566
the investor's taxable year in which or with which ends the 68567
taxable year of the pass-through entity. Nothing in this chapter 68568
shall be construed to allow any credit provided in this chapter to 68569
be claimed more than once. For the purpose of computing any 68570
interest, penalty, or interest penalty, the investor shall be 68571
deemed to have paid the refundable credit provided by this 68572
division on the day that the pass-through entity paid the 68573
estimated tax or the tax giving rise to the credit. 68574

(J) The tax commissioner shall ensure that each return 68575

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.~~ 68608
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~~(M)~~ The tax commissioner may adopt rules to administer this section. 68610
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Sec. 5747.10. (A) As used in this section: 68612

(1) "Audited partnership" means a partnership subject to an examination by the internal revenue service pursuant to subchapter C, chapter 63, subtitle F of the Internal Revenue Code resulting in a federal adjustment. 68613
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(2)(a) "Direct investor" means a partner or other investor that holds a direct interest in a pass-through entity. 68617
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(b) "Indirect investor" means a partner or other investor that holds an interest in a pass-through entity that itself holds an interest, directly or through another indirect partner or other investor, in a pass-through entity. 68619
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(3) "Exempt partner" means a partner that is neither a pass-through entity nor a person subject to the tax imposed by section 5747.02 of the Revised Code. 68623
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(4) "Federal adjustment" means a change to an item or amount required to be determined under the Internal Revenue Code that directly or indirectly affects a taxpayer's aggregate tax liability under section 5747.02 or Chapter 5748. of the Revised Code and that results from an action or examination by the internal revenue service, or from the filing of an amended federal tax return, a claim for a federal tax refund, or an administrative adjustment request filed by a partnership under section 6227 of the Internal Revenue Code. 68626
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(5) "Federal adjustments return" means the form or other document prescribed by the tax commissioner for use by a taxpayer in reporting final federal adjustments. 68635
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(6) "State partnership representative" means either of the 68638
following: 68639

(a) The person who served as the partnership's representative 68640
for federal income tax purposes, pursuant to section 6223(a) of 68641
the Internal Revenue Code, during the corresponding federal 68642
partnership audit; 68643

(b) The person designated, on a form prescribed by the tax 68644
commissioner, to serve as the partnership's representative during 68645
the state partnership audit. The commissioner may establish 68646
reasonable qualifications and procedures for a person to be 68647
designated as a state partnership representative under this 68648
division. 68649

(7) A federal adjustment is "final" or "agreed to or finally 68650
determined for federal income tax purposes" on any of the 68651
following: 68652

(a) The day after which the period for appeal of a federal 68653
assessment has expired; 68654

(b) The date on a refund check issued by the internal revenue 68655
service; or 68656

(c) For agreements required to be signed by the internal 68657
revenue service and the taxpayer or audited partnership, the date 68658
on which the last party signed the agreement. 68659

(B)(1) If any of the facts, figures, computations, or 68660
attachments required in a taxpayer's annual return to determine 68661
the tax charged by this chapter or Chapter 5748. of the Revised 68662
Code must be altered as the result of a final federal adjustment, 68663
and the federal adjustment is not required to be reported under 68664
division (C) of this section, the taxpayer shall file an amended 68665
return with the tax commissioner in such form as the commissioner 68666
requires. The amended return shall be filed not later than ninety 68667
days after the federal adjustment has been agreed to or finally 68668

determined for federal income tax purposes. 68669

(2) "One hundred eighty" shall be substituted for "ninety" in 68670
divisions (B)(1) and (E)(1) of this section if, for any taxable 68671
year, the final federal adjustment results from taxes paid by the 68672
taxpayer on an amount described in division ~~(A)(34)~~(A)(32) of 68673
section 5747.01 of the Revised Code. 68674

(C) Except for adjustments required to be reported for 68675
federal purposes pursuant to section 6225(a)(2) of the Internal 68676
Revenue Code and adjustments that are taken into account on a 68677
federal amended return or similar report filed pursuant to section 68678
6225(c)(2) of the Internal Revenue Code, partnerships and partners 68679
shall report final federal adjustments and make payments as 68680
required under division (C) of this section. 68681

(1) With respect to an action required or permitted to be 68682
taken by a partnership under this section, and any petition for 68683
reassessment or appeal to the board of tax appeals or any court 68684
with respect to such an action, the state partnership 68685
representative shall have the sole authority to act on behalf of 68686
the audited partnership, and the partnership's direct and indirect 68687
investors shall be bound by those actions. 68688

(2) Unless an audited partnership makes the election under 68689
division (C)(3) of this section: 68690

(a) The audited partnership, through its state partnership 68691
representative, shall do all of the following within ninety days 68692
after the federal adjustment is final: 68693

(i) File a federal adjustments return with the tax 68694
commissioner, including a copy of the notifications provided under 68695
division (C)(2)(a)(ii) of this section; 68696

(ii) Notify each of its direct investors, on a form 68697
prescribed by the commissioner, of the investor's distributive 68698
share of the final federal adjustments; 68699

(iii) File an amended tax return on behalf of its nonresident direct investors and pay any additional tax that would have been due under sections 5733.41 and 5747.41, or division (D) of section 5747.08, of the Revised Code with respect to those direct investors had the final federal adjustments been reported properly on the original filing.

(b) Each direct investor that is subject to the tax imposed by section 5747.02 of the Revised Code shall file an original or amended tax return to include the investor's distributive share of the adjustments reported to the direct investor under division (C)(2)(a) of this section, and pay any additional tax due, within ninety days after the audited partnership files its federal adjustments return with the commissioner.

(c)(i) Each direct and indirect investor of an audited partnership that is a pass-through entity and all investors in such a pass-through entity that are subject to the filing and payment requirements of Chapters 5733. and 5747. of the Revised Code are subject to the reporting and payment requirements of division (C)(2) or, upon a timely election, division (C)(3) of this section.

(ii) Such direct and indirect investors shall make the required returns and payments within ninety days after the deadline for filing and furnishing statements under section 6226(b)(4) of the Internal Revenue Code and applicable treasury regulations.

(3) If an audited partnership makes the election under this division, the audited partnership, through its state partnership representative, shall do all of the following within ninety days after all federal adjustments are final:

(a) File a federal adjustments return with the tax commissioner indicating the partnership has made the election

under division (C)(3) of this section; 68731

(b) Pay the amount of combined additional tax due under 68732
division (D)(2) of this section, calculated by multiplying the 68733
highest rate of tax set forth in section 5747.02 of the Revised 68734
Code by the sum of the following: 68735

(i) The distributive shares of the final federal adjustments 68736
that are allocable or apportionable to this state of each investor 68737
who is a nonresident taxpayer or pass-through entity; 68738

(ii) The distributive share of the final federal adjustments 68739
for each investor who is a resident taxpayer. 68740

(c) Notify each of its direct investors, on a form prescribed 68741
by the commissioner, of the investor's distributive share of the 68742
final federal adjustments and the amount paid on their behalf 68743
pursuant to division (C)(3)(b) of this section. 68744

(4)(a) A direct investor of an audited partnership is not 68745
required to file an amended return or pay tax otherwise due under 68746
section 5747.02 of the Revised Code if the audited partnership 68747
properly reports and pays the tax under division (C)(3) of this 68748
section. 68749

(b)(i) Nothing in division (C) of this section precludes a 68750
direct or indirect investor in the audited partnership from filing 68751
a return to report the investor's share of the final federal 68752
adjustments. Such an investor who files a return and reports the 68753
income related to the final federal adjustments is entitled to a 68754
refundable credit for taxes paid by the audited partnership under 68755
division (C)(3)(b) of this section. The credit shall be computed 68756
and claimed in the same manner as the credit allowed under 68757
division (I) of section 5747.08 of the Revised Code. 68758

(ii) Notwithstanding division (C)(4)(b)(i) of this section, 68759
an exempt partner, whether a direct or indirect investor, may file 68760
an application for refund of its proportionate share of the 68761

amounts erroneously paid by the audited partnership pursuant to 68762
division (C)(3)(b) of this section on the exempt partner's behalf. 68763

(5) Upon request by an audited partnership, the tax 68764
commissioner may agree, in writing, to allow an alternative method 68765
of reporting and payment than required by ~~divisions~~ division 68766
(C)(2) or (3) of this section. The request must be submitted to 68767
the commissioner in writing before the applicable deadline for 68768
filing a return under division (C)(2)(a) or (3) of this section. 68769
The commissioner's decision on whether to enter into an agreement 68770
under this division is not subject to further administrative 68771
review or appeal. 68772

(6) Nothing in division (C) of this section precludes either 68773
of the following: 68774

(a) A resident taxpayer from filing a return to claim the 68775
credit under division (B) of section 5747.05 or division (D)(2) of 68776
section 5747.02 of the Revised Code based upon any amounts paid by 68777
the audited partnership on such investor's behalf to another 68778
state. 68779

(b) The tax commissioner from issuing an assessment under 68780
this chapter against any direct or indirect investor for taxes due 68781
from the investor if an audited partnership, or direct and 68782
indirect investor of an audited partnership that is a pass-through 68783
entity, fails to timely file any return or remit any payment 68784
required by this section or underreports income or underpays tax 68785
on behalf of an indirect investor who is a resident taxpayer. 68786

(D) In the case of an underpayment, and unless otherwise 68787
agreed to in writing by the tax commissioner: 68788

(1) The taxpayer's amended return shall be accompanied by 68789
payment of any combined additional tax due together with interest 68790
thereon. An amended return required by this section is a return 68791
subject to assessment under section 5747.13 of the Revised Code 68792

for the purpose of assessing any additional tax due under this 68793
section, together with any applicable penalty and interest. It 68794
shall not reopen those facts, figures, computations, or 68795
attachments from a previously filed return no longer subject to 68796
assessment that are not affected, either directly or indirectly, 68797
by the final federal adjustment to the taxpayer's federal income 68798
tax return. 68799

(2) The audited partnership's federal adjustments return 68800
shall be accompanied by payment of any combined additional tax due 68801
together with interest thereon. The federal adjustments return 68802
required by this section is a return subject to assessment under 68803
section 5747.13 of the Revised Code for the purpose of assessing 68804
any additional tax due under this section, together with any 68805
applicable penalty and interest. It shall not reopen those facts, 68806
figures, computations, or attachments from a previously filed 68807
return no longer subject to assessment that are not affected, 68808
either directly or indirectly, by the final federal adjustment. 68809

(3) The tax commissioner may accept estimated payments of the 68810
tax arising from pending federal adjustments before the date for 68811
filing a federal adjustments return. The commissioner may adopt 68812
rules for the payment of such estimated taxes. 68813

(E) In the case of an overpayment, and unless otherwise 68814
agreed to in writing by the tax commissioner: 68815

(1) A taxpayer may file an application for refund under this 68816
division within the ninety-day period prescribed for filing the 68817
amended return even if it is filed beyond the period prescribed in 68818
section 5747.11 of the Revised Code if it otherwise conforms to 68819
the requirements of such section. An application filed under this 68820
division shall claim refund of overpayments resulting from 68821
alterations to only those facts, figures, computations, or 68822
attachments required in the taxpayer's annual return that are 68823
affected, either directly or indirectly, by the final federal 68824

adjustment to the taxpayer's federal income tax return unless it 68825
is also filed within the time prescribed in section 5747.11 of the 68826
Revised Code. It shall not reopen those facts, figures, 68827
computations, or attachments that are not affected, either 68828
directly or indirectly, by the adjustment to the taxpayer's 68829
federal income tax return. 68830

(2)(a) Except as otherwise provided in division (E)(2)(b) of 68831
this section, an audited partnership may file an application for a 68832
refund under this division within the ninety-day period prescribed 68833
for filing the federal adjustments return, even if it is filed 68834
beyond the period prescribed by section 5747.11 of the Revised 68835
Code, if it otherwise conforms to the requirements of that 68836
section. An application filed under this division may claim a 68837
refund of overpayments resulting only from final federal 68838
adjustments unless it is also filed within the time prescribed by 68839
section 5747.11 of the Revised Code. It shall not reopen those 68840
facts, figures, computations, or attachments that are not 68841
affected, either directly or indirectly, by the federal 68842
adjustment. 68843

(b) An audited partnership may not file an application for 68844
refund under division (E) of this section based on final federal 68845
adjustments described in section 6225(a)(2) of the Internal 68846
Revenue Code. 68847

(3) Any refund granted to a pass-through entity filing an 68848
application for refund under division (E) of this section shall be 68849
reduced by amounts previously claimed as a credit under section 68850
5747.059 or division (I) of section 5747.08 of the Revised Code by 68851
the pass-through entity's direct or indirect investors. 68852

(F) Excluding the deadline in division (C)(2)(c)(ii) of this 68853
section, an audited partnership, or a direct or indirect investor 68854
of an audited partnership that is a pass-through entity, may 68855
automatically extend the deadline for reporting, payments, and 68856

refunds under this section by sixty days if the entity has ten 68857
thousand or more direct investors and notifies the commissioner of 68858
such extension, in writing, before the unextended deadline. 68859

Sec. 5747.72. (A) As used in this section: 68860

(1) "Qualifying taxpayer" means a taxpayer that is an 68861
individual with a dependent who is a qualifying student. 68862

(2) "Qualifying student" means a student who was excused from 68863
the compulsory attendance law for the purpose of home instruction 68864
under section 3321.04 of the Revised Code for the school year. 68865

(3) "Education expenses" means expenses or fees for books, 68866
supplementary materials, supplies, computer software, 68867
applications, or subscriptions. "Education expenses" does not 68868
include expenses or fees for computers or similar electronic 68869
devices or accessories thereto. 68870

(B) There is hereby allowed a nonrefundable credit against a 68871
qualifying taxpayer's aggregate tax liability under section 68872
5747.02 of the Revised Code equal to the lesser of two hundred 68873
fifty dollars or the amount of education expenses incurred by the 68874
taxpayer in the taxable year for the benefit of one or more of the 68875
taxpayer's qualifying students. The credit shall be claimed in the 68876
order required under section 5747.98 of the Revised Code. 68877

The tax commissioner may request that a qualifying taxpayer 68878
claiming a credit under this section furnish information as is 68879
necessary to support the claim for the credit under this section, 68880
and no credit shall be allowed unless the requested information is 68881
provided. 68882

Sec. 5747.73. (A) As used in this section, "scholarship 68883
granting organization" means an entity that is certified as such 68884
by the tax commissioner under division (C) of this section. 68885

(B) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer that donates cash to scholarship granting organizations during the taxable year. The credit shall equal the amount of cash donations, except that the credit shall not exceed, for any taxable year, one thousand dollars. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 68886
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If the taxpayer is a direct or indirect investor in a pass-through entity that donates cash to scholarship granting organizations during the taxable year, the taxpayer may claim its proportionate or distributive share of the credit allowed under this section, except that the share that may be claimed by all such investors may not exceed one thousand dollars for any taxable year. 68894
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The credit authorized by this section is not allowed unless the taxpayer claiming the credit provides to the tax commissioner, in the form and manner required by the commissioner, a copy of a receipt or other document issued by the scholarship granting organization acknowledging the taxpayer's contribution to the organization and the amount of the contribution. The commissioner may require a taxpayer to furnish any other information necessary to support a claim for the credit. No credit shall be allowed unless a copy of such document or other required information is provided. 68901
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(C) An entity may apply to the tax commissioner, on forms and in the manner prescribed by the commissioner, to be certified so that contributions to the entity qualify for the tax credit authorized under this section. The commissioner shall certify an entity as a scholarship granting organization if the entity submits information and documentation, to the commissioner's satisfaction, establishing that the entity satisfies the 68911
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following: 68918

(1) It is a religious or nonreligious nonprofit organization 68919
exempt from federal taxation under section 501(a) of the Internal 68920
Revenue Code as an organization described in section 501(c)(3) of 68921
the Internal Revenue Code. 68922

(2) It primarily awards academic scholarships for primary and 68923
secondary school students. 68924

(3) It directly uses at least ninety per cent of its funding 68925
each year to fund scholarships for low-income primary and 68926
secondary school students, except that such per cent may be lower 68927
than ninety per cent in any year if there are an insufficient 68928
number of applicants for that year that qualify as low-income 68929
students. 68930

The commissioner shall notify the applicant of the 68931
commissioner's determination within thirty days after the 68932
commissioner receives the application. The commissioner shall post 68933
and maintain a list of all scholarship granting organizations on 68934
the department of taxation's web site. 68935

The commissioner shall adopt rules necessary to determine 68936
eligibility for and administer the credit authorized under this 68937
section. 68938

Sec. 5747.75. (A) As used in this section: 68939

(1) "Family size" means one plus the number of dependents 68940
claimed on the taxpayer's federal income tax return or, for 68941
spouses filing a joint return, two plus the number of dependents 68942
claimed on the taxpayers' federal income tax return. 68943

(2) "Federal poverty level" has the same meaning as in 68944
section 5121.30 of the Revised Code. 68945

(B) A nonrefundable credit is allowed against a taxpayer's 68946
aggregate liability under section 5747.02 of the Revised Code for 68947

taxpayers with one or more dependents who attend a nonchartered nonpublic school. To qualify for the credit, the total federal adjusted gross income of the taxpayer and, if filing a joint return, the taxpayer's spouse for the taxable year may not exceed three hundred per cent of the federal poverty level for the taxpayer's family size. The amount of the credit shall equal the lesser of two thousand five hundred dollars or the total tuition paid by the taxpayer and, if filing a joint return, the taxpayer's spouse during the taxable year for all of the taxpayer's dependents to attend such a school.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code.

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

The dependent care credit under section 5747.054 of the Revised Code;

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

~~The campaign contribution credit under section 5747.29 of the Revised Code;~~

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

The joint filing credit under division (G) of section 5747.05 of the Revised Code;	68978 68979
The earned income credit under section 5747.71 of the Revised Code;	68980 68981
<u>The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;</u>	68982 68983
<u>The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;</u>	68984 68985
<u>The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;</u>	68986 68987
The credit for adoption of a minor child under section 5747.37 of the Revised Code;	68988 68989
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	68990 68991
The enterprise zone credit under section 5709.66 of the Revised Code;	68992 68993
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	68994 68995
The small business investment credit under section 5747.81 of the Revised Code;	68996 68997
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	68998 68999
The opportunity zone investment credit under section 122.84 of the Revised Code;	69000 69001
The enterprise zone credits under section 5709.65 of the Revised Code;	69002 69003
The research and development credit under section 5747.331 of the Revised Code;	69004 69005
The credit for rehabilitating a historic building under	69006

section 5747.76 of the Revised Code; 69007

The nonresident credit under division (A) of section 5747.05
of the Revised Code; 69008
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The credit for a resident's out-of-state income under
division (B) of section 5747.05 of the Revised Code; 69010
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The refundable motion picture and Broadway theatrical
production credit under section 5747.66 of the Revised Code; 69012
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The refundable jobs creation credit or job retention credit
under division (A) of section 5747.058 of the Revised Code; 69014
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The refundable credit for taxes paid by a qualifying entity
granted under section 5747.059 of the Revised Code; 69016
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The refundable credits for taxes paid by a qualifying
pass-through entity granted under division (I) of section 5747.08
of the Revised Code; 69018
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The refundable credit under section 5747.80 of the Revised
Code for losses on loans made to the Ohio venture capital program
under sections 150.01 to 150.10 of the Revised Code; 69021
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The refundable credit for rehabilitating a historic building
under section 5747.76 of the Revised Code. 69024
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(B) For any credit, except the refundable credits enumerated
in this section and the credit granted under division (H) of
section 5747.08 of the Revised Code, the amount of the credit for
a taxable year shall not exceed the taxpayer's aggregate amount of
tax due under section 5747.02 of the Revised Code, after allowing
for any other credit that precedes it in the order required under
this section. Any excess amount of a particular credit may be
carried forward if authorized under the section creating that
credit. Nothing in this chapter shall be construed to allow a
taxpayer to claim, directly or indirectly, a credit more than once
for a taxable year. 69026
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Sec. 5751.01. As used in this chapter: 69037

(A) "Person" means, but is not limited to, individuals, 69038
combinations of individuals of any form, receivers, assignees, 69039
trustees in bankruptcy, firms, companies, joint-stock companies, 69040
business trusts, estates, partnerships, limited liability 69041
partnerships, limited liability companies, associations, joint 69042
ventures, clubs, societies, for-profit corporations, S 69043
corporations, qualified subchapter S subsidiaries, qualified 69044
subchapter S trusts, trusts, entities that are disregarded for 69045
federal income tax purposes, and any other entities. 69046

(B) "Consolidated elected taxpayer" means a group of two or 69047
more persons treated as a single taxpayer for purposes of this 69048
chapter as the result of an election made under section 5751.011 69049
of the Revised Code. 69050

(C) "Combined taxpayer" means a group of two or more persons 69051
treated as a single taxpayer for purposes of this chapter under 69052
section 5751.012 of the Revised Code. 69053

(D) "Taxpayer" means any person, or any group of persons in 69054
the case of a consolidated elected taxpayer or combined taxpayer 69055
treated as one taxpayer, required to register or pay tax under 69056
this chapter. "Taxpayer" does not include excluded persons. 69057

(E) "Excluded person" means any of the following: 69058

(1) Any person with not more than one hundred fifty thousand 69059
dollars of taxable gross receipts during the calendar year. 69060
Division (E)(1) of this section does not apply to a person that is 69061
a member of a consolidated elected taxpayer; 69062

(2) A public utility that paid the excise tax imposed by 69063
section 5727.24 or 5727.30 of the Revised Code based on one or 69064
more measurement periods that include the entire tax period under 69065
this chapter, except that a public utility that is a combined 69066

company is a taxpayer with regard to the following gross receipts: 69067

(a) Taxable gross receipts directly attributed to a public 69068
utility activity, but not directly attributed to an activity that 69069
is subject to the excise tax imposed by section 5727.24 or 5727.30 69070
of the Revised Code; 69071

(b) Taxable gross receipts that cannot be directly attributed 69072
to any activity, multiplied by a fraction whose numerator is the 69073
taxable gross receipts described in division (E)(2)(a) of this 69074
section and whose denominator is the total taxable gross receipts 69075
that can be directly attributed to any activity; 69076

(c) Except for any differences resulting from the use of an 69077
accrual basis method of accounting for purposes of determining 69078
gross receipts under this chapter and the use of the cash basis 69079
method of accounting for purposes of determining gross receipts 69080
under section 5727.24 of the Revised Code, the gross receipts 69081
directly attributed to the activity of a natural gas company shall 69082
be determined in a manner consistent with division (D) of section 69083
5727.03 of the Revised Code. 69084

As used in division (E)(2) of this section, "combined 69085
company" and "public utility" have the same meanings as in section 69086
5727.01 of the Revised Code. 69087

(3) A financial institution, as defined in section 5726.01 of 69088
the Revised Code, that paid the tax imposed by section 5726.02 of 69089
the Revised Code based on one or more taxable years that include 69090
the entire tax period under this chapter; 69091

(4) A person directly or indirectly owned by one or more 69092
financial institutions, as defined in section 5726.01 of the 69093
Revised Code, that paid the tax imposed by section 5726.02 of the 69094
Revised Code based on one or more taxable years that include the 69095
entire tax period under this chapter. 69096

For the purposes of division (E)(4) of this section, a person 69097

owns another person under the following circumstances: 69098

(a) In the case of corporations issuing capital stock, one 69099
corporation owns another corporation if it owns fifty per cent or 69100
more of the other corporation's capital stock with current voting 69101
rights; 69102

(b) In the case of a limited liability company, one person 69103
owns the company if that person's membership interest, as defined 69104
in section 1705.01 or 1706.01 of the Revised Code as applicable, 69105
is fifty per cent or more of the combined membership interests of 69106
all persons owning such interests in the company; 69107

(c) In the case of a partnership, trust, or other 69108
unincorporated business organization other than a limited 69109
liability company, one person owns the organization if, under the 69110
articles of organization or other instrument governing the affairs 69111
of the organization, that person has a beneficial interest in the 69112
organization's profits, surpluses, losses, or distributions of 69113
fifty per cent or more of the combined beneficial interests of all 69114
persons having such an interest in the organization. 69115

(5) A domestic insurance company or foreign insurance 69116
company, as defined in section 5725.01 of the Revised Code, that 69117
paid the insurance company premiums tax imposed by section 5725.18 69118
or Chapter 5729. of the Revised Code, or an unauthorized insurance 69119
company whose gross premiums are subject to tax under section 69120
3905.36 of the Revised Code based on one or more measurement 69121
periods that include the entire tax period under this chapter; 69122

(6) A person that solely facilitates or services one or more 69123
securitizations of phase-in-recovery property pursuant to a final 69124
financing order as those terms are defined in section 4928.23 of 69125
the Revised Code. For purposes of this division, "securitization" 69126
means transferring one or more assets to one or more persons and 69127
then issuing securities backed by the right to receive payment 69128

from the asset or assets so transferred. 69129

(7) Except as otherwise provided in this division, a 69130
pre-income tax trust as defined in section 5747.01 of the Revised 69131
Code and any pass-through entity of which such pre-income tax 69132
trust owns or controls, directly, indirectly, or constructively 69133
through related interests, more than five per cent of the 69134
ownership or equity interests. If the pre-income tax trust has 69135
made a qualifying pre-income tax trust election under division 69136
(EE) of section 5747.01 of the Revised Code, then the trust and 69137
the pass-through entities of which it owns or controls, directly, 69138
indirectly, or constructively through related interests, more than 69139
five per cent of the ownership or equity interests, shall not be 69140
excluded persons for purposes of the tax imposed under section 69141
5751.02 of the Revised Code. 69142

(8) Nonprofit organizations or the state and its agencies, 69143
instrumentalities, or political subdivisions. 69144

(F) Except as otherwise provided in divisions (F)(2), (3), 69145
and (4) of this section, "gross receipts" means the total amount 69146
realized by a person, without deduction for the cost of goods sold 69147
or other expenses incurred, that contributes to the production of 69148
gross income of the person, including the fair market value of any 69149
property and any services received, and any debt transferred or 69150
forgiven as consideration. 69151

(1) The following are examples of gross receipts: 69152

(a) Amounts realized from the sale, exchange, or other 69153
disposition of the taxpayer's property to or with another; 69154

(b) Amounts realized from the taxpayer's performance of 69155
services for another; 69156

(c) Amounts realized from another's use or possession of the 69157
taxpayer's property or capital; 69158

(d) Any combination of the foregoing amounts.	69159
(2) "Gross receipts" excludes the following amounts:	69160
(a) Interest income except interest on credit sales;	69161
(b) Dividends and distributions from corporations, and	69162
distributive or proportionate shares of receipts and income from a	69163
pass-through entity as defined under section 5733.04 of the	69164
Revised Code;	69165
(c) Receipts from the sale, exchange, or other disposition of	69166
an asset described in section 1221 or 1231 of the Internal Revenue	69167
Code, without regard to the length of time the person held the	69168
asset. Notwithstanding section 1221 of the Internal Revenue Code,	69169
receipts from hedging transactions also are excluded to the extent	69170
the transactions are entered into primarily to protect a financial	69171
position, such as managing the risk of exposure to (i) foreign	69172
currency fluctuations that affect assets, liabilities, profits,	69173
losses, equity, or investments in foreign operations; (ii)	69174
interest rate fluctuations; or (iii) commodity price fluctuations.	69175
As used in division (F)(2)(c) of this section, "hedging	69176
transaction" has the same meaning as used in section 1221 of the	69177
Internal Revenue Code and also includes transactions accorded	69178
hedge accounting treatment under statement of financial accounting	69179
standards number 133 of the financial accounting standards board.	69180
For the purposes of division (F)(2)(c) of this section, the actual	69181
transfer of title of real or tangible personal property to another	69182
entity is not a hedging transaction.	69183
(d) Proceeds received attributable to the repayment,	69184
maturity, or redemption of the principal of a loan, bond, mutual	69185
fund, certificate of deposit, or marketable instrument;	69186
(e) The principal amount received under a repurchase	69187
agreement or on account of any transaction properly characterized	69188
as a loan to the person;	69189

(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;	69190 69191 69192 69193
(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;	69194 69195 69196 69197 69198 69199 69200 69201 69202
(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;	69203 69204 69205
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	69206 69207 69208
(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;	69209 69210 69211 69212 69213 69214 69215
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	69216 69217 69218
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's	69219 69220

commission, fee, or other remuneration;	69221
(m) Tax refunds, other tax benefit recoveries, and	69222
reimbursements for the tax imposed under this chapter made by	69223
entities that are part of the same combined taxpayer or	69224
consolidated elected taxpayer group, and reimbursements made by	69225
entities that are not members of a combined taxpayer or	69226
consolidated elected taxpayer group that are required to be made	69227
for economic parity among multiple owners of an entity whose tax	69228
obligation under this chapter is required to be reported and paid	69229
entirely by one owner, pursuant to the requirements of sections	69230
5751.011 and 5751.012 of the Revised Code;	69231
(n) Pension reversions;	69232
(o) Contributions to capital;	69233
(p) Sales or use taxes collected as a vendor or an	69234
out-of-state seller on behalf of the taxing jurisdiction from a	69235
consumer or other taxes the taxpayer is required by law to collect	69236
directly from a purchaser and remit to a local, state, or federal	69237
tax authority;	69238
(q) In the case of receipts from the sale of cigarettes,	69239
tobacco products, or vapor products by a wholesale dealer, retail	69240
dealer, distributor, manufacturer, vapor distributor, or seller,	69241
all as defined in section 5743.01 of the Revised Code, an amount	69242
equal to the federal and state excise taxes paid by any person on	69243
or for such cigarettes, tobacco products, or vapor products under	69244
subtitle E of the Internal Revenue Code or Chapter 5743. of the	69245
Revised Code;	69246
(r) In the case of receipts from the sale, transfer,	69247
exchange, or other disposition of motor fuel as "motor fuel" is	69248
defined in section 5736.01 of the Revised Code, an amount equal to	69249
the value of the motor fuel, including federal and state motor	69250
fuel excise taxes and receipts from billing or invoicing the tax	69251

imposed under section 5736.02 of the Revised Code to another 69252
person; 69253

(s) In the case of receipts from the sale of beer or 69254
intoxicating liquor, as defined in section 4301.01 of the Revised 69255
Code, by a person holding a permit issued under Chapter 4301. or 69256
4303. of the Revised Code, an amount equal to federal and state 69257
excise taxes paid by any person on or for such beer or 69258
intoxicating liquor under subtitle E of the Internal Revenue Code 69259
or Chapter 4301. or 4305. of the Revised Code; 69260

(t) Receipts realized by a new motor vehicle dealer or used 69261
motor vehicle dealer, as defined in section 4517.01 of the Revised 69262
Code, from the sale or other transfer of a motor vehicle, as 69263
defined in that section, to another motor vehicle dealer for the 69264
purpose of resale by the transferee motor vehicle dealer, but only 69265
if the sale or other transfer was based upon the transferee's need 69266
to meet a specific customer's preference for a motor vehicle; 69267

(u) Receipts from a financial institution described in 69268
division (E)(3) of this section for services provided to the 69269
financial institution in connection with the issuance, processing, 69270
servicing, and management of loans or credit accounts, if such 69271
financial institution and the recipient of such receipts have at 69272
least fifty per cent of their ownership interests owned or 69273
controlled, directly or constructively through related interests, 69274
by common owners; 69275

(v) Receipts realized from administering anti-neoplastic 69276
drugs and other cancer chemotherapy, biologicals, therapeutic 69277
agents, and supportive drugs in a physician's office to patients 69278
with cancer; 69279

(w) Funds received or used by a mortgage broker that is not a 69280
dealer in intangibles, other than fees or other consideration, 69281
pursuant to a table-funding mortgage loan or warehouse-lending 69282

mortgage loan. Terms used in division (F)(2)(w) of this section 69283
have the same meanings as in section 1322.01 of the Revised Code, 69284
except "mortgage broker" means a person assisting a buyer in 69285
obtaining a mortgage loan for a fee or other consideration paid by 69286
the buyer or a lender, or a person engaged in table-funding or 69287
warehouse-lending mortgage loans that are first lien mortgage 69288
loans. 69289

(x) Property, money, and other amounts received by a 69290
professional employer organization, as defined in section 4125.01 69291
of the Revised Code, or an alternate employer organization, as 69292
defined in section 4133.01 of the Revised Code, from a client 69293
employer, as defined in either of those sections as applicable, in 69294
excess of the administrative fee charged by the professional 69295
employer organization or the alternate employer organization to 69296
the client employer; 69297

(y) In the case of amounts retained as commissions by a 69298
permit holder under Chapter 3769. of the Revised Code, an amount 69299
equal to the amounts specified under that chapter that must be 69300
paid to or collected by the tax commissioner as a tax and the 69301
amounts specified under that chapter to be used as purse money; 69302

(z) Qualifying distribution center receipts as determined 69303
under section 5751.40 of the Revised Code. 69304

(aa) Receipts of an employer from payroll deductions relating 69305
to the reimbursement of the employer for advancing moneys to an 69306
unrelated third party on an employee's behalf; 69307

(bb) Cash discounts allowed and taken; 69308

(cc) Returns and allowances; 69309

(dd) Bad debts from receipts on the basis of which the tax 69310
imposed by this chapter was paid in a prior quarterly tax payment 69311
period. For the purpose of this division, "bad debts" means any 69312
debts that have become worthless or uncollectible between the 69313

preceding and current quarterly tax payment periods, have been 69314
uncollected for at least six months, and that may be claimed as a 69315
deduction under section 166 of the Internal Revenue Code and the 69316
regulations adopted under that section, or that could be claimed 69317
as such if the taxpayer kept its accounts on the accrual basis. 69318
"Bad debts" does not include repossessed property, uncollectible 69319
amounts on property that remains in the possession of the taxpayer 69320
until the full purchase price is paid, or expenses in attempting 69321
to collect any account receivable or for any portion of the debt 69322
recovered; 69323

(ee) Any amount realized from the sale of an account 69324
receivable to the extent the receipts from the underlying 69325
transaction giving rise to the account receivable were included in 69326
the gross receipts of the taxpayer; 69327

(ff) Any receipts directly attributed to a transfer agreement 69328
or to the enterprise transferred under that agreement under 69329
section 4313.02 of the Revised Code. 69330

(gg) Qualified uranium receipts as determined under section 69331
5751.41 of the Revised Code. 69332

(hh) In the case of amounts collected by a licensed casino 69333
operator from casino gaming, amounts in excess of the casino 69334
operator's gross casino revenue. In this division, "casino 69335
operator" and "casino gaming" have the meanings defined in section 69336
3772.01 of the Revised Code, and "gross casino revenue" has the 69337
meaning defined in section 5753.01 of the Revised Code. 69338

(ii) Receipts realized from the sale of agricultural 69339
commodities by an agricultural commodity handler, both as defined 69340
in section 926.01 of the Revised Code, that is licensed by the 69341
director of agriculture to handle agricultural commodities in this 69342
state. 69343

(jj) ~~Qualifying integrated supply chain receipts as~~ 69344

~~determined under section 5751.42 of the Revised Code.~~ 69345

~~(kk)~~ In the case of a railroad company described in division 69346
(D)(9) of section 5727.01 of the Revised Code that purchases dyed 69347
diesel fuel directly from a supplier as defined by section 5736.01 69348
of the Revised Code, an amount equal to the product of the number 69349
of gallons of dyed diesel fuel purchased directly from such a 69350
supplier multiplied by the average wholesale price for a gallon of 69351
diesel fuel as determined under section 5736.02 of the Revised 69352
Code for the period during which the fuel was purchased multiplied 69353
by a fraction, the numerator of which equals the rate of tax 69354
levied by section 5736.02 of the Revised Code less the rate of tax 69355
computed in section 5751.03 of the Revised Code, and the 69356
denominator of which equals the rate of tax computed in section 69357
5751.03 of the Revised Code. 69358

~~(ll)~~(kk) Receipts realized by an out-of-state disaster 69359
business from disaster work conducted in this state during a 69360
disaster response period pursuant to a qualifying solicitation 69361
received by the business. Terms used in division 69362
~~(F)(2)(ll)~~(F)(2)(kk) of this section have the same meanings as in 69363
section 5703.94 of the Revised Code. 69364

~~(mm)~~(ll) In the case of receipts from the sale or transfer of 69365
a mortgage-backed security or a mortgage loan by a mortgage lender 69366
holding a valid certificate of registration issued under Chapter 69367
1322. of the Revised Code or by a person that is a member of the 69368
mortgage lender's consolidated elected taxpayer group, an amount 69369
equal to the principal balance of the mortgage loan. 69370

~~(nn)~~(mm) Amounts of excess surplus of the state insurance 69371
fund received by the taxpayer from the Ohio bureau of workers' 69372
compensation pursuant to rules adopted under section 4123.321 of 69373
the Revised Code. 69374

(nn) Any receipts for which the tax imposed by this chapter 69375

is prohibited by the constitution or laws of the United States or 69376
the constitution of this state. 69377

(3) In the case of a taxpayer when acting as a real estate 69378
broker, "gross receipts" includes only the portion of any fee for 69379
the service of a real estate broker, or service of a real estate 69380
salesperson associated with that broker, that is retained by the 69381
broker and not paid to an associated real estate salesperson or 69382
another real estate broker. For the purposes of this division, 69383
"real estate broker" and "real estate salesperson" have the same 69384
meanings as in section 4735.01 of the Revised Code. 69385

(4) A taxpayer's method of accounting for gross receipts for 69386
a tax period shall be the same as the taxpayer's method of 69387
accounting for federal income tax purposes for the taxpayer's 69388
federal taxable year that includes the tax period. If a taxpayer's 69389
method of accounting for federal income tax purposes changes, its 69390
method of accounting for gross receipts under this chapter shall 69391
be changed accordingly. 69392

(G) "Taxable gross receipts" means gross receipts sitused to 69393
this state under section 5751.033 of the Revised Code. 69394

(H) A person has "substantial nexus with this state" if any 69395
of the following applies. The person: 69396

(1) Owns or uses a part or all of its capital in this state; 69397

(2) Holds a certificate of compliance with the laws of this 69398
state authorizing the person to do business in this state; 69399

(3) Has bright-line presence in this state; 69400

(4) Otherwise has nexus with this state to an extent that the 69401
person can be required to remit the tax imposed under this chapter 69402
under the Constitution of the United States. 69403

(I) A person has "bright-line presence" in this state for a 69404
reporting period and for the remaining portion of the calendar 69405

year if any of the following applies. The person: 69406

(1) Has at any time during the calendar year property in this 69407
state with an aggregate value of at least fifty thousand dollars. 69408
For the purpose of division (I)(1) of this section, owned property 69409
is valued at original cost and rented property is valued at eight 69410
times the net annual rental charge. 69411

(2) Has during the calendar year payroll in this state of at 69412
least fifty thousand dollars. Payroll in this state includes all 69413
of the following: 69414

(a) Any amount subject to withholding by the person under 69415
section 5747.06 of the Revised Code; 69416

(b) Any other amount the person pays as compensation to an 69417
individual under the supervision or control of the person for work 69418
done in this state; and 69419

(c) Any amount the person pays for services performed in this 69420
state on its behalf by another. 69421

(3) Has during the calendar year taxable gross receipts of at 69422
least five hundred thousand dollars. 69423

(4) Has at any time during the calendar year within this 69424
state at least twenty-five per cent of the person's total 69425
property, total payroll, or total gross receipts. 69426

(5) Is domiciled in this state as an individual or for 69427
corporate, commercial, or other business purposes. 69428

(J) "Tangible personal property" has the same meaning as in 69429
section 5739.01 of the Revised Code. 69430

(K) "Internal Revenue Code" means the Internal Revenue Code 69431
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 69432
this chapter that is not otherwise defined has the same meaning as 69433
when used in a comparable context in the laws of the United States 69434
relating to federal income taxes unless a different meaning is 69435

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 69465
that group to legally bind the group for all filings and tax 69466
liabilities and to receive all legal notices with respect to 69467
matters under this chapter, or, for the purposes of section 69468
5751.04 of the Revised Code, a separate taxpayer that is not a 69469
member of such a group. 69470

Sec. 5751.02. (A) For the purpose of funding the needs of 69471
this state and its local governments, there is hereby levied a 69472
commercial activity tax on each person with taxable gross receipts 69473
for the privilege of doing business in this state. For the 69474
purposes of this chapter, "doing business" means engaging in any 69475
activity, whether legal or illegal, that is conducted for, or 69476
results in, gain, profit, or income, at any time during a calendar 69477
year. Persons on which the commercial activity tax is levied 69478
include, but are not limited to, persons with substantial nexus 69479
with this state. The tax imposed under this section is not a 69480
transactional tax and is not subject to Public Law No. 86-272, 73 69481
Stat. 555. The tax imposed under this section is in addition to 69482
any other taxes or fees imposed under the Revised Code. The tax 69483
levied under this section is imposed on the person receiving the 69484
gross receipts and is not a tax imposed directly on a purchaser. 69485
The tax imposed by this section is an annual privilege tax for the 69486
calendar year that, in the case of calendar year taxpayers, is the 69487
annual tax period and, in the case of calendar quarter taxpayers, 69488
contains all quarterly tax periods in the calendar year. A 69489
taxpayer is subject to the annual privilege tax for doing business 69490
during any portion of such calendar year. 69491

(B) The tax imposed by this section is a tax on the taxpayer 69492
and shall not be billed or invoiced to another person. Even if the 69493
tax or any portion thereof is billed or invoiced and separately 69494
stated, such amounts remain part of the price for purposes of the 69495
sales and use taxes levied under Chapters 5739. and 5741. of the 69496

Revised Code. Nothing in division (B) of this section prohibits: 69497

(1) A person from including in the price charged for a good 69498
or service an amount sufficient to recover the tax imposed by this 69499
section; or 69500

(2) A lessor from including an amount sufficient to recover 69501
the tax imposed by this section in a lease payment charged, or 69502
from including such an amount on a billing or invoice pursuant to 69503
the terms of a written lease agreement providing for the recovery 69504
of the lessor's tax costs. The recovery of such costs shall be 69505
based on an estimate of the total tax cost of the lessor during 69506
the tax period, as the tax liability of the lessor cannot be 69507
calculated until the end of that period. 69508

(C)(1) The commercial activities tax receipts fund is hereby 69509
created in the state treasury and shall consist of money arising 69510
from the tax imposed under this chapter. ~~Sixty five one hundredths~~ 69511
Five hundred seventy-five one-thousandths of one per cent of the 69512
money credited to that fund shall be credited to the revenue 69513
enhancement fund and shall be used to defray the costs incurred by 69514
the department of taxation in administering the tax imposed by 69515
this chapter and in implementing tax reform measures. The 69516
remainder of the money in the commercial activities tax receipts 69517
fund shall first be credited to the commercial activity tax motor 69518
fuel receipts fund, pursuant to division (C)(2) of this section, 69519
and the remainder shall be credited in the following percentages 69520
each fiscal year to the general revenue fund, to the school 69521
district tangible property tax replacement fund, which is hereby 69522
created in the state treasury for the purpose of making the 69523
payments described in section 5709.92 of the Revised Code, and to 69524
the local government tangible property tax replacement fund, which 69525
is hereby created in the state treasury for the purpose of making 69526
the payments described in section 5709.93 of the Revised Code, in 69527
the following percentages: 69528

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	69529 69530
2016 and 2017	75.0%	20.0%	5.0%	69531
2018 and thereafter	85.0%	13.0%	2.0%	69532

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(D)(1) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under section 5709.92 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund.

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management

shall transfer from the general revenue fund to the local 69557
government tangible property tax replacement fund the difference 69558
between the total amount to be paid and the amount in the local 69559
government tangible property tax replacement fund. 69560

(E)(1) On or after the first day of June of each year, the 69561
director of budget and management may transfer any balance in the 69562
school district tangible property tax replacement fund to the 69563
general revenue fund. 69564

(2) On or after the first day of June of each year, the 69565
director of budget and management may transfer any balance in the 69566
local government tangible property tax replacement fund to the 69567
general revenue fund. 69568

(F)(1) There is hereby created in the state treasury the 69569
commercial activity tax motor fuel receipts fund. 69570

(2) On or before the fifteenth day of June of each fiscal 69571
year beginning with fiscal year 2015, the director of the Ohio 69572
public works commission shall certify to the director of budget 69573
and management the amount of debt service paid from the general 69574
revenue fund in the current fiscal year on bonds issued to finance 69575
or assist in the financing of the cost of local subdivision public 69576
infrastructure capital improvement projects, as provided for in 69577
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 69578
that are attributable to costs for construction, reconstruction, 69579
maintenance, or repair of public highways and bridges and other 69580
statutory highway purposes. That certification shall allocate the 69581
total amount of debt service paid from the general revenue fund 69582
and attributable to those costs in the current fiscal year 69583
according to the applicable section of the Ohio Constitution under 69584
which the bonds were originally issued. 69585

(3) On or before the thirtieth day of June of each fiscal 69586
year beginning with fiscal year 2015, the director of budget and 69587

management shall determine an amount up to but not exceeding the 69588
amount certified under division (F)(2) of this section and shall 69589
reserve that amount from the cash balance in the petroleum 69590
activity tax public highways fund or the commercial activity tax 69591
motor fuel receipts fund for transfer to the general revenue fund 69592
at times and in amounts to be determined by the director. The 69593
director shall transfer the cash balance in the petroleum activity 69594
tax public highways fund or the commercial activity tax motor fuel 69595
receipts fund in excess of the amount so reserved to the highway 69596
operating fund on or before the thirtieth day of June of the 69597
current fiscal year. 69598

Sec. 5751.03. (A) Except as provided in division (B) of this 69599
section, the tax levied under this section for each tax period 69600
shall be the product of two and six-tenths mills per dollar times 69601
the remainder of the taxpayer's taxable gross receipts for the tax 69602
period after subtracting the exclusion amount provided for in 69603
division (C) of this section. 69604

(B) Notwithstanding division (C) of this section, the tax on 69605
the first one million dollars in taxable gross receipts each 69606
calendar year shall be calculated as follows: 69607

(1) For taxpayers with annual taxable gross receipts of one 69608
million dollars or less for the immediately preceding calendar 69609
year, one hundred fifty dollars; 69610

(2) For taxpayers with annual taxable gross receipts greater 69611
than one million dollars, but less than or equal to two million 69612
dollars for the immediately preceding calendar year, eight hundred 69613
dollars; 69614

(3) For taxpayers with annual taxable gross receipts greater 69615
than two million dollars, but less than or equal to four million 69616
dollars for the immediately preceding calendar year, two thousand 69617
one hundred dollars; 69618

(4) For taxpayers with annual taxable gross receipts greater than four million dollars for the immediately preceding calendar year, two thousand six hundred dollars.

The tax imposed under division (B)(1) of this section shall be paid not later than the tenth day of May of each year along with the annual tax return. The tax imposed under divisions (B)(2), (3), and (4) of this section shall be paid not later than the tenth day of May of each year along with the first quarter tax return.

(C)(1) Each taxpayer may exclude the first one million dollars of taxable gross receipts for a calendar year. Calendar quarter taxpayers shall apply the full exclusion amount to the first calendar quarter return the taxpayer files that calendar year and may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year.

(2) A taxpayer switching from a calendar year tax period to a calendar quarter tax period may, for the first quarter of the change, apply the full one-million-dollar exclusion amount to the first calendar quarter return the taxpayer files that calendar year. Such taxpayers may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year. The tax rate shall be based on the rate imposed that calendar quarter when the taxpayer switches from a calendar year to a calendar quarter tax period.

(3) A taxpayer shall not exclude more than one million dollars pursuant to division (C) of this section in a calendar year.

Sec. 5751.40. (A) As used in this section and division (F)(2)(z) of section 5751.01 of the Revised Code:

(1) "Qualifying distribution center receipts" means receipts

of a supplier from qualified property that is delivered to a 69649
qualified distribution center, multiplied by a quantity that 69650
equals one minus the Ohio delivery percentage. If the qualified 69651
distribution center is a refining facility, "supplier" includes 69652
all dealers, brokers, processors, sellers, vendors, cosigners, and 69653
distributors of qualified property. 69654

(2) "Qualified property" means tangible personal property 69655
delivered to a qualified distribution center that is shipped to 69656
that qualified distribution center solely for further shipping by 69657
the qualified distribution center to another location in this 69658
state or elsewhere or, in the case of gold, silver, platinum, or 69659
palladium delivered to a refining facility solely for refining to 69660
a grade and fineness acceptable for delivery to a registered 69661
commodities exchange. "Further shipping" includes storing and 69662
repackaging property into smaller or larger bundles, so long as 69663
the property is not subject to further manufacturing or 69664
processing. "Refining" is limited to extracting impurities from 69665
gold, silver, platinum, or palladium through smelting or some 69666
other process at a refining facility. 69667

(3) "Qualified distribution center" means a warehouse, a 69668
facility similar to a warehouse, or a refining facility in this 69669
state that, for the qualifying year, is operated by a person that 69670
is not part of a combined taxpayer group and that has a qualifying 69671
certificate. All warehouses or facilities similar to warehouses 69672
that are operated by persons in the same taxpayer group and that 69673
are located within one mile of each other shall be treated as one 69674
qualified distribution center. All refining facilities that are 69675
operated by persons in the same taxpayer group and that are 69676
located in the same or adjacent counties may be treated as one 69677
qualified distribution center. 69678

(4) "Qualifying year" means the calendar year to which the 69679
qualifying certificate applies. 69680

(5) "Qualifying period" means the period of the first day of 69681
July of the second year preceding the qualifying year through the 69682
thirtieth day of June of the year preceding the qualifying year. 69683

(6) "Qualifying certificate" means the certificate issued by 69684
the tax commissioner after the operator of a distribution center 69685
files an annual application with the commissioner under division 69686
(B) of this section. 69687

(7) "Ohio delivery percentage" means the proportion of the 69688
total property delivered to a destination inside Ohio from the 69689
qualified distribution center during the qualifying period 69690
compared with total deliveries from such distribution center 69691
everywhere during the qualifying period. 69692

(8) "Refining facility" means one or more buildings located 69693
in a county in the Appalachian region of this state as defined by 69694
section 107.21 of the Revised Code and utilized for refining or 69695
smelting gold, silver, platinum, or palladium to a grade and 69696
fineness acceptable for delivery to a registered commodities 69697
exchange. 69698

(9) "Registered commodities exchange" means a board of trade, 69699
such as New York mercantile exchange, inc. or commodity exchange, 69700
inc., designated as a contract market by the commodity futures 69701
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 69702
et seq., as amended. 69703

(10) "Ineligible operator's supplier tax liability" means an 69704
amount equal to the tax liability of all suppliers of a 69705
distribution center had the distribution center not been issued a 69706
qualifying certificate for the qualifying year. Ineligible 69707
operator's supplier tax liability shall not include interest or 69708
penalties. 69709

(B) For purposes of division (B) of this section, "supplier" 69710
excludes any person that is part of the consolidated elected 69711

taxpayer group, if applicable, of the operator of the qualified
distribution center. 69712
69713

(1) An application for a qualifying certificate to be a 69714
qualified distribution center shall be filed, and an annual fee 69715
paid, for each qualified distribution center on or before the 69716
first day of September before the qualifying year or within 69717
forty-five days after the distribution center opens, whichever is 69718
later. The applicant must substantiate to the commissioner's 69719
satisfaction that, for the qualifying period, all persons 69720
operating the distribution center have more than fifty per cent of 69721
the cost of the qualified property shipped to a location such that 69722
it would be situated outside this state under the provisions of 69723
division (E) of section 5751.033 of the Revised Code. The 69724
applicant must also substantiate that the distribution center 69725
cumulatively had costs from its suppliers equal to or exceeding 69726
five hundred million dollars during the qualifying period. 69727

The commissioner may require an applicant to have an 69728
independent certified public accountant certify that the 69729
calculation of the minimum thresholds required for a qualified 69730
distribution center by the operator of a distribution center has 69731
been made in accordance with generally accepted accounting 69732
principles. The commissioner shall issue or deny the issuance of a 69733
certificate within sixty days after the receipt of the 69734
application. A denial is subject to appeal under section 5717.02 69735
of the Revised Code. If the operator files a timely appeal under 69736
section 5717.02 of the Revised Code, the operator shall be granted 69737
a qualifying certificate effective for the remainder of the 69738
qualifying year or until the appeal is finalized, whichever is 69739
earlier. If the operator does not prevail in the appeal, the 69740
operator shall pay the ineligible operator's supplier tax 69741
liability. 69742

(2) If the distribution center is new and was not open for 69743

the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall pay the ineligible operator's supplier tax liability.

(3) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business operations of the distribution center have changed or will change such that the distribution center will qualify as a qualified distribution center within thirty-six months after the date the operator first applies for a certificate. If, at the end of that thirty-six-month period, the business operations of the distribution center have not changed such that the distribution center qualifies as a qualified distribution center, the operator of the distribution center shall pay the ineligible operator's supplier tax liability for each year that the distribution center received a certificate but did not qualify as a qualified distribution center. For each year the distribution center receives a certificate under division (B)(3) of this section, the distribution center shall pay all applicable fees required under this section and shall submit an updated business plan showing the progress the distribution center made toward qualifying as a qualified distribution center during the preceding year.

(4) An operator may appeal a determination under division 69776
~~(B)(1)~~(B)(2) or ~~(2)(3)~~ of this section that the ineligible 69777
operator is liable for the operator's supplier tax liability as a 69778
result of not qualifying as a qualified distribution center, as 69779
provided in section 5717.02 of the Revised Code. 69780

(C)(1) When filing an application for a qualifying 69781
certificate under division (B)(1) of this section, the operator of 69782
a qualified distribution center also shall provide documentation, 69783
as the commissioner requires, for the commissioner to ascertain 69784
the Ohio delivery percentage. The commissioner, upon issuing the 69785
qualifying certificate, also shall certify the Ohio delivery 69786
percentage. The operator of the qualified distribution center may 69787
appeal the commissioner's certification of the Ohio delivery 69788
percentage in the same manner as an appeal is taken from the 69789
denial of a qualifying certificate under division (B)(1) of this 69790
section. 69791

(2) In the case where the distribution center is new and not 69792
open for the entire qualifying period, the operator shall make a 69793
good faith estimate of an Ohio delivery percentage for use by 69794
suppliers in their reports of taxable gross receipts for the 69795
remainder of the qualifying period. The operator of the facility 69796
shall disclose to the suppliers that such Ohio delivery percentage 69797
is an estimate and is subject to recalculation. By the due date of 69798
the next application for a qualifying certificate, the operator 69799
shall determine the actual Ohio delivery percentage for the 69800
estimated qualifying period and proceed as provided in division 69801
(C)(1) of this section with respect to the calculation and 69802
recalculation of the Ohio delivery percentage. The supplier is 69803
required to file, within sixty days after receiving notice from 69804
the operator of the qualified distribution center, amended reports 69805
for the impacted calendar quarter or quarters or calendar year, 69806
whichever the case may be. Any additional tax liability or tax 69807

overpayment shall be subject to interest but shall not be subject 69808
to the imposition of any penalty so long as the amended returns 69809
are timely filed. 69810

(3) The operator of a distribution center that receives a 69811
qualifying certificate under division (B)(3) of this section shall 69812
make a good faith estimate of the Ohio delivery percentage that 69813
the operator estimates will apply to the distribution center at 69814
the end of the thirty-six-month period after the operator first 69815
applied for a qualifying certificate under that division. The 69816
result of the estimate shall be multiplied by a factor of one and 69817
seventy-five one-hundredths. The product of that calculation shall 69818
be the Ohio delivery percentage used by suppliers in their reports 69819
of taxable gross receipts for each qualifying year that the 69820
distribution center receives a qualifying certificate under 69821
division (B)(3) of this section, except that, if the product is 69822
less than five per cent, the Ohio delivery percentage used shall 69823
be five per cent and that, if the product exceeds forty-nine per 69824
cent, the Ohio delivery percentage used shall be forty-nine per 69825
cent. 69826

(D) Qualifying certificates and Ohio delivery percentages 69827
issued by the commissioner shall be open to public inspection and 69828
shall be timely published by the commissioner. A supplier relying 69829
in good faith on a certificate issued under this section shall not 69830
be subject to tax on the qualifying distribution center receipts 69831
under this section and division (F)(2)(z) of section 5751.01 of 69832
the Revised Code. An operator receiving a qualifying certificate 69833
is liable for the ineligible operator's supplier tax liability for 69834
each year the operator received a certificate but did not qualify 69835
as a qualified distribution center. 69836

(E) The tax commissioner shall determine an ineligible 69837
operator's supplier tax liability based on information that the 69838
commissioner may request from the operator of the distribution 69839

center. An operator shall provide a list of all suppliers of the 69840
distribution center and the corresponding costs of qualified 69841
property for the qualifying year at issue within sixty days of a 69842
request by the commissioner under this division. 69843

(F) The annual fee for a qualifying certificate shall be one 69844
hundred thousand dollars for each qualified distribution center. 69845
If a qualifying certificate is not issued, the annual fee is 69846
subject to refund after the exhaustion of all appeals provided for 69847
in division (B)(1) of this section. The first one hundred thousand 69848
dollars of the annual application fees collected each calendar 69849
year shall be credited to the revenue enhancement fund. The 69850
remainder of the annual application fees collected shall be 69851
distributed in the same manner required under section 5751.20 of 69852
the Revised Code. 69853

(G) The tax commissioner may require that adequate security 69854
be posted by the operator of the distribution center on appeal 69855
when the commissioner disagrees that the applicant has met the 69856
minimum thresholds for a qualified distribution center as set 69857
forth in this section. 69858

Sec. 5902.09. (A) As used in this section, ~~"AMVETS" means the~~ 69859
~~American Veterans of World War II (AMVETS), Department of Ohio.;~~ 69860
69861

"Electroencephalogram (EEG) combined transcranial magnetic 69862
stimulation" means treatment in which transcranial magnetic 69863
stimulation (TMS) frequency pulses are tuned to the patient's 69864
physiology and biometric data, at the time of each treatment, 69865
using a pre- and post-TMS EEG. 69866

"First responder" has the meaning defined in section 2903.01 69867
of the Revised Code. 69868

"Law enforcement officer" has the meaning defined in section 69869

9.69 of the Revised Code. 69870

"Quality of life issues" means issues affecting human 69871
performance including but not limited to issues related to or 69872
resulting from problems with cognition and problems maintaining 69873
attention, concentration, or focus. 69874

(B) The directors of veterans services and mental health and 69875
addiction services shall establish a pilot program to make 69876
electroencephalogram (EEG) combined transcranial magnetic 69877
stimulation available for veterans, first responders, and law 69878
enforcement officers with substance use disorders ~~or~~, mental 69879
illness, sleep disorders, traumatic brain injuries, sexual trauma, 69880
post traumatic stress disorder and accompanying comorbidities, 69881
concussions or other brain trauma, or other quality of life 69882
issues, and shall operate the program for three years. The program 69883
shall be operated in conjunction with a supplier selected under 69884
this section. 69885

(C) The directors by mutual agreement shall choose a location 69886
for the pilot program and for up to ten branch sites, and shall 69887
enter into a contract for the purchase of services related to the 69888
pilot program. A branch site may be a mobile unit or an EEG 69889
combined neuromodulation portable unit if the directors determine 69890
that mobile units or EEG combined neuromodulation portable units 69891
are necessary to expand access to care. The contract shall include 69892
provisions requiring the supplier to create, ~~implement, operate~~ 69893
and conduct a clinical trial, and to establish and operate a 69894
clinical practice, to evaluate outcomes of the pilot program 69895
clinical trial and the clinical practice, to choose a location for 69896
the pilot program, to expend payments received from the state as 69897
needed for purposes of the program, and to report quarterly 69898
regarding the pilot program to the president of the senate and to 69899
the standing committee of the senate that generally considers 69900
legislation regarding veterans affairs. 69901

(D) There is the electroencephalogram (EEG) combined 69902
transcranial magnetic stimulation fund in the state treasury. It 69903
shall consist of moneys appropriated to it by the general 69904
assembly. The directors, with the approval of the controlling 69905
board, may authorize a disbursement from the fund for services 69906
rendered under the contract. 69907

(E) One or both of the directors shall adopt rules under 69908
Chapter 119. of the Revised Code as necessary to administer this 69909
section, including a all of the following: 69910

(1) A rule requiring adherence to United States food and drug 69911
administration regulations governing the conduct of clinical 69912
practice and clinical trials; 69913

(2) A rule requiring that a peer-to-peer support network be 69914
established and made available by the supplier to any individual 69915
receiving treatment under the program; 69916

(3) A rule establishing the program protocol to use adapted 69917
stimulation frequency and intensity modulation based on a daily 69918
EEG and motor threshold testing as well as clinical symptoms and 69919
signs, and biometrics; 69920

(4) A rule requiring that each individual who receives 69921
treatment under the program also must receive pre- and 69922
post-neurophysiological monitoring, with EEG and autonomic nervous 69923
systems assessments, daily checklists of symptoms of alcohol, 69924
opioid, or other substance use, and weekly medical counseling and 69925
wellness programming, and also must participate in the 69926
peer-to-peer support network established by the supplier; 69927

(5) A rule requiring that clinical protocols and outcomes are 69928
of the clinical trial, and of any treatment provided by the 69929
clinical practice, shall be collected and reported quarterly in a 69930
report provided by the supplier. The to the directors of veterans 69931
services and mental health and addiction services and to the 69932

<u>United States food and drug administration;</u>	69933
<u>(6) A rule requiring that any individual who receives</u>	69934
<u>treatment at the clinical practice be eligible for a minimum of</u>	69935
<u>two electroencephalograms during the course of the individual's</u>	69936
<u>treatment;</u>	69937
<u>(7) A rule requiring that thereport shall also required by</u>	69938
<u>this section</u> include a thorough accounting of the use and	69939
expenditure of all funds received from the state under this	69940
section.	69941
(F) Contracts entered into under this section are subject to	69942
section 9.231 and Chapter 125. of the Revised Code.	69943
Sec. 5919.34. (A) As used in this section:	69944
(1) "Academic term" means any one of the following:	69945
(a) Fall term, which consists of fall semester or fall	69946
quarter, as appropriate;	69947
(b) Winter term, which consists of winter semester, winter	69948
quarter, or spring semester, as appropriate;	69949
(c) Spring term, which consists of spring quarter;	69950
(d) Summer term, which consists of summer semester or summer	69951
quarter, as appropriate.	69952
(2) "Eligible applicant" means any individual to whom all of	69953
the following apply:	69954
(a) The individual does not possess a baccalaureate degree.	69955
(b) The individual has enlisted, re-enlisted, or extended	69956
current enlistment in the Ohio national guard or is an individual	69957
to which division (F) of this section applies.	69958
(c) The individual is actively enrolled as a full-time or	69959
part-time student for at least three credit hours of course work	69960

in a semester or quarter in a two-year or four-year 69961
degree-granting program at a state institution of higher education 69962
or a private institution of higher education, ~~or~~ in a 69963
diploma-granting program at a state or private institution of 69964
higher education that is a school of nursing, or in a 69965
credential-certifying program, licensing program, trade 69966
certification program, or apprenticeship program for an in-demand 69967
occupation as identified by the adjutant general and the 69968
chancellor of higher education, in consultation with the 69969
governor's office of workforce transformation. 69970

(d) The individual has not accumulated ninety-six eligibility 69971
units under division (E) of this section. 69972

(3) "State institution of higher education" means any state 69973
university or college as defined in division (A)(1) of section 69974
3345.12 of the Revised Code, community college established under 69975
Chapter 3354. of the Revised Code, state community college 69976
established under Chapter 3358. of the Revised Code, university 69977
branch established under Chapter 3355. of the Revised Code, or 69978
technical college established under Chapter 3357. of the Revised 69979
Code. 69980

(4) "Private institution of higher education" means an Ohio 69981
institution of higher education that is nonprofit and has received 69982
a certificate of authorization pursuant to Chapter 1713. of the 69983
Revised Code, that is a private institution exempt from regulation 69984
under Chapter 3332. of the Revised Code as prescribed in section 69985
3333.046 of the Revised Code, or that holds a certificate of 69986
registration and program authorization issued by the state board 69987
of career colleges and schools pursuant to section 3332.05 of the 69988
Revised Code. 69989

(5) "Tuition" means the charges imposed to attend an 69990
institution of higher education and includes general and 69991
instructional fees. "Tuition" does not include laboratory fees, 69992

room and board, or other similar fees and charges. 69993

(B) There is hereby created a scholarship program to be known 69994
as the Ohio national guard scholarship program. 69995

(C)(1) The adjutant general shall approve scholarships for 69996
all eligible applicants. The adjutant general shall process all 69997
applications for scholarships for each academic term in the order 69998
in which they are received. The scholarships shall be made without 69999
regard to financial need. At no time shall one person be placed in 70000
priority over another because of sex, race, or religion. 70001

(2) The adjutant general shall develop and provide a written 70002
explanation that informs all eligible scholarship recipients that 70003
the recipient may become ineligible and liable for repayment for 70004
an amount of scholarship payments received in accordance with 70005
division (G) of this section. The written explanation shall be 70006
reviewed by the scholarship recipient before acceptance of the 70007
scholarship and before acceptance of an enlistment, warrant, 70008
commission, or appointment for a term not less than the 70009
recipient's remaining term in the national guard or in the active 70010
duty component of the United States armed forces. 70011

(D)(1) Except as provided in divisions (I) and (J) of this 70012
section, for each academic term that an eligible applicant is 70013
approved for a scholarship under this section and either remains a 70014
current member in good standing of the Ohio national guard or is 70015
eligible for a scholarship under division (F)(1) of this section, 70016
the institution of higher education in which the applicant is 70017
enrolled shall, if the applicant's enlistment obligation extends 70018
beyond the end of that academic term or if division (F)(1) of this 70019
section applies, be paid on the applicant's behalf the applicable 70020
one of the following amounts: 70021

(a) If the institution is a state institution of higher 70022
education, an amount equal to one hundred per cent of the 70023

institution's tuition charges; 70024

(b) If the institution is a nonprofit private institution or 70025
a private institution exempt from regulation under Chapter 3332. 70026
of the Revised Code as prescribed in section 3333.046 of the 70027
Revised Code, an amount equal to one hundred per cent of the 70028
average tuition charges of all state universities; 70029

(c) If the institution is an institution that holds a 70030
certificate of registration from the state board of career 70031
colleges and schools, the lesser of the following: 70032

(i) An amount equal to one hundred per cent of the 70033
institution's tuition; 70034

(ii) An amount equal to one hundred per cent of the average 70035
tuition charges of all state universities, as that term is defined 70036
in section 3345.011 of the Revised Code. 70037

(2) The adjutant general and the chancellor ~~of higher~~ 70038
~~education~~ may jointly adopt rules to require the use of other 70039
federal educational financial assistance programs, including such 70040
programs offered by the United States department of defense, for 70041
which an applicant is eligible based on the applicant's military 70042
service. If such rules are adopted, the rules shall require that 70043
financial assistance received by a scholarship recipient under 70044
those programs be applied to all eligible expenses prior to the 70045
use of scholarship funds awarded under this section. Scholarship 70046
funds awarded under this section shall then be applied to the 70047
recipient's remaining eligible expenses. 70048

(3) An eligible applicant's scholarship shall not be reduced 70049
by the amount of that applicant's benefits under "the Montgomery 70050
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 70051

(E) A scholarship recipient under this section shall be 70052
entitled to receive scholarships under this section for the number 70053
of quarters or semesters it takes the recipient to accumulate 70054

ninety-six eligibility units as determined under divisions (E)(1) 70055
to (3) of this section. 70056

(1) To determine the maximum number of semesters or quarters 70057
for which a recipient is entitled to a scholarship under this 70058
section, the adjutant general shall convert a recipient's credit 70059
hours of enrollment for each academic term into eligibility units 70060
in accordance with the following table: 70061

		The				
Number of credit hours of enrollment in an academic term	equals	following		The following		
		number of eligibility units if a semester	or	number of eligibility units if a quarter		
12 or more hours		12 units		8 units	70063	
9 but less than 12		9 units		6 units	70064	
6 but less than 9		6 units		4 units	70065	
3 but less than 6		3 units		2 units	70066	

(2) A scholarship recipient under this section may continue 70067
to apply for scholarships under this section until the recipient 70068
has accumulated ninety-six eligibility units. 70069

(3) If a scholarship recipient withdraws from courses prior 70070
to the end of an academic term so that the recipient's enrollment 70071
for that academic term is less than three credit hours, no 70072
scholarship shall be paid on behalf of that person for that 70073
academic term. Except as provided in division (F)(3) of this 70074
section, if a scholarship has already been paid on behalf of the 70075
person for that academic term, the adjutant general shall add to 70076
that person's accumulated eligibility units the number of 70077
eligibility units for which the scholarship was paid. 70078

(F) This division applies to any eligible applicant called 70079
into active duty on or after September 11, 2001. As used in this 70080

division, "active duty" means active duty pursuant to an executive 70087
order of the president of the United States, an act of the 70088
congress of the United States, or section 5919.29 or 5923.21 of 70089
the Revised Code. 70090

(1) For a period of up to five years from when an 70091
individual's enlistment obligation in the Ohio national guard 70092
ends, an individual to whom this division applies is eligible for 70093
scholarships under this section for those academic terms that were 70094
missed or could have been missed as a result of the individual's 70095
call into active duty. Scholarships shall not be paid for the 70096
academic term in which an eligible applicant's enlistment 70097
obligation ends unless an applicant is eligible under this 70098
division for a scholarship for such academic term due to previous 70099
active duty. 70100

(2) When an individual to whom this division applies 70101
withdraws or otherwise fails to complete courses, for which 70102
scholarships have been awarded under this section, because the 70103
individual was called into active duty, the institution of higher 70104
education shall grant the individual a leave of absence from the 70105
individual's education program and shall not impose any academic 70106
penalty for such withdrawal or failure to complete courses. 70107
Division (F)(2) of this section applies regardless of whether or 70108
not the scholarship amount was paid to the institution of higher 70109
education. 70110

(3) If an individual to whom this division applies withdraws 70111
or otherwise fails to complete courses because the individual was 70112
called into active duty, and if scholarships for those courses 70113
have already been paid, either: 70114

(a) The adjutant general shall not add to that person's 70115
accumulated eligibility units calculated under division (E) of 70116
this section the number of eligibility units for the academic 70117
courses or term for which the scholarship was paid and the 70118

institution of higher education shall repay the scholarship amount 70119
to the state. 70120

(b) The adjutant general shall add to that individual's 70121
accumulated eligibility units calculated under division (E) of 70122
this section the number of eligibility units for the academic 70123
courses or term for which the scholarship was paid if the 70124
institution of higher education agrees to permit the individual to 70125
complete the remainder of the academic courses in which the 70126
individual was enrolled at the time the individual was called into 70127
active duty. 70128

(4) No individual who is discharged from the Ohio national 70129
guard under other than honorable conditions shall be eligible for 70130
scholarships under this division. 70131

(G) A scholarship recipient under this section who fails to 70132
complete the term of enlistment, re-enlistment, or extension of 70133
current enlistment the recipient was serving at the time a 70134
scholarship was paid on behalf of the recipient under this section 70135
is liable to the state for repayment of a percentage of all Ohio 70136
national guard scholarships paid on behalf of the recipient under 70137
this section, plus interest at the rate of ten per cent per annum 70138
calculated from the dates the scholarships were paid. This 70139
percentage shall equal the percentage of the current term of 70140
enlistment, re-enlistment, or extension of enlistment a recipient 70141
has not completed as of the date the recipient is discharged from 70142
the Ohio national guard. 70143

The attorney general may commence a civil action on behalf of 70144
the chancellor to recover the amount of the scholarships and the 70145
interest provided for in this division and the expenses incurred 70146
in prosecuting the action, including court costs and reasonable 70147
attorney's fees. A scholarship recipient is not liable under this 70148
division if the recipient's failure to complete the term of 70149
enlistment being served at the time a scholarship was paid on 70150

behalf of the recipient under this section is due to the 70151
recipient's death or discharge from the national guard due to 70152
disability. 70153

(H) On or before the first day of each academic term, the 70154
adjutant general shall provide an eligibility roster to the 70155
chancellor and to each institution of higher education at which 70156
one or more scholarship recipients have applied for enrollment. 70157
The institution shall use the roster to certify the actual 70158
full-time or part-time enrollment of each scholarship recipient 70159
listed as enrolled at the institution and return the roster to the 70160
adjutant general and the chancellor. Except as provided in 70161
division (J) of this section, the chancellor shall provide for 70162
payment of the appropriate number and amount of scholarships to 70163
each institution of higher education pursuant to division (D) of 70164
this section. If an institution of higher education fails to 70165
certify the actual enrollment of a scholarship recipient listed as 70166
enrolled at the institution within thirty days of the end of an 70167
academic term, the institution shall not be eligible to receive 70168
payment from the Ohio national guard scholarship program or from 70169
the individual enrollee. The adjutant general shall report on a 70170
semiannual basis to the director of budget and management, the 70171
speaker of the house of representatives, the president of the 70172
senate, and the chancellor the number of Ohio national guard 70173
scholarship recipients, the size of the scholarship-eligible 70174
population, and a projection of the cost of the program for the 70175
remainder of the biennium. 70176

(I) The chancellor and the adjutant general may adopt rules 70177
pursuant to Chapter 119. of the Revised Code governing the 70178
administration and fiscal management of the Ohio national guard 70179
scholarship program and the procedure by which the chancellor and 70180
the department of the adjutant general may modify the amount of 70181
scholarships a member receives based on the amount of other state 70182

financial aid a member receives. 70183

(J) The adjutant general, the chancellor, and the director, 70184
or their designees, shall jointly estimate the costs of the Ohio 70185
national guard scholarship program for each upcoming fiscal 70186
biennium, and shall report that estimate prior to the beginning of 70187
the fiscal biennium to the chairpersons of the finance committees 70188
in the general assembly. During each fiscal year of the biennium, 70189
the adjutant general, the chancellor, and the director, or their 70190
designees, shall meet regularly to monitor the actual costs of the 70191
Ohio national guard scholarship program and update cost 70192
projections for the remainder of the biennium as necessary. If the 70193
amounts appropriated for the Ohio national guard scholarship 70194
program and any funds in the Ohio national guard scholarship 70195
reserve fund and the Ohio national guard scholarship donation fund 70196
are not adequate to provide scholarships in the amounts specified 70197
in division (D)(1) of this section for all eligible applicants, 70198
the chancellor shall do all of the following: 70199

(1) Notify each private institution of higher education, 70200
where a scholarship recipient is enrolled, that, by accepting the 70201
Ohio national guard scholarship program as payment for all or part 70202
of the institution's tuition, the institution agrees that if the 70203
chancellor reduces the amount of each scholarship, the institution 70204
shall provide each scholarship recipient a grant or tuition waiver 70205
in an amount equal to the amount the recipient's scholarship was 70206
reduced by the chancellor. 70207

(2) Reduce the amount of each scholarship under division 70208
(D)(1)(a) of this section proportionally based on the amount of 70209
remaining available funds. Each state institution of higher 70210
education shall provide each scholarship recipient under division 70211
(D)(1)(a) of this section a grant or tuition waiver in an amount 70212
equal to the amount the recipient's scholarship was reduced by the 70213
chancellor. 70214

(K) Notwithstanding division (A) of section 127.14 of the Revised Code, the controlling board shall not transfer all or part of any appropriation for the Ohio national guard scholarship program. 70215
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(L) The chancellor and the adjutant general may apply for, and may receive and accept grants, and may receive and accept gifts, bequests, and contributions, from public and private sources, including agencies and instrumentalities of the United States and this state, and shall deposit the grants, gifts, bequests, or contributions into the national guard scholarship donation fund. 70219
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Sec. 6101.48. After the conservancy appraisal record as approved by the court, or that part of it from which no appeal is pending, has been filed with the secretary of the conservancy district as provided in section 6101.37 of the Revised Code, from time to time, as the affairs of the district demand it, the board of directors of the conservancy district shall levy on all real property and on all public corporations, upon which benefits have been appraised, an assessment of the portion of the benefits that is found necessary by the board to pay the cost of the execution of the official plan, including superintendence of construction and administration, plus one-ninth of that total to be added for contingencies, but not to exceed in the total of principal the appraised benefits so adjudicated. 70226
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The assessment shall be apportioned to and levied on each tract of land or other property and each public corporation in the district in proportion to the benefits appraised, and not in excess of the benefits appraised. Interest at a rate not to exceed the rate provided in section 9.95 of the Revised Code, payable semiannually, shall be included in and added to the assessment, but the interest shall not be considered as a part of the cost in 70239
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determining whether or not the expenses and costs of making the 70246
improvement are equal to or in excess of the benefits appraised. 70247

After the assessment is levied, the board shall report it to 70248
the court for confirmation. Upon the entry of the order of the 70249
court confirming the assessment, the clerk of the court shall 70250
transmit a certified copy of the order to the governing or taxing 70251
body of each political subdivision assessed, and the governing or 70252
taxing body shall receive and file the order. Thereafter, the 70253
board may order the issuance of notes in an amount not exceeding 70254
ninety per cent of the assessment in anticipation of the 70255
collection of the assessment. 70256

After the court has confirmed the assessment, the secretary 70257
of the conservancy district, at the expense of the district, shall 70258
prepare an assessment record named "Conservancy Assessment Record 70259
of District." It shall contain a notation of the items of 70260
property appraised and the public corporations to which benefits 70261
have been appraised, the total amount of benefits appraised 70262
against each item or public corporation, and the total assessment 70263
levied against each item or public corporation. If successive 70264
levies of assessment are made for the execution of the official 70265
plan and the acquisition or construction of improvements, the 70266
conservancy assessment record shall contain suitable notations to 70267
show the number of levies and the amount of each, to the end that 70268
the conservancy assessment record may disclose the aggregate of 70269
all such levies made up to that time. 70270

Upon the completion of the conservancy assessment record, it 70271
shall be signed and certified by the president of the board and by 70272
the secretary of the conservancy district and placed on file and 70273
shall become a permanent record in the office of the district. 70274
After the expiration of the thirty-day period for the payment of 70275
assessments as provided by section 6101.49 of the Revised Code, a 70276
copy of that part of the conservancy assessment record affecting 70277

lands or public corporations in any county shall be filed with the county auditor of the county.

If it is found at any time that the total amount of assessments levied is insufficient to pay the cost of works set out in the official plan or of additional work done, the board may make an additional levy to provide funds to complete the work, provided the total of all levies of the assessment exclusive of interest does not exceed the total of benefits appraised.

For tax years 2020 to 2024, qualifying real property, as defined in section 727.031 of the Revised Code, is exempt from special assessments levied under this section, provided no delinquent special assessments and related interest and penalties are levied or assessed against any property owned by the owner and operator of the qualifying real property for that tax year.

Sec. 6101.53. To maintain, operate, and preserve the reservoirs, ditches, drains, dams, levies, canals, sewers, pumping stations, treatment and disposal works, or other properties or improvements acquired or made pursuant to this chapter, to strengthen, repair, and restore the same, when needed, and to defray the current expenses of the conservancy district, the board of directors of the district may, upon the substantial completion of the improvements and on or before the thirtieth day of September in each year thereafter, levy an assessment upon each tract or parcel of land and upon each public corporation within the district, subject to assessments under this chapter, to be known as a conservancy maintenance assessment. No assessment shall be made with respect to works and improvements acquired or constructed for the purpose of providing a water supply for domestic, industrial, and public use within the district, when the water supply can be metered or measured when furnished to persons or public corporations. If the district, for the benefit of one or

more persons or political subdivisions, provides a water supply 70309
that recharges underground aquifers and thereby replenishes wells 70310
or provides a source of water for new wells, or increases the 70311
natural low flow of a stream used for water supply, or creates an 70312
impoundment, in such a way that the augmented use of water cannot 70313
be metered or measured for individual or public consumption, the 70314
board may make a maintenance assessment against benefited property 70315
and public corporations in the same manner provided in this 70316
section for maintenance of other properties or improvements. 70317

The maintenance assessment shall be apportioned upon the 70318
basis of the total appraisal of benefits accruing for original and 70319
subsequent construction, shall not exceed one per cent of the 70320
total appraisal of benefits in any one year unless the court by 70321
its order authorizes an assessment of a larger percentage, shall 70322
not be less than two dollars, and shall be certified to the county 70323
auditor of each county in which lands of the district are located 70324
in the conservancy assessment record but in a separate column in 70325
like manner and at the same time as the annual installment of the 70326
assessment levied under section 6101.48 of the Revised Code is 70327
certified, under the heading maintenance assessment. The auditor 70328
shall certify the same to the county treasurer of the county at 70329
the same time that the auditor certifies the annual installment of 70330
the assessments levied under that section, and the sum of the 70331
levies for any tract or public corporation may be certified as a 70332
single item. The treasurer shall demand and collect the 70333
maintenance assessment and make return of it, and shall be liable 70334
for the same penalties for failure to do so as are provided for 70335
the annual installment of the assessment levied under section 70336
6101.48 of the Revised Code. 70337

The amount of the maintenance assessment paid by any parcel 70338
of land or public corporation shall not be credited against the 70339
benefits assessed against the parcel of land or public 70340

corporation, but the maintenance assessment shall be in addition 70341
to any assessment that has been or can be levied under section 70342
6101.48 of the Revised Code. 70343

To maintain, operate, and preserve the works and improvements 70344
of the district acquired or constructed for the purpose of 70345
providing a water supply, to strengthen, repair, and restore the 70346
same, and to defray the current expenses of the district for this 70347
purpose, the board may impose rates for the sale of water to 70348
public corporations and persons within the district. The rates to 70349
be charged for the water shall be fixed and adjusted by the board 70350
at intervals of not less than one year, so that the income thus 70351
produced will be adequate to provide a maintenance fund for the 70352
purpose of water supply. Contracts for supplying water to public 70353
corporations and persons shall be entered into before the service 70354
is rendered by the district. Contracts shall specify the maximum 70355
quantity of water to be furnished to the public corporation or 70356
person, and the quantity shall be fixed so as equitably to 70357
distribute the supply. Preference shall be given to water supply 70358
furnished to public corporations for domestic and public uses. 70359
Bills for water supplied to public corporations shall be rendered 70360
at regular intervals and shall be payable from the waterworks fund 70361
of the public corporation or, if it is not sufficient, from the 70362
general fund. 70363

For tax years 2020 to 2024, qualifying real property, as 70364
defined in section 727.031 of the Revised Code, is exempt from 70365
special assessments levied under this section, provided no 70366
delinquent special assessments and related interest and penalties 70367
are levied or assessed against any property owned by the owner and 70368
operator of the qualifying real property for that tax year. 70369

Sec. 6109.121. (A) ~~Not later than one hundred twenty days 70370~~
~~after the effective date of this section, the~~ The director of 70371

environmental protection shall adopt rules in accordance with 70372
Chapter 119. of the Revised Code that do all of the following: 70373

(1) Require the owner or operator of a community or 70374
nontransient noncommunity water system to conduct sampling of the 70375
system for lead and copper; 70376

(2) Establish a schedule for lead and copper sampling 70377
applicable to the owner or operator of a community or nontransient 70378
noncommunity water system that, at a minimum, does both of the 70379
following: 70380

(a) Allows the director, in establishing the schedule, to 70381
consider the following factors when determining if a community or 70382
nontransient noncommunity water system must conduct sampling at 70383
least once annually: 70384

(i) The age of the water system; 70385

(ii) Whether corrosion control requirements are met; 70386

(iii) Any other relevant risk factors, as determined by the 70387
director, including aging infrastructure likely to contain lead 70388
service lines. 70389

(b) Requires the owner or operator of a system where such 70390
risk factors are identified to conduct sampling at least once 70391
annually until the risk factors are mitigated in accordance with 70392
rules. 70393

(3) Require the owner or operator of a community or 70394
nontransient noncommunity water system to provide collected 70395
samples to a certified laboratory for analysis; 70396

(4) Authorize the director to require additional sampling for 70397
pH level and other water quality parameters to determine if 70398
corrosion control requirements are met; 70399

(5) Authorize the director to establish corrosion control 70400

requirements for community and nontransient noncommunity water systems; 70401
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(6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events: 70403
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(a) The system changes or adds a source from which water is obtained. 70408
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(b) The system makes a substantial change in water treatment. 70410

(c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director. 70411
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(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system. 70414
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(7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate circumstances; 70417
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(8) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter; 70421
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(9) When the owner or operator of a community or nontransient 70430

noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to submit to the director an interim status report of actions taken to implement the corrosion control study six months and twelve months from the date of initiation of the corrosion control study requirement;

(10) Establish a lead threshold for individual taps;

(11) Establish and revise content for public education materials;

(12) Authorize the director to develop procedures and requirements to document that notices were provided by the owner or operator of a community or nontransient noncommunity water system as required under the rules adopted under division ~~(C)(A)(15)~~ of this section;

~~(13) Notwithstanding section 6109.23 of the Revised Code, establish the following~~ Authorize the director to assess administrative penalties in accordance with section 6109.23 of the Revised Code for violations of the notice requirements established in rules adopted under divisions ~~(C)(1)(A)(15)(b)~~ and ~~(C)(3)(a)(c)(i)~~ of this section ~~that are applicable to a community or nontransient noncommunity water system;~~

~~(a) For a violation of division (C)(1) of this section by a system that serves not less than twenty five people, but not more than three thousand three hundred people, an administrative penalty of twenty five dollars per day for each day that the system failed to provide each notice;~~

~~(b) For a violation of division (C)(1) of this section by a system that serves more than three thousand three hundred people, but not more than ten thousand people, an administrative penalty of fifty dollars per day for each day that the system failed to~~

~~provide each notice;~~ 70462

~~(c) For a violation of division (C)(1) of this section by a system that serves more than ten thousand people, but not more than twenty five thousand people, an administrative penalty of seventy five dollars per day for each day that the system failed to provide each notice;~~ 70463
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~~(d) For a violation of division (C)(1) of this section by a system that serves more than twenty five thousand people, an administrative penalty of one hundred dollars per day for each day that the system failed to provide each notice;~~ 70468
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~~(e) For a violation of division (C)(3)(a) of this section by a system that serves not less than twenty five people, but not more than three thousand three hundred people, an administrative penalty of two hundred fifty dollars per day for each day the system failed to provide the notice;~~ 70472
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~~(f) For a violation of division (C)(3)(a) of this section by a system that serves more than three thousand three hundred people, but not more than ten thousand people, an administrative penalty of five hundred dollars per day for each day the system failed to provide the notice;~~ 70477
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~~(g) For a violation of division (C)(3)(a) of this section by a system that serves more than ten thousand people, but not more than twenty five thousand people, an administrative penalty of seven hundred fifty dollars per day for each day the system failed to provide the notice;~~ 70482
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~~(h) For a violation of division (C)(3)(a) of this section by a system that serves more than twenty five thousand people, an administrative penalty of one thousand dollars per day for each day the system failed to provide the notice.~~ 70487
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~~(B) A (14) Require a laboratory that receives a lead or copper tap water sample from a community or nontransient~~ 70491
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noncommunity water system ~~shall~~ to do both of the following: 70493

~~(1)~~(a) Complete a lead or copper analysis of the sample, as 70494
applicable, not later than thirty business days after the receipt 70495
of the sample; 70496

~~(2)~~(b) Not later than the end of the next business day 70497
following the day the analysis of the sample is completed, report 70498
the results of the analysis and all identifying information about 70499
where the sample was collected to the community or nontransient 70500
noncommunity water system and the director. 70501

~~(c)~~ The (15) Require the owner or operator of a community or 70502
nontransient noncommunity water system ~~shall~~ to do all of the 70503
following, as applicable, with regard to laboratory results 70504
received under rules adopted under division ~~(B)(2)(A)(14)~~ of this 70505
section: 70506

~~(1)~~ Not later than two business days after the receipt of the 70507
laboratory results (a) If the laboratory results show that a 70508
sample from an individual tap is below the applicable lead 70509
threshold as established in rules adopted under this chapter, 70510
provide notice of the results of each individual tap sample to the 70511
owner and persons served at the residence or other structure where 70512
the tap was sampled within a time period specified in rules that 70513
is not more than thirty business days after the receipt of the 70514
laboratory results; 70515

~~(2)~~(b) If the results show that a sample from an individual 70516
tap is above the applicable lead threshold as established under 70517
rules adopted under this chapter, provide notice of the results of 70518
each individual tap sample to the owner and persons served at the 70519
residence or other structure where the tap was sampled within a 70520
time period specified in rules that is not more than two business 70521
days after the receipt of the laboratory results, and do all of 70522
the following, as applicable: 70523

~~(a)~~(i) For the owner or operator of a nontransient 70524
noncommunity water system, immediately remove from service all 70525
fixtures identified as contributing to elevated lead levels; 70526

~~(b)~~(ii) For the owner or operator of a community water 70527
system, include in the system's annual consumer confidence report 70528
the lead or copper laboratory results, an explanation of the 70529
associated health risks, what actions consumers of the system can 70530
take to reduce health risks, and the actions the system is taking 70531
to reduce public exposure; 70532

~~(e)~~(iii) Not later than two business days after the receipt 70533
of the laboratory results, provide information on the availability 70534
of health screening and blood lead level testing to the owner and 70535
persons served at the residence or other structure where the 70536
sample was collected and provide notice of the laboratory results 70537
to the applicable local board of health. 70538

~~(3)~~(c) If the laboratory results show that the community or 70539
nontransient noncommunity water system exceeds the lead action 70540
level established in rules adopted under this chapter, do all of 70541
the following, as applicable: 70542

~~(a)~~(i) Not later than two business days after the receipt of 70543
the laboratory results, provide notice to all of the system's 70544
water consumers that the system exceeds the lead action level. The 70545
owner or operator shall provide the notice in a form specified by 70546
the director. 70547

~~(b)~~(ii) Not later than five business days after the receipt 70548
of the laboratory results by the owner or operator of a community 70549
water system, provide information on the availability of tap water 70550
testing for lead to all consumers served by the system who are 70551
known or likely to have lead service lines, lead pipes, or lead 70552
solder as identified in the map required to be completed by rules 70553
adopted under division ~~(F)~~(A)(18) of this section; 70554

~~(e)(iii)~~ Not later than thirty business days after the receipt of the laboratory results, make an analysis of laboratory results available to all consumers served by the system, comply with public education requirements established in rules adopted under this chapter that apply when a public water system exceeds the lead action level, and provide information to consumers served by the system about the availability of health screenings and blood lead level testing in the area served by the water system;

~~(d)(iv)~~ Subject to rules adopted under division (A)(7) of this section, perform a corrosion control treatment study and submit a corrosion control treatment plan to the director not later than eighteen months after the date on which laboratory results were received by the owner or operator indicating that the system exceeded the lead action level.

~~(D) Not~~ (16) Require that not later than five business days after the receipt of the laboratory results, the owner or operator shall certify to the director that the owner or operator has complied with the requirements of rules adopted under divisions ~~(C)(1)(A)(15)(b), (C)(2)(e)(A)(15)(c)(i), (C)(3)(a), and (C)(3)(b)(A)(15)(c)(ii)~~ of this section, as applicable.

~~(E) If~~ (17) Require that if the owner or operator of a community or nontransient noncommunity water system fails to provide the notices required under rules adopted under division ~~(C)(1)(A)(15)(b) or (C)(3)(a)(c)(i)~~ of this section, the director shall provide those notices beginning ten business days from the date that the director receives laboratory results under the rules adopted under division ~~(B)(A)(14)~~ of this section.

~~(F) Not later than six months after the effective date of this section, the owner or operator of a community or nontransient noncommunity water system shall do all of the following, as applicable:~~

~~(1) For the owner or operator of a community water system, identify and map areas of the system that are known or are likely to contain lead service lines and identify characteristics of buildings served by the system that may contain lead piping, solder, or fixtures;~~ 70586
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~~(2) For the owner or operator of a nontransient noncommunity water system, identify and map areas of the system with lead piping, solder, or fixtures in buildings served by the system;~~ 70591
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~~(3) Submit a copy of the applicable map to the department of health and the department of job and family services;~~ 70594
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~~(4) Submit a report to the director containing at least both of the following:~~ 70596
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~~(a) The applicable map;~~ 70598

~~(b) A list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site.~~ 70599
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~~(G) The owner or operator of a community or nontransient noncommunity water system shall update and resubmit the information required under division (F) of this section once every five years beginning five years after the date of the initial submission.~~ 70603
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~~(H) The director shall provide financial assistance from the drinking water assistance fund established under section 6109.22 of the Revised Code to community water systems and nontransient noncommunity water systems for the purpose of fulfilling the mapping requirements under division (F) of this section and complying with corrosion control requirements established in rules adopted under division (A) of this section. In addition, the (18) Require the owner or operator of a community or nontransient noncommunity water system to submit a map to the director showing~~ 70608
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areas of the system that are known or are likely to contain lead service lines and identifying characteristics of buildings served by the system that may contain lead piping, solder, or fixtures. 70617
The rules shall, at a minimum, require the owner or operator to do all of the following: 70618
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(a) Submit a copy of the applicable map to the department of health and the department of job and family services; 70622
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(b) Submit a report to the director containing at least the applicable map and a list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site; 70624
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(c) Update and resubmit the information required by divisions (A)(18)(a) and (b) of this section according to a schedule determined by the director, but not less frequently than required under the Safe Drinking Water Act. 70629
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(B) The director shall post information on the environmental protection agency's web site about ~~other~~ sources of funding that are available to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement. 70633
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~~(I)~~(C) As required by the director, an owner or operator of a nontransient noncommunity water system that is a school or child day-care center shall collect additional tap water samples in buildings identified in the map required to be completed by rules adopted under division ~~(F)~~(A)(18) of this section. 70638
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~~(J)~~(D) As used in this section: 70643

(1) "Child day-care center" has the same meaning as in section 5104.01 of the Revised Code. 70644
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(2) "School" means a school operated by the board of 70646

education of a city, local, exempted village, or joint vocational 70647
school district, the governing board of an educational service 70648
center, the governing authority of a community school established 70649
under Chapter 3314. of the Revised Code, the governing body of a 70650
science, technology, engineering, and mathematics school 70651
established under Chapter 3326. of the Revised Code, the board of 70652
trustees of a college-preparatory boarding school established 70653
under Chapter 3328. of the Revised Code, or the governing 70654
authority of a chartered or nonchartered nonpublic school. 70655

(3) "Local board of health" means the applicable board of 70656
health of a city or general health district or the authority 70657
having the duties of a board of health under section 3709.05 of 70658
the Revised Code. 70659

Sec. 6111.027. (A) Mitigation for impacts to isolated 70660
wetlands under sections 6111.02 to 6111.027 shall be conducted in 70661
accordance with the following ratios: 70662

(1) For category 1 and category 2 isolated wetlands, other 70663
than forested category 2 isolated wetlands, mitigation located at 70664
an approved wetland mitigation bank shall be conducted, or 70665
mitigation shall be paid for under an in-lieu fee mitigation 70666
program, at a rate of two times the size of the area of isolated 70667
wetland that is being impacted. 70668

(2) For forested category 2 isolated wetlands, mitigation 70669
located at an approved wetland mitigation bank shall be conducted, 70670
or mitigation shall be paid for under an in-lieu fee mitigation 70671
program, at a rate of two and one-half times the size of the area 70672
of isolated wetland that is being impacted. 70673

(3) All other mitigation shall be subject to mitigation 70674
ratios established in ~~division (F)~~ of rule 3745-1-54 of the 70675
Administrative Code. 70676

(B) Mitigation that involves the enhancement or preservation of isolated wetlands shall be calculated and performed in accordance with rule 3745-1-54 of the Administrative Code.

(C) An applicant for coverage under a general state isolated wetland permit or for an individual state isolated wetland permit under sections 6111.022 to 6111.024 of the Revised Code shall demonstrate that the mitigation site will be protected long term and that appropriate practicable management measures are, or will be, in place to restrict harmful activities that jeopardize the mitigation.

Sec. 6111.13. (A) As used in this section:

(1) "Method detection limit" has the same meaning as in 40 C.F.R. part 136, appendix B, and shall be determined in accordance with the procedures set forth in that appendix.

(2) "Practical quantification level" means a concentration that is five times the method detection limit for the most sensitive available analytical procedure currently approved under 40 C.F.R. part 136 for a pollutant unless the director of environmental protection, by rules adopted in accordance with Chapter 119. of the Revised Code, establishes a different practical quantification level for the pollutant that is consistent with and no more stringent than the appropriate national consensus standard or other generally accepted standard.

(B) Notwithstanding any other provisions of this chapter to the contrary, and until the director has adopted rules specifying a different basis for determining compliance consistent with and no more stringent than an appropriate national consensus standard or other generally accepted standard, if a discharge limit is set below the practical quantification level for a particular parameter, any value reported ~~at or~~ below the practical quantification level shall be considered to be in compliance with

that limit. 70708

(C) Whenever a discharge limit for a pollutant is less than 70709
the practical quantification level, the director may require the 70710
permit holder to identify the possible sources of that pollutant. 70711
The director, by rule, may specify additional actions that the 70712
permit holder may be required to take when the director finds the 70713
actions to be necessary to prevent or mitigate significant adverse 70714
effects on public health or environmental quality. Failure of a 70715
permit holder to comply with additional actions required by the 70716
director under this division constitutes a violation of the permit 70717
holder's discharge permit. 70718

Sec. 6301.06. (A) The chief elected official or officials of 70719
a local area shall create a local board to carry out the functions 70720
described in section 107(d) of the Workforce Innovation and 70721
Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or 70722
officials shall appoint members of the local board in accordance 70723
with the requirements of section 107(b)(2) of the Workforce 70724
Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2). 70725

(B) Members of the local board serve at the pleasure of the 70726
chief elected official or officials of the local area. Members 70727
shall not be compensated but may be reimbursed for actual, 70728
reasonable, and necessary expenses incurred in the performance of 70729
their duties as board members. Those expenses shall be paid from 70730
funds allocated pursuant to section 6301.03 of the Revised Code. 70731

The chief elected official or officials of a local area may 70732
provide office space, staff, or other administrative support as 70733
needed to the board. For purposes of section 102.02 of the Revised 70734
Code, members of the board are not public officials or employees. 70735

(C) The chief elected official or officials of a local area 70736
shall adopt a process for appointing members to the local board 70737
for the local area. 70738

~~(E)~~(D)(1) The requirement in division (C) of section 121.22 of the Revised Code that a member of a public body be present in person at a meeting open to the public to be part of a quorum or to vote does not apply to a local board if the board holds a meeting by interactive video conference or teleconference in the following manner:

(a) The board establishes a primary meeting location that is open and accessible to the public;

(b) Meeting-related materials that are available before the meeting are sent via electronic mail, facsimile, hand-delivery, or United States postal service to each board member;

(c) In the case of an interactive video conference, the board causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each board member;

(d) In the case of a teleconference, the board causes a clear audio connection to be established that enables all meeting participants at the primary meeting location to hear each board member;

(e) All board members have the capability to receive meeting-related materials that are distributed during the board meeting;

(f) A roll call voice vote is recorded for each vote taken;

(g) The minutes of the board meeting identify which board members remotely attended the meeting by interactive video conference or teleconference.

(2) If the board holds a meeting by interactive video conference or teleconference in the manner described in division (D)(1) of this section, use of an interactive video conference is preferred, but nothing in this section prohibits the board from

conducting its meetings by teleconference or by a combination of 70769
interactive video conference and teleconference at the same 70770
meeting. 70771

(3) The board shall adopt rules in accordance with Chapter 70772
119. of the Revised Code that are necessary to implement division 70773
(D)(1) of this section, including rules that do all of the 70774
following: 70775

(a) Authorize board members to remotely attend a board 70776
meeting by interactive video conference or teleconference, or by a 70777
combination thereof, in lieu of attending the meeting in person; 70778

(b) Establish a minimum number of board members that must be 70779
physically present in person at the primary meeting location if 70780
the board conducts a meeting by interactive video conference or 70781
teleconference; 70782

(c) Require that not more than one board member remotely 70783
attending a board meeting by teleconference is permitted to be 70784
physically present at the same remote location; 70785

(d) Establish geographic restrictions for participation in 70786
meetings by interactive video conference and by teleconference; 70787

(e) Establish a policy for distributing and circulating 70788
meeting-related materials to board members, the public, and the 70789
media in advance of or during a meeting at which board members are 70790
permitted to attend by interactive video conference or 70791
teleconference; 70792

(f) Establish a method for verifying the identity of a board 70793
member who remotely attends a meeting by teleconference. 70794

(E) The chief elected official or officials of a local area 70795
may contract with the local board. The parties shall specify in 70796
the contract the workforce development activities that the local 70797
board is to administer and shall establish in the contract 70798

standards, including performance standards, for the local board's 70799
operation. The contract may include any other provisions that the 70800
chief elected official or officials consider necessary. 70801

(F) The chief elected official or officials may contract with 70802
any government or private entity to enhance the administration of 70803
local workforce development activities for which the local board 70804
is responsible. The entity with which the chief elected official 70805
or officials contract is not required to be located in the local 70806
area in which the chief elected official or officials serve as 70807
chief elected executive officer. 70808

(G)(1) As used in this division, "public library" means a 70809
library that is open to the public and that is one of the 70810
following: 70811

(a) A library that is maintained and regulated under section 70812
715.13 of the Revised Code; 70813

(b) A library that is created, maintained, and regulated 70814
under Chapter 3375. of the Revised Code; 70815

(c) A library that is created and maintained by a public or 70816
private school, college, university, or other educational 70817
institution; 70818

(d) A library that is created and maintained by a historical 70819
or charitable organization, institution, association, or society. 70820

(2) Not later than September 1, 2018, and every two years 70821
thereafter, an OhioMeansJobs center operator shall enter into a 70822
memorandum of understanding with one or more public libraries to 70823
facilitate collaboration and coordination of workforce programs 70824
and education and job training resources. 70825

Section 101.02. That existing sections 9.08, 9.318, 9.47, 70826
9.821, 9.822, 9.83, 102.02, 103.11, 103.22, 103.41, 103.60, 70827
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5741.01, 5741.03, 5741.17, 5747.01, 5747.02, 5747.05, 5747.065, 70912
5747.08, 5747.10, 5747.98, 5751.01, 5751.02, 5751.03, 5751.40, 70913
5902.09, 5919.34, 6101.48, 6101.53, 6109.121, 6111.027, 6111.13, 70914
and 6301.06 of the Revised Code are hereby repealed. 70915

Section 105.01. That sections 109.802, 117.49, 117.50, 70916
131.50, 183.12, 183.13, 183.14, 183.15, 183.16, 183.17, 184.011, 70917
341.121, 1503.012, 1509.76, 1533.38, 1546.24, 3301.0724, 3301.122, 70918
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3314.53, 3317.27, 3326.05, 3326.111, 3326.33, 3326.41, 3326.42, 70921
3333.611, 3333.612, 3333.614, 3333.67, 3333.80, 3333.801, 70922
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5124.171, 5124.195, 5124.196, 5124.197, 5124.198, 5124.199, 70924
5124.211, 5124.231, 5124.28, 5126.12, 5126.121, 5165.25, 5165.771, 70925
5167.172, 5701.15, **Sec. 5703.95.** , 5741.032, 5747.29, and 5751.42 70926
of the Revised Code are hereby repealed. 70927

Section 110.10. That the version of section 3319.227 of the 70928
Revised Code that is scheduled to take effect April 12, 2023, be 70929
amended to read as follows: 70930

Sec. 3319.227. (A) Notwithstanding any other provision of the 70931
Revised Code or any rule adopted by the state board of education 70932
to the contrary, the state board shall issue a resident educator 70933
license under section 3319.22 of the Revised Code to each person 70934
who is assigned to teach in this state as a participant in the 70935
teach for America program and who satisfies the following 70936
conditions for the duration of the program: 70937

(1) Holds a bachelor's degree from an accredited institution 70938
of higher education; 70939

(2) Maintained a cumulative undergraduate grade point average 70940
of at least 2.5 out of 4.0, or its equivalent; 70941

(3) Has passed an examination prescribed by the state board 70942
in the subject area to be taught; 70943

(4) Has successfully completed the summer training institute 70944
operated by teach for America; 70945

(5) Remains an active member of the teach for America 70946
two-year support program. 70947

(B) The state board shall issue a resident educator license 70948
under this section for teaching in any grade level or subject area 70949
for which a person may obtain a resident educator license under 70950
section 3319.22 of the Revised Code. The state board shall not 70951
adopt rules establishing any additional qualifications for the 70952

license beyond those specified in this section. 70953

(C) Notwithstanding any other provision of the Revised Code 70954
or any rule adopted by the state board to the contrary, the state 70955
board shall issue a resident educator license under section 70956
3319.22 of the Revised Code to any applicant who has completed at 70957
least two years of teaching in another state as a participant in 70958
the teach for America program and meets all of the conditions of 70959
divisions (A)(1) to (4) of this section. The state board shall 70960
credit an applicant under this division as having completed the 70961
teacher residency program under section 3319.223 of the Revised 70962
Code. 70963

(D) In order to place teachers in this state, the teach for 70964
America program shall enter into an agreement with one or more 70965
accredited four-year public or private institutions of higher 70966
education in the state to provide optional training of teach for 70967
America participants for the purpose of enabling those 70968
participants to complete an optional master's degree or an 70969
equivalent amount of coursework. Nothing in this division shall 70970
require any teach for America participant to complete a master's 70971
degree as a condition of holding a license issued under this 70972
section. 70973

(E) The superintendent of public instruction, on behalf of 70974
the state board, shall ~~revoke~~ inactivate a resident educator 70975
license issued to a participant in the teach for America program 70976
who is assigned to teach in this state if the participant resigns 70977
or is dismissed from the program prior to completion of the 70978
two-year teach for America support program. The inactivation of a 70979
license under this division does not constitute a suspension or 70980
revocation of the license by the state board under section 3319.31 70981
of the Revised Code and the state board and the state 70982
superintendent need not provide the person with an opportunity for 70983
a hearing with respect to the inactivation. 70984

Section 110.11. That the existing version of section 3319.227 70985
of the Revised Code that is scheduled to take effect April 12, 70986
2023, is hereby repealed. 70987

Section 110.12. Sections 110.10 and 110.11 of this act take 70988
effect on April 12, 2023. 70989

Section 110.22. The versions of sections 109.572, 121.22, 70990
1322.10, 1322.21, 1561.12, 1561.23, 3319.39, 3770.073, 3772.01, 70991
4709.10, 4755.06, 4755.08, 4755.11, 4755.47, 4755.64, 4757.10, 70992
4759.10, and 4779.28 of the Revised Code presented as existing law 70993
in this act are the versions of those sections as they result from 70994
H.B. 263 of the 133rd General Assembly, which sections take effect 70995
on October 9, 2021. The amendments made to those sections by this 70996
act, H.B. 110 of the 134th General Assembly, take effect as 70997
provided in sections of this act prefixed with numbers in the 70998
812s. The taking effect of this act's amendments to those sections 70999
does not accelerate the effective date of the changes to those 71000
sections by H.B. 263 of the 133rd General Assembly. 71001

Section 130.10. That sections 111.15, 140.01, 3701.07, 71002
3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 71003
3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 71004
3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 71005
3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 71006
3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 be 71007
amended and sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 71008
3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 71009
3722.13, 3722.14, and 3722.99 of the Revised Code be enacted to 71010
read as follows: 71011

Sec. 111.15. (A) As used in this section: 71012

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

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

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

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

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

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this

section does not apply to any rule to which division (D) of this 71044
section does not apply. 71045

An agency that adopts or amends a rule that is subject to 71046
division (D) of this section shall assign a review date to the 71047
rule that is not later than five years after its effective date. 71048
If a review date assigned to a rule exceeds the five-year maximum, 71049
the review date for the rule is five years after its effective 71050
date. A rule with a review date is subject to review under section 71051
106.03 of the Revised Code. This paragraph does not apply to a 71052
rule of a state college or university, community college district, 71053
technical college district, or state community college. 71054

If an agency in adopting a rule designates an effective date 71055
that is later than the effective date provided for by division 71056
(B)(1) of this section, the rule if filed as required by such 71057
division shall become effective on the later date designated by 71058
the agency. 71059

Any rule that is required to be filed under division (B)(1) 71060
of this section is also subject to division (D) of this section if 71061
not exempted by that division. 71062

If a rule incorporates a text or other material by reference, 71063
the agency shall comply with sections 121.71 to 121.75 of the 71064
Revised Code. 71065

(2) A rule of an emergency nature necessary for the immediate 71066
preservation of the public peace, health, or safety shall state 71067
the reasons for the necessity. The emergency rule, in final form 71068
and in compliance with division (B)(3) of this section, shall be 71069
filed in electronic form with the secretary of state, the director 71070
of the legislative service commission, and the joint committee on 71071
agency rule review. The emergency rule is effective immediately 71072
upon completion of the latest filing, except that if the agency in 71073
adopting the emergency rule designates an effective date, or date 71074

and time of day, that is later than the effective date and time 71075
provided for by division (B)(2) of this section, the emergency 71076
rule if filed as required by such division shall become effective 71077
at the later date, or later date and time of day, designated by 71078
the agency. 71079

Except as provided in section 107.43 of the Revised Code, an 71080
emergency rule becomes invalid at the end of the one hundred 71081
twentieth day it is in effect. Prior to that date, the agency may 71082
file the emergency rule as a nonemergency rule in compliance with 71083
division (B)(1) of this section. The agency may not refile the 71084
emergency rule in compliance with division (B)(2) of this section 71085
so that, upon the emergency rule becoming invalid under such 71086
division, the emergency rule will continue in effect without 71087
interruption for another one hundred twenty-day period. 71088

The adoption of an emergency rule under division (B)(2) of 71089
this section in response to a state of emergency, as defined under 71090
section 107.42 of the Revised Code, may be invalidated by the 71091
general assembly, in whole or in part, by adopting a concurrent 71092
resolution in accordance with section 107.43 of the Revised Code. 71093

(3) An agency shall file a rule under division (B)(1) or (2) 71094
of this section in compliance with the following standards and 71095
procedures: 71096

(a) The rule shall be numbered in accordance with the 71097
numbering system devised by the director for the Ohio 71098
administrative code. 71099

(b) The rule shall be prepared and submitted in compliance 71100
with the rules of the legislative service commission. 71101

(c) The rule shall clearly state the date on which it is to 71102
be effective and the date on which it will expire, if known. 71103

(d) Each rule that amends or rescinds another rule shall 71104
clearly refer to the rule that is amended or rescinded. Each 71105

amendment shall fully restate the rule as amended. 71106

If the director of the legislative service commission or the 71107
director's designee gives an agency notice pursuant to section 71108
103.05 of the Revised Code that a rule filed by the agency is not 71109
in compliance with the rules of the legislative service 71110
commission, the agency shall within thirty days after receipt of 71111
the notice conform the rule to the rules of the commission as 71112
directed in the notice. 71113

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 71114
of this section shall be recorded by the secretary of state and 71115
the director under the title of the agency adopting the rule and 71116
shall be numbered according to the numbering system devised by the 71117
director. The secretary of state and the director shall preserve 71118
the rules in an accessible manner. Each such rule shall be a 71119
public record open to public inspection and may be transmitted to 71120
any law publishing company that wishes to reproduce it. 71121

(D) At least sixty-five days before a board, commission, 71122
department, division, or bureau of the government of the state 71123
files a rule under division (B)(1) of this section, it shall file 71124
the full text of the proposed rule in electronic form with the 71125
joint committee on agency rule review, and the proposed rule is 71126
subject to legislative review and invalidation under section 71127
106.021 of the Revised Code. If a state board, commission, 71128
department, division, or bureau makes a revision in a proposed 71129
rule after it is filed with the joint committee, the state board, 71130
commission, department, division, or bureau shall promptly file 71131
the full text of the proposed rule in its revised form in 71132
electronic form with the joint committee. A state board, 71133
commission, department, division, or bureau shall also file the 71134
rule summary and fiscal analysis prepared under section 106.024 of 71135
the Revised Code in electronic form along with a proposed rule, 71136
and along with a proposed rule in revised form, that is filed 71137

under this division. If a proposed rule has an adverse impact on 71138
businesses, the state board, commission, department, division, or 71139
bureau also shall file the business impact analysis, any 71140
recommendations received from the common sense initiative office, 71141
and the associated memorandum of response, if any, in electronic 71142
form along with the proposed rule, or the proposed rule in revised 71143
form, that is filed under this division. 71144

A proposed rule that is subject to legislative review under 71145
this division may not be adopted and filed in final form under 71146
division (B)(1) of this section unless the proposed rule has been 71147
filed with the joint committee on agency rule review under this 71148
division and the time for the joint committee to review the 71149
proposed rule has expired without recommendation of a concurrent 71150
resolution to invalidate the proposed rule. 71151

As used in this division, "commission" includes the public 71152
utilities commission when adopting rules under a federal or state 71153
statute. 71154

This division does not apply to any of the following: 71155

(1) A proposed rule of an emergency nature; 71156

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 71157
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 71158
4123.411, 4123.44, or 4123.442 of the Revised Code; 71159

(3) A rule proposed by an agency other than a board, 71160
commission, department, division, or bureau of the government of 71161
the state; 71162

(4) A proposed internal management rule of a board, 71163
commission, department, division, or bureau of the government of 71164
the state; 71165

(5) Any proposed rule that must be adopted verbatim by an 71166
agency pursuant to federal law or rule, to become effective within 71167

sixty days of adoption, in order to continue the operation of a 71168
federally reimbursed program in this state, so long as the 71169
proposed rule contains both of the following: 71170

(a) A statement that it is proposed for the purpose of 71171
complying with a federal law or rule; 71172

(b) A citation to the federal law or rule that requires 71173
verbatim compliance. 71174

(6) ~~An initial rule proposed by the director of health to 71175
impose safety standards and quality of care standards with respect 71176
to a health service specified in section 3702.11 of the Revised 71177
Code, or an initial rule proposed by the director of health to 71178
impose quality standards on a health care facility as defined in 71179
section 3702.30 of the Revised Code, if section 3702.12 of the 71180
Revised Code requires that the rule be adopted under this section;~~ 71181

(7) A rule of the state lottery commission pertaining to 71182
instant game rules. 71183

If a rule is exempt from legislative review under division 71184
(D)(5) of this section, and if the federal law or rule pursuant to 71185
which the rule was adopted expires, is repealed or rescinded, or 71186
otherwise terminates, the rule is thereafter subject to 71187
legislative review under division (D) of this section. 71188

Whenever a state board, commission, department, division, or 71189
bureau files a proposed rule or a proposed rule in revised form 71190
under division (D) of this section, it shall also file the full 71191
text of the same proposed rule or proposed rule in revised form in 71192
electronic form with the secretary of state and the director of 71193
the legislative service commission. A state board, commission, 71194
department, division, or bureau shall file the rule summary and 71195
fiscal analysis prepared under section 106.024 of the Revised Code 71196
in electronic form along with a proposed rule or proposed rule in 71197
revised form that is filed with the secretary of state or the 71198

director of the legislative service commission. 71199

Sec. 140.01. As used in this chapter: 71200

(A) "Hospital agency" means any public hospital agency or any 71201
nonprofit hospital agency. 71202

(B) "Public hospital agency" means any county, board of 71203
county hospital trustees established pursuant to section 339.02 of 71204
the Revised Code, county hospital commission established pursuant 71205
to section 339.14 of the Revised Code, municipal corporation, new 71206
community authority organized under Chapter 349. of the Revised 71207
Code, joint township hospital district, state or municipal 71208
university or college operating or authorized to operate a 71209
hospital facility, or the state. 71210

(C) "Nonprofit hospital agency" means a corporation or 71211
association not for profit, no part of the net earnings of which 71212
inures or may lawfully inure to the benefit of any private 71213
shareholder or individual, that has authority to own or operate a 71214
hospital facility or provides or is to provide services to one or 71215
more other hospital agencies. 71216

(D) "Governing body" means, in the case of a county, the 71217
board of county commissioners or other legislative body; in the 71218
case of a board of county hospital trustees, the board; in the 71219
case of a county hospital commission, the commission; in the case 71220
of a municipal corporation, the council or other legislative 71221
authority; in the case of a new community authority, its board of 71222
trustees; in the case of a joint township hospital district, the 71223
joint township district hospital board; in the case of a state or 71224
municipal university or college, its board of trustees or board of 71225
directors; in the case of a nonprofit hospital agency, the board 71226
of trustees or other body having general management of the agency; 71227
and, in the case of the state, the director of development 71228
~~services~~ or the Ohio higher educational facility commission. 71229

(E) "Hospital facilities" means buildings, structures and 71230
other improvements, additions thereto and extensions thereof, 71231
furnishings, equipment, and real estate and interests in real 71232
estate, used or to be used for or in connection with one or more 71233
hospitals, emergency, intensive, intermediate, extended, 71234
long-term, or self-care facilities, diagnostic and treatment and 71235
out-patient facilities, facilities related to programs for home 71236
health services, clinics, laboratories, public health centers, 71237
research facilities, and rehabilitation facilities, for or 71238
pertaining to diagnosis, treatment, care, or rehabilitation of 71239
sick, ill, injured, infirm, impaired, disabled, or handicapped 71240
persons, or the prevention, detection, and control of disease, and 71241
also includes education, training, and food service facilities for 71242
health professions personnel, housing facilities for such 71243
personnel and their families, and parking and service facilities 71244
in connection with any of the foregoing; and includes any one, 71245
part of, or any combination of the foregoing; and further includes 71246
site improvements, utilities, machinery, facilities, furnishings, 71247
and any separate or connected buildings, structures, improvements, 71248
sites, utilities, facilities, or equipment to be used in, or in 71249
connection with the operation or maintenance of, or supplementing 71250
or otherwise related to the services or facilities to be provided 71251
by, any one or more of such hospital facilities. 71252

(F) "Costs of hospital facilities" means the costs of 71253
acquiring hospital facilities or interests in hospital facilities, 71254
including membership interests in nonprofit hospital agencies, 71255
costs of constructing hospital facilities, costs of improving one 71256
or more hospital facilities, including reconstructing, 71257
rehabilitating, remodeling, renovating, and enlarging, costs of 71258
equipping and furnishing such facilities, and all financing costs 71259
pertaining thereto, including, without limitation thereto, costs 71260
of engineering, architectural, and other professional services, 71261
designs, plans, specifications and surveys, and estimates of cost, 71262

costs of tests and inspections, the costs of any indemnity or 71263
surety bonds and premiums on insurance, all related direct or 71264
allocable administrative expenses pertaining thereto, fees and 71265
expenses of trustees, depositories, and paying agents for the 71266
obligations, cost of issuance of the obligations and financing 71267
charges and fees and expenses of financial advisors, attorneys, 71268
accountants, consultants and rating services in connection 71269
therewith, capitalized interest on the obligations, amounts 71270
necessary to establish reserves as required by the bond 71271
proceedings, the reimbursement of all moneys advanced or applied 71272
by the hospital agency or others or borrowed from others for the 71273
payment of any item or items of costs of such facilities, and all 71274
other expenses necessary or incident to planning or determining 71275
feasibility or practicability with respect to such facilities, and 71276
such other expenses as may be necessary or incident to the 71277
acquisition, construction, reconstruction, rehabilitation, 71278
remodeling, renovation, enlargement, improvement, equipment, and 71279
furnishing of such facilities, the financing thereof, and the 71280
placing of the same in use and operation, including any one, part 71281
of, or combination of such classes of costs and expenses, and 71282
means the costs of refinancing obligations issued by, or 71283
reimbursement of money advanced by, nonprofit hospital agencies or 71284
others the proceeds of which were used for the payment of costs of 71285
hospital facilities, if the governing body of the public hospital 71286
agency determines that the refinancing or reimbursement advances 71287
the purposes of this chapter, whether or not the refinancing or 71288
reimbursement is in conjunction with the acquisition or 71289
construction of additional hospital facilities. 71290

(G) "Hospital receipts" means all moneys received by or on 71291
behalf of a hospital agency from or in connection with the 71292
ownership, operation, acquisition, construction, improvement, 71293
equipping, or financing of any hospital facilities, including, 71294
without limitation thereto, any rentals and other moneys received 71295

from the lease, sale, or other disposition of hospital facilities, 71296
and any gifts, grants, interest subsidies, or other moneys 71297
received under any federal program for assistance in financing the 71298
costs of hospital facilities, and any other gifts, grants, and 71299
donations, and receipts therefrom, available for financing the 71300
costs of hospital facilities. 71301

(H) "Obligations" means bonds, notes, or other evidences of 71302
indebtedness or obligation, including interest coupons pertaining 71303
thereto, issued or issuable by a public hospital agency to pay 71304
costs of hospital facilities. 71305

(I) "Bond service charges" means principal, interest, and 71306
call premium, if any, required to be paid on obligations. 71307

(J) "Bond proceedings" means one or more ordinances, 71308
resolutions, trust agreements, indentures, and other agreements or 71309
documents, and amendments and supplements to the foregoing, or any 71310
combination thereof, authorizing or providing for the terms, 71311
including any variable interest rates, and conditions applicable 71312
to, or providing for the security of, obligations and the 71313
provisions contained in such obligations. 71314

(K) "Nursing home" has the same meaning as in division (A)(1) 71315
of section 5701.13 of the Revised Code. 71316

(L) "Residential care facility" has the same meaning as in 71317
division (A)(2) of section 5701.13 of the Revised Code. 71318

(M) "Independent living facility" means any self-care 71319
facility or other housing facility designed or used as a residence 71320
for elderly persons. An "independent living facility" does not 71321
include a residential facility, or that part of a residential 71322
facility, that is any of the following: 71323

(1) A hospital ~~required to be certified by section 3727.02 of~~ 71324
~~the Revised Code;~~ 71325

(2) A nursing home or residential care facility;	71326
(3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;	71327 71328 71329
(4) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	71330 71331 71332 71333
(5) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that is not a residential facility described in division (M)(4) of this section;	71334 71335 71336 71337
(6) A facility licensed to operate an opioid treatment program under section 5119.37 of the Revised Code;	71338 71339
(7) A community addiction services provider, as defined in section 5119.01 of the Revised Code;	71340 71341
(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;	71342 71343 71344 71345
(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.	71346 71347 71348
Sec. 3701.07. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code defining and classifying hospitals and dispensaries and providing for the reporting of information by hospitals and dispensaries. Except as otherwise provided in the Revised Code, the rules providing for the reporting of information shall not require inclusion of any confidential patient data or any information concerning the	71349 71350 71351 71352 71353 71354 71355

~~financial condition, income, expenses, or net worth of the~~ 71356
~~facilities. The rules may require the reporting of information in~~ 71357
~~the following categories:~~ 71358

~~(1) Information needed to identify and classify the~~ 71359
~~institution;~~ 71360

~~(2) Information on facilities and type and volume of services~~ 71361
~~provided by the institution;~~ 71362

~~(3) The number of beds listed by category of care provided;~~ 71363

~~(4) The number of licensed or certified professional~~ 71364
~~employees by classification;~~ 71365

~~(5) The number of births that occurred at the institution the~~ 71366
~~previous calendar year;~~ 71367

~~(6) Any other information that the director considers~~ 71368
~~relevant to the safety of patients served by the institution.~~ 71369

~~Every hospital and dispensary, public or private, annually~~ 71370
~~shall register with and report to the department of health.~~ 71371
~~Reports shall be submitted in the manner prescribed in rules~~ 71372
~~adopted under this division.~~ 71373

~~(B) Every governmental entity or private nonprofit~~ 71374
~~corporation or association whose employees or representatives are~~ 71375
~~defined as residents' rights advocates under divisions (E)(1) and~~ 71376
~~(2) of section 3721.10 of the Revised Code shall register with the~~ 71377
~~department of health on forms furnished by the director of health~~ 71378
~~and shall provide such reasonable identifying information as the~~ 71379
~~director may prescribe.~~ 71380

The department shall compile a list of the governmental 71381
entities, corporations, or associations registering under this 71382
division and shall update the list annually. Copies of the list 71383
shall be made available to nursing home administrators as defined 71384
in division (C) of section 3721.10 of the Revised Code. 71385

Sec. 3701.351. (A) The governing body of every hospital shall 71386
set standards and procedures to be applied by the hospital and its 71387
medical staff in considering and acting upon applications for 71388
staff membership or professional privileges. These standards and 71389
procedures shall be available for public inspection. 71390

(B) The governing body of any hospital, in considering and 71391
acting upon applications for staff membership or professional 71392
privileges within the scope of the applicants' respective 71393
licensure, shall not discriminate against a qualified person 71394
solely on the basis of whether that person is licensed to practice 71395
medicine, osteopathic medicine, or podiatry, is licensed to 71396
practice dentistry or psychology, or is licensed to practice 71397
nursing as an advanced practice registered nurse. Staff membership 71398
or professional privileges shall be considered and acted on in 71399
accordance with standards and procedures established under 71400
division (A) of this section. ~~This section does not permit a~~ 71401
~~psychologist to admit a patient to a hospital in violation of~~ 71402
~~section 3727.06 of the Revised Code.~~ 71403

(C) The governing body of any hospital that ~~is licensed to~~ 71404
~~provide~~ provides maternity services, in considering and acting 71405
upon applications for clinical privileges, shall not discriminate 71406
against a qualified person solely on the basis that the person is 71407
authorized to practice nurse-midwifery. An application from a 71408
certified nurse-midwife who is not employed by the hospital shall 71409
contain the name of a physician member of the hospital's medical 71410
staff who holds clinical privileges in obstetrics at that hospital 71411
and who has agreed to be the collaborating physician for the 71412
applicant in accordance with section 4723.43 of the Revised Code. 71413

(D) Any person may apply to the court of common pleas for 71414
temporary or permanent injunctions restraining a violation of 71415
division (A), (B), or (C) of this section. This action is an 71416

additional remedy not dependent on the adequacy of the remedy at 71417
law. 71418

(E)(1) If a hospital does not provide or permit the provision 71419
of any diagnostic or treatment service for mental or emotional 71420
disorders or any other service that may be legally performed by a 71421
psychologist licensed under Chapter 4732. of the Revised Code, 71422
this section does not require the hospital to provide or permit 71423
the provision of any such service and the hospital shall be exempt 71424
from requirements of this section pertaining to psychologists. 71425

(2) This section does not impair the right of a hospital to 71426
enter into an employment, personal service, or any other kind of 71427
contract with a licensed psychologist, upon any such terms as the 71428
parties may mutually agree, for the provision of any service that 71429
may be legally performed by a licensed psychologist. 71430

Sec. 3701.503. As used in sections 3701.504 to 3701.509 of 71431
the Revised Code: 71432

(A) "Parent" means either parent, unless the parents are 71433
separated or divorced or their marriage has been dissolved or 71434
annulled, in which case "parent" means the parent who is the 71435
residential parent and legal custodian. 71436

(B) "Guardian" has the same meaning as in section 2111.01 of 71437
the Revised Code. 71438

(C) "Custodian" means, except as used in division (A) of this 71439
section, a government agency or an individual, other than the 71440
parent or guardian, with legal or permanent custody of a child as 71441
defined in section 2151.011 of the Revised Code. 71442

(D) "Hearing screening" means the identification of newborns 71443
and infants who may have a hearing impairment, through the use of 71444
a physiologic test. 71445

(E) "Hearing evaluation" means evaluation through the use of 71446

audiological procedures by an audiologist or physician. 71447

(F) "Hearing impairment" means a loss of hearing in one or 71448
both ears in the frequency region important for speech recognition 71449
and comprehension. 71450

(G) "Newborn" means a child who is less than thirty days old. 71451

(H) "Infant" means a child who is at least thirty days but 71452
less than twenty-four months old. 71453

(I) "Freestanding birthing center" ~~has the same meaning as in~~ 71454
~~section 3702.141 of the Revised Code~~ means any facility in which 71455
deliveries routinely occur, regardless of whether the facility is 71456
located on the campus of another health care facility. 71457

(J) "Physician" means an individual authorized under Chapter 71458
4731. of the Revised Code to practice medicine and surgery or 71459
osteopathic medicine and surgery. 71460

(K) "Audiologist" means an individual authorized under 71461
section 4753.07 of the Revised Code to practice audiology. 71462

(L) "Hospital" means a hospital that has a maternity unit or 71463
newborn nursery. 71464

(M) "Maternity unit" means any unit or place in a hospital 71465
where women are regularly received and provided care during all or 71466
part of the maternity cycle, except that "maternity unit" does not 71467
include an emergency department or similar place dedicated to 71468
providing emergency health care. 71469

(N) "Board of health" means the board of health of a city or 71470
general health district or the authority having the duties of a 71471
board of health under section 3709.05 of the Revised Code. 71472

Sec. 3701.5010. (A) As used in this section: 71473

(1) "Critical congenital heart defects screening" means the 71474
identification of a newborn that may have a critical congenital 71475

heart defect, through the use of a physiologic test. 71476

(2) "Freestanding birthing center" ~~has the same meaning as in~~ 71477
~~section 3702.141 of the Revised Code~~ has the same meaning as in 71478
section 3701.503 of the Revised Code. 71479

(3) "Hospital," "maternity unit," "newborn," and "physician" 71480
have the same meanings as in section 3701.503 of the Revised Code. 71481

(4) "Pulse oximetry" means a noninvasive test that estimates 71482
the percentage of hemoglobin in blood that is saturated with 71483
oxygen. 71484

(B) Except as provided in division (C) of this section, each 71485
hospital and each freestanding birthing center shall conduct a 71486
critical congenital heart defects screening on each newborn born 71487
in the hospital or center, unless the newborn is being transferred 71488
to another hospital. The screening shall be performed before 71489
discharge. If the newborn is transferred to another hospital, that 71490
hospital shall conduct the screening when determined to be 71491
medically appropriate. The hospital or center shall promptly 71492
notify the newborn's parent, guardian, or custodian and attending 71493
physician of the screening results. 71494

(C) A hospital or freestanding birthing center shall not 71495
conduct a critical congenital heart defects screening if the 71496
newborn's parent objects on the grounds that the screening 71497
conflicts with the parent's religious tenets and practices. 71498

(D)(1) The director of health shall adopt rules in accordance 71499
with Chapter 119. of the Revised Code establishing standards and 71500
procedures for the screening required by this section, including 71501
all of the following: 71502

(a) Designating the person or persons responsible for causing 71503
the screening to be performed; 71504

(b) Specifying screening equipment and methods; 71505

(c) Identifying when the screening should be performed;	71506
(d) Providing notice of the required screening to the newborn's parent, guardian, or custodian;	71507 71508
(e) Communicating screening results to the newborn's parent, guardian, or custodian and attending physician;	71509 71510
(f) Reporting screening results to the department of health;	71511
(g) Referring newborns that receive abnormal screening results to providers of follow-up services.	71512 71513
(2) In adopting rules under division (D)(1)(b) of this section, the director shall specify screening equipment and methods that include the use of pulse oximetry or other screening equipment and methods that detect critical congenital heart defects at least as accurately as pulse oximetry. The screening equipment and methods specified shall be consistent with recommendations issued by nationally recognized organizations that advocate on behalf of medical professionals or individuals with cardiovascular conditions.	71514 71515 71516 71517 71518 71519 71520 71521 71522
Sec. 3701.63. (A) As used in this section and sections 3701.64, 3701.66, and 3701.67 of the Revised Code:	71523 71524
(1) "Child day-care center," "type A family day-care home," and "licensed type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.	71525 71526 71527
(2) "Child care facility" means a child day-care center, a type A family day-care home, or a licensed type B family day-care home.	71528 71529 71530
(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	71531 71532
(4) "Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code <u>has the same meaning as in</u>	71533 71534

section 3701.503 of the Revised Code. 71535

(5) "Hospital" ~~means a hospital classified pursuant to rules~~ 71536
~~adopted under section 3701.07 of the Revised Code as a general~~ 71537
~~hospital or children's hospital and~~ has the same meaning as in 71538
section 3722.01 of the Revised Code to which either of the 71539
following applies: 71540

(a) The hospital has a maternity unit. 71541

(b) The hospital receives for care infants who have been 71542
transferred to it from other facilities and who have never been 71543
discharged to their residences following birth. 71544

(6) "Infant" means a child who is less than one year of age. 71545

(7) "Maternity unit" means the distinct portion of a hospital 71546
~~licensed as a maternity unit under Chapter 3711. of the Revised~~ 71547
~~Code~~ in which maternity services are provided. 71548

(8) "Other person responsible for the infant" includes a 71549
foster caregiver. 71550

(9) "Parent" means either parent, unless the parents are 71551
separated or divorced or their marriage has been dissolved or 71552
annulled, in which case "parent" means the parent who is the 71553
residential parent and legal custodian of the child. "Parent" also 71554
means a prospective adoptive parent with whom a child is placed. 71555

(10) "Shaken baby syndrome" means signs and symptoms, 71556
including, but not limited to, retinal hemorrhages in one or both 71557
eyes, subdural hematoma, or brain swelling, resulting from the 71558
violent shaking or the shaking and impacting of the head of an 71559
infant or small child. 71560

(B) The director of health shall establish the shaken baby 71561
syndrome education program by doing all of the following: 71562

(1) Developing educational materials that present readily 71563
comprehensible information on shaken baby syndrome; 71564

(2) Making available on the department of health web site in 71565
an easily accessible format the educational materials developed 71566
under division (B)(1) of this section; 71567

(3) Annually assessing the effectiveness of the shaken baby 71568
syndrome education program by doing all of the following: 71569

(a) Evaluating the reports received pursuant to section 71570
5101.135 of the Revised Code; 71571

(b) Reviewing the content of the educational materials to 71572
determine if updates or improvements should be made; 71573

(c) Reviewing the manner in which the educational materials 71574
are distributed, as described in section 3701.64 of the Revised 71575
Code, to determine if modifications to that manner should be made. 71576

(C) In meeting the requirements under division (B) of this 71577
section, the director shall develop educational materials that, to 71578
the extent possible, minimize administrative or financial burdens 71579
on any of the entities or persons listed in section 3701.64 of the 71580
Revised Code. 71581

Sec. 3701.69. (A)(1) The department of health shall create a 71582
Down syndrome information sheet that includes all of the 71583
following: 71584

(a) A description of Down syndrome, including its causes, 71585
effects on development, and potential complications; 71586

(b) Diagnostic tests; 71587

(c) Options for treatment and therapy; 71588

(d) Contact information for local, state, and national 71589
organizations that provide Down syndrome educational and support 71590
services and programs. 71591

(2) With respect to the medical information included in the 71592
information sheet, the department shall include only information 71593

that is current and based on medical evidence. 71594

(3) The department shall periodically review and update the 71595
information sheet and shall make it available on the department's 71596
internet web site. 71597

(B) If a patient under the care of any of the following 71598
health care professionals or facilities receives either a test 71599
result indicating Down syndrome or a prenatal or postnatal 71600
diagnosis of Down syndrome, the health care professional or 71601
facility shall provide to the patient or the patient's 71602
representative a copy of the information sheet created under 71603
division (A) of this section: 71604

(1) A physician authorized under Chapter 4731. of the Revised 71605
Code to practice medicine and surgery or osteopathic medicine and 71606
surgery; 71607

(2) A certified nurse-midwife who holds a certificate of 71608
authority issued under Chapter 4723. of the Revised Code; 71609

(3) A genetic counselor licensed under Chapter 4778. of the 71610
Revised Code; 71611

(4) A hospital ~~registered under section 3701.07 of the~~ 71612
~~Revised Code~~ licensed under Chapter 3722. of the Revised Code that 71613
operates a maternity unit or newborn care nursery; 71614

(5) A ~~maternity unit, newborn care nursery, or~~ maternity home 71615
licensed under Chapter 3711. of the Revised Code; 71616

(6) A freestanding birthing center licensed under section 71617
3702.30 of the Revised Code. 71618

Sec. 3701.83. There is hereby created in the state treasury 71619
the general operations fund. Moneys in the fund shall be used for 71620
the purposes specified in sections 3701.04, 3701.344, ~~3702.20,~~ 71621
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 71622
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 71623

4736.06, and 4769.09 of the Revised Code. 71624

Sec. 3702.30. (A) As used in this section: 71625

(1) "Ambulatory surgical facility" means a facility in which 71626
surgical services are provided to patients who do not require 71627
hospitalization for inpatient care, the duration of services for 71628
any patient does not extend beyond twenty-four hours after the 71629
patient's admission, and to which any of the following apply: 71630

(a) The surgical services are provided in a building that is 71631
separate from another building in which inpatient care is 71632
provided, regardless of whether the separate building is part of 71633
the same organization as the building in which inpatient care is 71634
provided. 71635

(b) The surgical services are provided within a building in 71636
which inpatient care is provided and the entity that operates the 71637
portion of the building where the surgical services are provided 71638
is not the entity that operates the remainder of the building. 71639

(c) The facility is held out to any person or government 71640
entity as an ambulatory surgical facility or similar facility by 71641
means of signage, advertising, or other promotional efforts. 71642

"Ambulatory surgical facility" does not include a hospital 71643
emergency department, hospital provider-based department that is 71644
otherwise licensed under Chapter 3722. of the Revised Code, or an 71645
office of a physician, podiatrist, or dentist. 71646

(2) "Health care facility" means any of the following: 71647

(a) An ambulatory surgical facility; 71648

(b) A freestanding dialysis center; 71649

(c) A freestanding inpatient rehabilitation facility; 71650

(d) A freestanding birthing center; 71651

(e) A freestanding radiation therapy center; 71652

(f) A freestanding or mobile diagnostic imaging center. 71653

(B) By rule adopted in accordance with sections 3702.12 and 71654
3702.13 of the Revised Code, the director of health shall 71655
establish quality standards for health care facilities. The 71656
standards may incorporate accreditation standards or other quality 71657
standards established by any entity recognized by the director. 71658

In the case of an ambulatory surgical facility, the standards 71659
shall require the ambulatory surgical facility to maintain an 71660
infection control program. The purposes of the program are to 71661
minimize infections and communicable diseases and facilitate a 71662
functional and sanitary environment consistent with standards of 71663
professional practice. To achieve these purposes, ambulatory 71664
surgical facility staff managing the program shall create and 71665
administer a plan designed to prevent, identify, and manage 71666
infections and communicable diseases; ensure that the program is 71667
directed by a qualified professional trained in infection control; 71668
ensure that the program is an integral part of the ambulatory 71669
surgical facility's quality assessment and performance improvement 71670
program; and implement in an expeditious manner corrective and 71671
preventive measures that result in improvement. 71672

(C) Every ambulatory surgical facility shall require that 71673
each physician who practices at the facility comply with all 71674
relevant provisions in the Revised Code that relate to the 71675
obtaining of informed consent from a patient. 71676

(D) The director shall issue a license to each health care 71677
facility that makes application for a license and demonstrates to 71678
the director that it meets the quality standards established by 71679
the rules adopted under division (B) of this section and satisfies 71680
the informed consent compliance requirements specified in division 71681
(C) of this section. 71682

(E)(1) Except as provided in division (H) of this section and 71683

in section 3702.301 of the Revised Code, no health care facility shall operate without a license issued under this section.

The general assembly does not intend for the provisions of this section or section 3702.301 of the Revised Code that establish health care facility licensing requirements or exemptions to have an effect on any third-party payments that may be available for the services provided by either a licensed health care facility or an entity exempt from licensure.

(2) If the department of health finds that a physician who practices at a health care facility is not complying with any provision of the Revised Code related to the obtaining of informed consent from a patient, the department shall report its finding to the state medical board, the physician, and the health care facility.

(3) Division (E)(2) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a health care facility and in favor of a patient who allegedly sustains harm as a result of the failure of the patient's physician to obtain informed consent from the patient prior to performing a procedure on or otherwise caring for the patient in the health care facility.

(F) The rules adopted under division (B) of this section shall include all of the following:

(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;

(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;

(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this

section or the rules adopted under this section, including a scale 71715
for determining the amount of the penalties; 71716

(4) Provisions specifying the form inspectors must use when 71717
conducting inspections of ambulatory surgical facilities. 71718

(G) An ambulatory surgical facility that performs or induces 71719
abortions shall comply with section 3701.791 of the Revised Code. 71720

(H) The following entities are not required to obtain a 71721
license as a freestanding diagnostic imaging center issued under 71722
this section: 71723

(1) A hospital registered under section 3701.07 of the 71724
Revised Code that provides diagnostic imaging; 71725

(2) An entity that is reviewed as part of a hospital 71726
accreditation or certification program and that provides 71727
diagnostic imaging; 71728

(3) An ambulatory surgical facility that provides diagnostic 71729
imaging in conjunction with or during any portion of a surgical 71730
procedure. 71731

Sec. 3702.31. (A) The quality monitoring and inspection fund 71732
is hereby created in the state treasury. The director of health 71733
shall use the fund to administer and enforce this section and 71734
sections ~~3702.11 to 3702.20~~, 3702.30, 3702.301, 3702.32, and 71735
3702.33 of the Revised Code and rules adopted pursuant to those 71736
sections. The director shall deposit in the fund any moneys 71737
collected pursuant to this section or section 3702.32 of the 71738
Revised Code. All investment earnings of the fund shall be 71739
credited to the fund. 71740

(B) The director of health shall adopt rules pursuant to 71741
Chapter 119. of the Revised Code establishing fees for both of the 71742
following: 71743

(1) Initial and renewal license applications submitted under 71744

section 3702.30 of the Revised Code. The fees established under 71745
division (B)(1) of this section shall not exceed the actual and 71746
necessary costs of performing the activities described in division 71747
(A) of this section. 71748

(2) Inspections conducted under section ~~3702.15~~ or 3702.30 of 71749
the Revised Code. The fees established under division (B)(2) of 71750
this section shall not exceed the actual and necessary costs 71751
incurred during an inspection, including any indirect costs 71752
incurred by the department for staff, salary, or other 71753
administrative costs. The director of health shall provide to each 71754
health care facility or provider inspected pursuant to section 71755
~~3702.15~~ or 3702.30 of the Revised Code a written statement of the 71756
fee. The statement shall itemize and total the costs incurred. 71757
Within fifteen days after receiving a statement from the director, 71758
the facility or provider shall forward the total amount of the fee 71759
to the director. 71760

(3) The fees described in divisions (B)(1) and (2) of this 71761
section shall meet both of the following requirements: 71762

(a) ~~For each service described in section 3702.11 of the~~ 71763
~~Revised Code, the fee shall not exceed one thousand seven hundred~~ 71764
~~fifty dollars annually, except that the~~ The total fees charged to 71765
a health care provider under this section shall not exceed five 71766
thousand dollars annually. 71767

(b) The fee shall exclude any costs reimbursable by the 71768
United States centers for medicare and medicaid services as part 71769
of the certification process for the medicare program established 71770
under Title XVIII of the "Social Security Act," 79 Stat. 286 71771
(1935), 42 U.S.C.A. 1395, as amended, and the medicaid program 71772
established under Title XIX of the "Social Security Act," 79 Stat. 71773
286 (1965), 42 U.S.C. 1396. 71774

(4) The director shall not establish a fee for any service 71775

for which a licensure or inspection fee is paid by the health care 71776
provider to a state agency for the same or similar licensure or 71777
inspection. 71778

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the 71779
Revised Code: 71780

(A) "Applicant" means any person that submits an application 71781
for a certificate of need and who is designated in the application 71782
as the applicant. 71783

(B) "Person" means any individual, corporation, business 71784
trust, estate, firm, partnership, association, joint stock 71785
company, insurance company, government unit, or other entity. 71786

(C) "Certificate of need" means a written approval granted by 71787
the director of health to an applicant to authorize conducting a 71788
reviewable activity. 71789

(D) "Service area" means the current and projected primary 71790
and secondary service areas to which the long-term care facility 71791
is, or will be, providing long-term care services. 71792

(E) "Primary service area" means the geographic region, 71793
usually comprised of the Ohio zip code in which the long-term care 71794
facility is located and contiguous zip codes, from which 71795
approximately seventy-five to eighty per cent of the facility's 71796
residents currently originate or are expected to originate. 71797

(F) "Secondary service area" means the geographic region, 71798
usually comprised of Ohio zip codes not included in the primary 71799
service area, excluding isolated exceptions, from which the 71800
facility's remaining residents currently originate or are expected 71801
to originate. 71802

(G) "Third-party payer" means a health insuring corporation 71803
licensed under Chapter 1751. of the Revised Code, a health 71804
maintenance organization as defined in division (I) of this 71805

section, an insurance company that issues sickness and accident 71806
insurance in conformity with Chapter 3923. of the Revised Code, a 71807
state-financed health insurance program under Chapter 3701. or 71808
4123. of the Revised Code, the medicaid program, or any 71809
self-insurance plan. 71810

(H) "Government unit" means the state and any county, 71811
municipal corporation, township, or other political subdivision of 71812
the state, or any department, division, board, or other agency of 71813
the state or a political subdivision. 71814

(I) "Health maintenance organization" means a public or 71815
private organization organized under the law of any state that is 71816
qualified under section 1310(d) of Title XIII of the "Public 71817
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 71818

(J) "Existing long-term care facility" means either of the 71819
following: 71820

(1) A long-term care facility that is licensed or otherwise 71821
authorized to operate in this state in accordance with applicable 71822
law, including a county home or a county nursing home that is 71823
certified under Title XVIII or Title XIX of the "Social Security 71824
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 71825
and equipped to provide long-term care services, and is actively 71826
providing long-term care services; 71827

(2) A long-term care facility that is licensed or otherwise 71828
authorized to operate in this state in accordance with applicable 71829
law, including a county home or a county nursing home that is 71830
certified under Title XVIII or Title XIX of the "Social Security 71831
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 71832
beds ~~registered under section 3701.07~~ reported in an application 71833
submitted under section 3722.03 of the Revised Code as skilled 71834
nursing beds or long-term care beds and has provided long-term 71835
care services for at least three hundred sixty-five consecutive 71836

days within the twenty-four months immediately preceding the date 71837
a certificate of need application is filed with the director of 71838
health. 71839

(K) "State" means the state of Ohio, including, but not 71840
limited to, the general assembly, the supreme court, the offices 71841
of all elected state officers, and all departments, boards, 71842
offices, commissions, agencies, institutions, and other 71843
instrumentalities of the state of Ohio. "State" does not include 71844
political subdivisions. 71845

(L) "Political subdivision" means a municipal corporation, 71846
township, county, school district, and all other bodies corporate 71847
and politic responsible for governmental activities only in 71848
geographic areas smaller than that of the state to which the 71849
sovereign immunity of the state attaches. 71850

(M) "Affected person" means: 71851

(1) An applicant for a certificate of need, including an 71852
applicant whose application was reviewed comparatively with the 71853
application in question; 71854

(2) The person that requested the reviewability ruling in 71855
question; 71856

(3) Any person that resides or regularly uses long-term care 71857
facilities within the service area served or to be served by the 71858
long-term care services that would be provided under the 71859
certificate of need or reviewability ruling in question; 71860

(4) Any long-term care facility that is located in the 71861
service area where the long-term care services would be provided 71862
under the certificate of need or reviewability ruling in question; 71863

(5) Third-party payers that reimburse long-term care 71864
facilities for services in the service area where the long-term 71865
care services would be provided under the certificate of need or 71866

reviewability ruling in question. 71867

(N) "Long-term care facility" means, except as provided in 71868
section 3702.594 of the Revised Code, any of the following: 71869

(1) A nursing home licensed under section 3721.02 of the 71870
Revised Code or by a political subdivision certified under section 71871
3721.09 of the Revised Code; 71872

(2) The portion of any facility, including a county home or 71873
county nursing home, that is certified as a skilled nursing 71874
facility or a nursing facility under Title XVIII or XIX of the 71875
"Social Security Act"; 71876

(3) The portion of any hospital that contains beds ~~registered~~ 71877
~~under section 3701.07~~ reported in an application submitted under 71878
section 3722.03 of the Revised Code as skilled nursing beds or 71879
long-term care beds. 71880

(O) "Long-term care bed" or "bed" means a bed that is 71881
categorized as one of the following: 71882

(1) A bed that is located in a facility that is a nursing 71883
home licensed under section 3721.02 of the Revised Code or a 71884
facility licensed by a political subdivision certified under 71885
section 3721.09 of the Revised Code and is included in the 71886
authorized maximum licensed capacity of the facility; 71887

(2) A bed that is located in the portion of any facility, 71888
including a county home or county nursing home, that is certified 71889
as a skilled nursing facility under the medicare program or a 71890
nursing facility under the medicaid program and is included in the 71891
authorized maximum certified capacity of that portion of the 71892
facility; 71893

(3) A bed that is ~~registered under section 3701.07 of the~~ 71894
~~Revised Code~~ reported in an application submitted under section 71895
3722.03 of the Revised Code as a skilled nursing bed, a long-term 71896

care bed, or a special skilled nursing bed; 71897

(4) A bed in a county home or county nursing home that has 71898
been certified under section 5155.38 of the Revised Code as having 71899
been in operation on July 1, 1993, and is eligible for licensure 71900
as a nursing home bed; 71901

(5) A bed held as an approved bed under a certificate of need 71902
approved by the director. 71903

A bed cannot simultaneously be both a bed described in 71904
division (0)(1), (2), (3), or (4) of this section and a bed 71905
described in division (0)(5) of this section. 71906

(P) "Reviewability ruling" means a ruling issued by the 71907
director of health under division (A) of section 3702.52 of the 71908
Revised Code as to whether a particular proposed project is or is 71909
not a reviewable activity. 71910

(Q) "County nursing home" has the same meaning as in section 71911
5155.31 of the Revised Code. 71912

(R) "Principal participant" means both of the following: 71913

(1) A person who has an ownership or controlling interest of 71914
at least five per cent in an applicant, in a long-term care 71915
facility that is the subject of an application for a certificate 71916
of need, or in the owner or operator of the applicant or such a 71917
facility; 71918

(2) An officer, director, trustee, or general partner of an 71919
applicant, of a long-term care facility that is the subject of an 71920
application for a certificate of need, or of the owner or operator 71921
of the applicant or such a facility. 71922

(S) "Actual harm but not immediate jeopardy deficiency" means 71923
a deficiency that, under 42 C.F.R. 488.404, either constitutes a 71924
pattern of deficiencies resulting in actual harm that is not 71925
immediate jeopardy or represents widespread deficiencies resulting 71926

in actual harm that is not immediate jeopardy. 71927

(T) "Immediate jeopardy deficiency" means a deficiency that, 71928
under 42 C.F.R. 488.404, either constitutes a pattern of 71929
deficiencies resulting in immediate jeopardy to resident health or 71930
safety or represents widespread deficiencies resulting in 71931
immediate jeopardy to resident health or safety. 71932

(U) "Existing bed" or "existing long-term care bed" means a 71933
bed from an existing long-term care facility, a bed described in 71934
division (O)(5) of this section, or a bed correctly reported as a 71935
long-term care bed pursuant to section 5155.38 of the Revised 71936
Code. 71937

Sec. 3702.52. The director of health shall administer a state 71938
certificate of need program in accordance with sections 3702.51 to 71939
3702.62 of the Revised Code and rules adopted under those 71940
sections. Administration of the program shall include both a 71941
standard review process and an expedited review process. 71942

(A) The director shall issue rulings on whether a particular 71943
proposed project is a reviewable activity. The director shall 71944
issue a ruling not later than forty-five days after receiving a 71945
request for a ruling accompanied by the information needed to make 71946
the ruling, except that if an expedited review is requested, the 71947
ruling shall be issued not later than thirty days after receiving 71948
the request for a ruling accompanied by the information needed to 71949
make the ruling. If the director does not issue a ruling in the 71950
required time, the project shall be considered to have been ruled 71951
not a reviewable activity. 71952

(B)(1) Each application for a certificate of need shall be 71953
submitted to the director on forms and in the manner prescribed by 71954
the director. An application for which expedited review is 71955
requested must meet the same requirements as all other 71956
applications. 71957

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections ~~3702.11 to 3702.20~~, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the director receives the application or a response to an earlier request for information. Except as provided in section 3702.522 of the Revised Code, the director shall not make more than two

requests for additional information. For either the standard or 71990
expedited review process, the director shall make a final 71991
determination regarding an application's completeness and issue a 71992
notice of the determination not later than one hundred eighty days 71993
after the date the director received the initial application. 71994

The director's determination that an application is not 71995
complete is final and not subject to appeal. 71996

(4) Except as necessary to comply with a subpoena issued 71997
under division (F) of this section, after a notice of completeness 71998
has been received, no person shall make revisions to information 71999
that was submitted to the director before the director mailed the 72000
notice of completeness or knowingly discuss in person or by 72001
telephone the merits of the application with the director. A 72002
person may supplement an application after a notice of 72003
completeness has been received by submitting clarifying 72004
information to the director. 72005

(C) All of the following apply to the process of granting or 72006
denying a certificate of need: 72007

(1) If the project proposed in a certificate of need 72008
application meets all of the applicable certificate of need 72009
criteria for approval under sections 3702.51 to 3702.62 of the 72010
Revised Code and the rules adopted under those sections, the 72011
director shall grant a certificate of need for all or part of the 72012
project that is the subject of the application by the applicable 72013
deadline specified in division (C)(4) of this section or any 72014
extension of it under division (C)(5) of this section. 72015

(2) The director's grant of a certificate of need does not 72016
affect, and sets no precedent for, the director's decision to 72017
grant or deny other applications for similar reviewable 72018
activities. 72019

(3) Any affected person may submit written comments regarding 72020

an application. The director shall consider all written comments 72021
received by the forty-fifth day after the application is submitted 72022
to the director, except that to be considered in an expedited 72023
review, written comments must be received by the twenty-first day 72024
after the application is submitted. 72025

(4) Except as provided in division (C)(5) of this section, 72026
the director shall grant or deny certificate of need applications 72027
not later than sixty days after mailing the notice of completeness 72028
unless the application is receiving expedited review. If the 72029
application is receiving expedited review, the director shall 72030
grant or deny the application not later than forty-five days after 72031
mailing the notice of completeness. 72032

(5) Except as provided in division (C)(6) of this section, 72033
the director or the applicant may extend the deadline prescribed 72034
in division (C)(4) of this section once, for no longer than thirty 72035
days, by written notice before the end of the deadline prescribed 72036
by division (C)(4) of this section. An extension by the director 72037
under division (C)(5) of this section shall apply to all 72038
applications that are in comparative review. 72039

(6) No applicant in a comparative review may extend the 72040
deadline specified in division (C)(4) of this section. 72041

(7) If the director does not grant or deny the certificate by 72042
the applicable deadline specified in division (C)(4) of this 72043
section or any extension of it under division (C)(5) of this 72044
section, the certificate shall be considered to have been granted. 72045

(8) In granting a certificate of need, the director shall 72046
specify as the maximum capital expenditure the certificate holder 72047
may obligate under the certificate a figure equal to one hundred 72048
ten per cent of the approved project cost. 72049

(9) In granting a certificate of need, the director may grant 72050
the certificate with conditions that must be met by the holder of 72051

the certificate. 72052

(D) When a certificate of need is granted for a project under 72053
which beds are to be relocated, upon completion of the project for 72054
which the certificate of need was granted a number of beds equal 72055
to the number of beds relocated shall cease to be operated in the 72056
long-term care facility from which they are relocated, except that 72057
the beds may continue to be operated for not more than fifteen 72058
days to allow relocation of residents to the facility to which the 72059
beds have been relocated. Notwithstanding section 3721.03 of the 72060
Revised Code, if the relocated beds are in a home licensed under 72061
Chapter 3721. of the Revised Code, the facility's license is 72062
automatically reduced by the number of beds relocated effective 72063
fifteen days after the beds are relocated. If the beds are in a 72064
facility that is certified as a skilled nursing facility or 72065
nursing facility under Title XVIII or XIX of the "Social Security 72066
Act," the certification for the beds shall be surrendered. If the 72067
beds are ~~registered under section 3701.07~~ reported in an 72068
application submitted under section 3722.03 of the Revised Code as 72069
skilled nursing beds or long-term care beds, the director shall 72070
remove the beds from registration not later than fifteen days 72071
after the beds are relocated. 72072

(E) During the period beginning with the granting of a 72073
certificate of need and ending five years after implementation of 72074
the reviewable activity for which the certificate was granted, the 72075
director shall monitor the activities of the person granted the 72076
certificate to determine whether the reviewable activity is 72077
conducted in substantial accordance with the certificate. A 72078
reviewable activity shall not be determined to be not in 72079
substantial accordance with the certificate of need solely because 72080
of either of the following: 72081

(1) A decrease in bed capacity; 72082

(2) A change in the owner or operator of the facility unless 72083

any of the circumstances specified in division (B) of section 72084
3702.59 of the Revised Code apply to the new owner or operator. 72085

(F) When reviewing applications for certificates of need, 72086
considering appeals under section 3702.60 of the Revised Code, or 72087
monitoring activities of persons granted certificates of need, the 72088
director may issue and enforce, in the manner provided in section 72089
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 72090
compel a person to testify and produce documents relevant to 72091
review of the application, consideration of the appeal, or 72092
monitoring of the activities. In addition, the director or the 72093
director's designee may visit the sites where the activities are 72094
or will be conducted. 72095

(G) The director may withdraw certificates of need. 72096

(H) All long-term care facilities shall submit to the 72097
director, upon request, any information prescribed by rules 72098
adopted under division (H) of section 3702.57 of the Revised Code 72099
that is necessary to conduct reviews of certificate of need 72100
applications and to develop criteria for reviews. 72101

(I) Any decision to grant or deny a certificate of need shall 72102
consider the special needs and circumstances resulting from moral 72103
and ethical values and the free exercise of religious rights of 72104
long-term care facilities administered by religious organizations, 72105
and the special needs and circumstances of inner city and rural 72106
communities. 72107

Sec. 3702.521. (A) Reviews of applications for certificates 72108
of need to recategorize hospital beds to skilled nursing beds 72109
shall be conducted in accordance with this division and rules 72110
adopted by the director of health. 72111

(1) No hospital recategorizing beds shall apply for a 72112
certificate of need for more than twenty skilled nursing beds. 72113

(2) No beds for which a certificate of need is requested 72114
under this division shall be reviewed under or counted in any 72115
formula developed under rules adopted by the director for the 72116
purpose of determining the number of long-term care beds that may 72117
be needed within the state. 72118

(3) No beds shall be approved under this division unless the 72119
hospital certifies and demonstrates in the application that the 72120
beds will be dedicated to patients with a length of stay of no 72121
more than thirty days. 72122

(4) No beds shall be approved under this division unless the 72123
hospital can satisfactorily demonstrate in the application that it 72124
is routinely unable to place the patients planned for the beds in 72125
accessible skilled nursing facilities. 72126

(5) In developing rules to implement this division, the 72127
director shall give special attention to the required 72128
documentation of the need for such beds, including the efforts 72129
made by the hospital to place patients in suitable skilled nursing 72130
facilities, and special attention to the appropriate size of units 72131
with such beds given the historical pattern of the applicant 72132
hospital's documented difficulty in placing skilled nursing 72133
patients. 72134

(B) For assistance in monitoring the use of hospital beds 72135
recategorized as skilled nursing beds after August 5, 1989, the 72136
director shall adopt rules specifying appropriate quarterly 72137
procedures for reporting to the department of health. 72138

(C) A patient may stay in a hospital bed that, after August 72139
5, 1989, has been recategorized as a skilled nursing bed for more 72140
than thirty days if the hospital is able to demonstrate that it 72141
made a good faith effort to place the patient in an accessible 72142
skilled nursing facility acceptable to the patient within the 72143
thirty-day period, but was unable to do so. 72144

(D) No hospital bed recategorized after August 5, 1989, as a 72145
skilled nursing bed shall be covered by a provider agreement under 72146
the medicaid program. 72147

(E) Nothing in this section requires a hospital to place a 72148
patient in any nursing home if the patient does not wish to be 72149
placed in the nursing home. Nothing in this section limits the 72150
ability of a hospital to file a certificate of need application 72151
for the addition of long-term care beds that meet the definition 72152
of "home" in section 3721.01 of the Revised Code. Nothing in this 72153
section limits the ability of the director to grant certificates 72154
of need necessary for hospitals to engage in demonstration 72155
projects authorized by the federal government for the purpose of 72156
enhancing long-term quality of care and cost containment. Nothing 72157
in this section limits the ability of hospitals to develop swing 72158
bed programs in accordance with federal regulations. 72159

No hospital that is granted a certificate of need after 72160
August 5, 1989, to recategorize hospital beds as skilled nursing 72161
beds is subject to sections 3721.01 to 3721.09 of the Revised 72162
Code. If the portion of the hospital in which the recategorized 72163
beds are located is certified as a skilled nursing facility under 72164
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 72165
U.S.C.A. 301, as amended, that portion of the hospital is subject 72166
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 72167
the Revised Code. If the beds are ~~registered pursuant to section~~ 72168
~~3701.07 of the Revised Code~~ reported in an application submitted 72169
under section 3722.03 of the Revised Code as long-term care beds, 72170
the beds are subject to sections 5168.40 to 5168.56 of the Revised 72171
Code. 72172

Sec. 3702.55. A person that the director of health determines 72173
has violated section 3702.53 of the Revised Code shall cease 72174
conducting the activity that constitutes the violation or 72175

utilizing the facility resulting from the violation not later than 72176
thirty days after the person receives the notice mailed under 72177
section 3702.532 of the Revised Code or, if the person appeals the 72178
director's determination under section 3702.60 of the Revised 72179
Code, thirty days after the person receives an order upholding the 72180
director's determination that is not subject to further appeal. 72181

If any person determined to have violated section 3702.53 of 72182
the Revised Code fails to cease conducting an activity or using a 72183
facility as required by this section or if the person continues to 72184
seek payment or reimbursement for services rendered or costs 72185
incurred in conducting the activity as prohibited by section 72186
3702.56 of the Revised Code, in addition to the penalties imposed 72187
under section 3702.54 or 3702.541 of the Revised Code: 72188

~~(A) The director of health may refuse to include any beds 72189
involved in the activity in the bed capacity of a hospital for 72190
purposes of registration under section 3701.07 of the Revised 72191
Code; 72192~~

~~(B)~~ The director of health may refuse to license, or may 72193
revoke a license or reduce bed capacity previously granted to, a 72194
hospice care program under section 3712.04 of the Revised Code; a 72195
nursing home, residential care facility, or home for the aging 72196
under section 3721.02 of the Revised Code; or any beds within any 72197
of those facilities that are involved in the activity; 72198

~~(C)~~(B) A political subdivision certified under section 72199
3721.09 of the Revised Code may refuse to license, or may revoke a 72200
license or reduce bed capacity previously granted to, a nursing 72201
home, residential care facility, or home for the aging, or any 72202
beds within any of those facilities that are involved in the 72203
activity; 72204

~~(D)~~(C) The director of mental health and addiction services 72205
may refuse to license under section 5119.33 of the Revised Code, 72206

or may revoke a license or reduce bed capacity previously granted 72207
to, a hospital receiving mentally ill persons or beds within such 72208
a hospital that are involved in the activity; 72209

~~(E)~~(D) The department of medicaid may refuse to enter into a 72210
provider agreement that includes a facility, beds, or services 72211
that result from the activity. 72212

Sec. 3702.592. (A) The director of health shall accept, for 72213
review under section 3702.52 of the Revised Code, certificate of 72214
need applications for any of the following purposes if the 72215
proposed increase in beds is attributable to a replacement or 72216
relocation of existing beds from an existing long-term care 72217
facility within the same county: 72218

(1) Approval of beds in a new long-term care facility or an 72219
increase of beds in an existing long-term care facility if the 72220
beds are proposed to be licensed as nursing home beds under 72221
Chapter 3721. of the Revised Code; 72222

(2) Approval of beds in a new county home or new county 72223
nursing home, or an increase of beds in an existing county home or 72224
existing county nursing home if the beds are proposed to be 72225
certified as skilled nursing facility beds under the medicare 72226
program, Title XVIII of the "Social Security Act," 49 Stat. 286 72227
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 72228
the medicaid program, Title XIX of the "Social Security Act," 49 72229
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 72230

(3) An increase of hospital beds ~~registered pursuant to~~ 72231
~~section 3701.07 of the Revised Code~~ reported in an application 72232
submitted under section 3722.03 of the Revised Code as long-term 72233
care beds; 72234

(4) An increase of hospital beds ~~registered pursuant to~~ 72235
~~section 3701.07 of the Revised Code~~ reported in an application 72236

submitted under section 3722.03 of the Revised Code as special 72237
skilled nursing beds that were originally authorized by and are 72238
operated in accordance with section 3702.521 of the Revised Code. 72239

(B) The director shall accept applications described in 72240
division (A) of this section at any time. 72241

Sec. 3702.593. (A) At the times specified in this section, 72242
the director of health shall accept, for review under section 72243
3702.52 of the Revised Code, certificate of need applications for 72244
any of the following purposes if the proposed increase in beds is 72245
attributable solely to relocation of existing beds from an 72246
existing long-term care facility in a county with excess beds to a 72247
long-term care facility in a county in which there are fewer 72248
long-term care beds than the county's bed need: 72249

(1) Approval of beds in a new long-term care facility or an 72250
increase of beds in an existing long-term care facility if the 72251
beds are proposed to be licensed as nursing home beds under 72252
Chapter 3721. of the Revised Code; 72253

(2) Approval of beds in a new county home or new county 72254
nursing home, or an increase of beds in an existing county home or 72255
existing county nursing home if the beds are proposed to be 72256
certified as skilled nursing facility beds under the medicare 72257
program, Title XVIII of the "Social Security Act," 49 Stat. 286 72258
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 72259
the medicaid program, Title XIX of the "Social Security Act," 49 72260
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 72261

(3) An increase of hospital beds ~~registered pursuant to~~ 72262
~~section 3701.07 of the Revised Code~~ reported in an application 72263
submitted under section 3722.03 of the Revised Code as long-term 72264
care beds. 72265

(B) For the purpose of implementing this section, the 72266

director shall do all of the following: 72267

(1) Not later than October 1, 2023, and every four years 72268
thereafter, determine the long-term care bed supply for each 72269
county, which shall consist of all of the following: 72270

(a) Nursing home beds licensed under Chapter 3721. of the 72271
Revised Code; 72272

(b) Beds certified as skilled nursing facility beds under the 72273
medicare program or nursing facility beds under the medicaid 72274
program; 72275

(c) Beds in any portion of a hospital that are properly 72276
~~registered under section 3701.07~~ reported in an application 72277
submitted under section 3722.03 of the Revised Code as skilled 72278
nursing beds, long-term care beds, or special skilled nursing 72279
beds; 72280

(d) Beds in a county home or county nursing home that are 72281
certified under section 5155.38 of the Revised Code as having been 72282
in operation on July 1, 1993, and are eligible for licensure as 72283
nursing home beds; 72284

(e) Beds described in division (O)(5) of section 3702.51 of 72285
the Revised Code. 72286

(2) Determine the long-term care bed occupancy rate for the 72287
state at the time the determination is made; 72288

(3) For each county, determine the county's bed need by 72289
identifying the number of long-term care beds that would be needed 72290
in the county in order for the statewide occupancy rate for a 72291
projected population aged sixty-five and older to be ninety per 72292
cent. 72293

In determining each county's bed need, the director shall use 72294
the formula developed in rules adopted under section 3702.57 of 72295
the Revised Code. A determination shall be made not later than 72296

October 1, 2023, and every four years thereafter. After each 72297
determination is made, the director shall publish the county's bed 72298
need on the web site maintained by the department of health. 72299

(C) The director's consideration of an application for a 72300
certificate of need that would increase the number of beds in a 72301
county shall be consistent with the county's bed need determined 72302
under division (B) of this section except as follows: 72303

(1) If a county's occupancy rate is less than eighty-five per 72304
cent, the county shall be considered to have no need for 72305
additional beds. 72306

(2) Even if a county is determined not to need any additional 72307
long-term care beds, the director may approve an increase in beds 72308
equal to up to ten per cent of the county's bed supply if the 72309
county's occupancy rate is greater than ninety per cent. 72310

(D)(1) For the review process used in considering certificate 72311
of need applications, the director shall establish a review period 72312
that begins January 1, 2020, and ends December 31, 2023. 72313
Thereafter, the review period for each review process shall begin 72314
on the first day of January following the end of the previous 72315
review period and shall be four years. 72316

(2) Certificate of need applications shall be accepted during 72317
the first month of the review period and reviewed through the 72318
thirtieth day of September of the year in which the review period 72319
begins. 72320

(E) The director shall consider certificate of need 72321
applications in accordance with all of the following: 72322

(1) The number of beds approved for a county shall include 72323
only beds available for relocation from another county and shall 72324
not exceed the bed need of the receiving county; 72325

(2) The director shall consider the existence of community 72326

resources serving persons who are age sixty-five or older or 72327
disabled that are demonstrably effective in providing alternatives 72328
to long-term care facility placement. 72329

(3) The director shall approve relocation of beds from a 72330
county only if, after the relocation, the number of beds remaining 72331
in the county will exceed the county's bed need by at least one 72332
hundred beds; 72333

(4) The director shall approve relocation of beds from a 72334
long-term care facility only if, after the relocation, the number 72335
of beds in the facility's service area is at least equal to the 72336
state bed need rate. For purposes of this division, a facility's 72337
service area shall be either of the following: 72338

(a) The census tract in which the facility is located, if the 72339
facility is located in an area designated by the United States 72340
secretary of health and human services as a health professional 72341
shortage area under the "Public Health Service Act," 88 Stat. 682 72342
(1944), 42 U.S.C. 254(e), as amended; 72343

(b) The area that is within a fifteen-mile radius of the 72344
facility's location, if the facility is not located in a health 72345
professional shortage area. 72346

(F) Applications made under this section are subject to 72347
comparative review if two or more applications are submitted 72348
during the same review period and any of the following applies: 72349

(1) The applications propose to relocate beds from the same 72350
county and the number of beds for which certificates of need are 72351
being requested totals more than the number of beds available in 72352
the county from which the beds are to be relocated. 72353

(2) The applications propose to relocate beds to the same 72354
county and the number of beds for which certificates of need are 72355
being requested totals more than the number of beds needed in the 72356
county to which the beds are to be relocated. 72357

(3) The applications propose to relocate beds from the same 72358
service area and the number of beds left in the service area from 72359
which the beds are being relocated would be less than the state 72360
bed need rate determined by the director. 72361

(G) In determining which applicants should receive preference 72362
in the comparative review process, the director shall consider all 72363
of the following as weighted priorities: 72364

(1) Whether the beds will be part of a continuing care 72365
retirement community; 72366

(2) Whether the beds will serve an underserved population, 72367
such as low-income individuals, individuals with disabilities, or 72368
individuals who are members of racial or ethnic minority groups; 72369

(3) Whether the project in which the beds will be included 72370
will provide alternatives to institutional care, such as adult 72371
day-care, home health care, respite or hospice care, mobile meals, 72372
residential care, independent living, or congregate living 72373
services; 72374

(4) Whether the long-term care facility's owner or operator 72375
will participate in medicaid waiver programs for alternatives to 72376
institutional care; 72377

(5) Whether the project in which the beds will be included 72378
will reduce alternatives to institutional care by converting 72379
residential care beds or other alternative care beds to long-term 72380
care beds; 72381

(6) Whether the facility in which the beds will be placed has 72382
positive resident and family satisfaction surveys; 72383

(7) Whether the facility in which the beds will be placed has 72384
fewer than fifty long-term care beds; 72385

(8) Whether the long-term care facility in which the beds 72386
will be placed is located within the service area of a hospital 72387

and is designed to accept patients for rehabilitation after an 72388
in-patient hospital stay; 72389

(9) Whether the long-term care facility in which the beds 72390
will be placed is or proposes to become a nurse aide training and 72391
testing site; 72392

(10) The rating, under the centers for medicare and medicaid 72393
services' five star nursing home quality rating system, of the 72394
long-term care facility in which the beds will be placed. 72395

(H) A person who has submitted an application under this 72396
section that is not subject to comparative review may revise the 72397
site of the proposed project pursuant to section 3702.522 of the 72398
Revised Code. 72399

(I) When a certificate of need application is approved, in 72400
addition to the actions required by division (D) of section 72401
3702.52 of the Revised Code, the long-term care facility from 72402
which the beds were relocated shall reduce the number of beds 72403
operated in the facility by a number of beds equal to at least ten 72404
per cent of the number of beds relocated. If these beds are in a 72405
home licensed under Chapter 3721. of the Revised Code, the 72406
long-term care facility shall have the beds removed from the 72407
license. If the beds are in a facility that is certified as a 72408
skilled nursing facility or nursing facility under Title XVIII or 72409
XIX of the "Social Security Act," the facility shall surrender the 72410
certification of these beds. If the beds are ~~registered~~ reported 72411
in an application submitted under section 3722.03 of the Revised 72412
Code as skilled nursing beds or long-term care beds ~~under section~~ 72413
~~3701.07 of the Revised Code~~, the long-term care facility shall 72414
surrender the registration for these beds. This reduction shall be 72415
made not later than the completion date of the project for which 72416
the beds were relocated. 72417

Sec. 3705.30. (A) As used in this section: 72418

(1) ~~"Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code~~ has the same meaning as in section 3701.503 of the Revised Code.

(2) ~~"Hospital" means a hospital classified under section 3701.07 of the Revised Code as a general hospital or children's hospital~~ has the same meaning as in section 3722.01 of the Revised Code.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) The director of health shall establish and, if funds for this purpose are available, implement a statewide birth defects information system for the collection of information concerning congenital anomalies, stillbirths, and abnormal conditions of newborns.

(C) If the system is implemented under division (B) of this section, all of the following apply:

(1) The director may require each physician, hospital, and freestanding birthing center to report to the system information concerning all patients under five years of age with a primary diagnosis of a congenital anomaly or abnormal condition. The director shall not require a hospital, freestanding birthing center, or physician to report to the system any information that is reported to the director or department of health under another provision of the Revised Code or Administrative Code.

(2) On request, each physician, hospital, and freestanding birthing center shall give the director or authorized employees of the department of health access to the medical records of any patient described in division (C)(1) of this section. The department shall pay the costs of copying any medical records pursuant to this division.

(3) The director may review vital statistics records and 72450
shall consider expanding the list of congenital anomalies and 72451
abnormal conditions of newborns reported on birth certificates 72452
pursuant to section 3705.08 of the Revised Code. 72453

(D) A physician, hospital, or freestanding birthing center 72454
that provides information to the system under division (C) of this 72455
section shall not be subject to criminal or civil liability for 72456
providing the information. 72457

Sec. 3705.41. (A) As used in this section: 72458

(1) "Freestanding birthing center" ~~has the same meaning as in~~ 72459
~~section 3702.141 of the Revised Code~~ has the same meaning as in 72460
section 3701.503 of the Revised Code. 72461

(2) "Funeral services worker" means a person licensed as a 72462
funeral director or embalmer under Chapter 4717. of the Revised 72463
Code or an individual responsible for the direct final disposition 72464
of a deceased person. 72465

(3) "Hospital" ~~means a hospital classified pursuant to rules~~ 72466
~~adopted under section 3701.07 of the Revised Code as a general~~ 72467
~~hospital or children's hospital and to which either of the~~ 72468
~~following applies:~~ 72469

~~(a) The hospital has a maternity unit.~~ 72470

~~(b) The hospital receives for care infants who have been~~ 72471
~~transferred to it from other facilities and who have never been~~ 72472
~~discharged to their residences following birth~~ has the same 72473
meaning as in section 3722.01 of the Revised Code. 72474

~~(4) "Maternity unit" means the distinct portion of a hospital~~ 72475
~~licensed as a maternity unit under Chapter 3711. of the Revised~~ 72476
~~Code.~~ 72477

(B) At least annually, the state registrar shall offer to 72478
provide training for appropriate staff of hospitals and 72479

freestanding birthing centers, as well as funeral services 72480
workers, on their responsibilities under the laws of this state 72481
and any rules adopted pursuant to those laws pertaining to vital 72482
records. If provided, the training shall cover correct data entry 72483
procedures and time limits for reporting vital statistics 72484
information for the purpose of ensuring accuracy and consistency 72485
of the system of vital statistics. 72486

Sec. 3711.01. As used in this chapter: 72487

(A) "Board of health" means a board of health of a city or 72488
general health district or the authority having the duties of a 72489
board of health under section 3709.05 of the Revised Code. 72490

(B) "Maternity home" means a facility for pregnant girls and 72491
women where accommodations, medical care, and social services are 72492
provided during the prenatal and postpartal periods. "Maternity 72493
home" does not include a private residence where obstetric or 72494
newborn services are received by a resident of the home. 72495

~~(C) "Maternity unit" means a distinct portion of a hospital 72496
in which inpatient care is provided to women during all or part of 72497
the maternity cycle. 72498~~

~~(D) "Newborn care nursery" means a distinct portion of a 72499
hospital in which inpatient care is provided to infants. "Newborn 72500
care nursery" includes a distinct portion of a hospital in which 72501
intensive care is provided to infants. 72502~~

Sec. 3711.02. (A) Except as provided in division (B) of this 72503
section, no person shall operate ~~any of the following,~~ a maternity 72504
home unless the person holds the appropriate license issued under 72505
this chapter and the license is valid: 72506

~~(1) A maternity unit; 72507~~

~~(2) A newborn care nursery; 72508~~

~~(3) A maternity home.~~ 72509

(B) Division (A) of this section does not apply to a health 72510
care facility, as defined in section 3702.30 of the Revised Code. 72511

Sec. 3711.04. Each person seeking to operate a ~~maternity~~ 72512
~~unit, newborn care nursery, or~~ maternity home shall apply to the 72513
director of health for a license under this chapter. The 72514
application shall be submitted in the form and manner prescribed 72515
by the director in rules adopted under section 3711.12 of the 72516
Revised Code. 72517

~~A single application and license is required if an applicant~~ 72518
~~will operate both a maternity unit and newborn care nursery.~~ 72519

Sec. 3711.05. (A) The director of health shall review all 72520
applications received under section 3711.04 of the Revised Code. 72521
On receipt of a complete application, the director shall send a 72522
copy of the application to the board of health of the city or 72523
general health district in which the ~~maternity unit, newborn care~~ 72524
~~nursery, or~~ maternity home is to be operated. 72525

Unless the board finds that an applicant is not in compliance 72526
with an applicable health regulation adopted by the board, the 72527
board shall approve the application. The board shall notify the 72528
director of its determination to approve or disapprove the 72529
application. If the board does not notify the director of its 72530
determination by the end of the thirtieth day after the board 72531
receives the copy of the application, the application is deemed to 72532
have been approved by the board. 72533

(B) The director shall issue a license to an applicant if all 72534
of the following requirements are met: 72535

(1) The board of health approves the application or the 72536
application is deemed to have been approved; 72537

(2) The applicant meets the standards specified in rules 72538
adopted under section 3711.12 of the Revised Code; 72539

(3) The applicant passes the inspection required by section 72540
3711.06 of the Revised Code. 72541

(C) On issuance of a license, the director shall notify the 72542
board of health to which the application was sent under division 72543
(A) of this section. In the notice, the director shall specify the 72544
terms that apply to the license. 72545

Sec. 3711.06. The director of health shall inspect each 72546
~~maternity unit, newborn care nursery, or~~ maternity home for which 72547
a person has applied for an initial license under section 3711.04 72548
of the Revised Code prior to issuing the license. Inspections 72549
shall be conducted in accordance with inspection criteria, 72550
procedures, and guidelines adopted by the director under section 72551
3711.12 of the Revised Code. 72552

Sec. 3711.10. The director of health shall monitor compliance 72553
with this chapter and the rules adopted under it. The director may 72554
conduct inspections of a ~~maternity unit, newborn care nursery, or~~ 72555
maternity home as necessary to adequately monitor compliance with 72556
this chapter and the rules adopted under it. The inspections may 72557
be scheduled or random. 72558

The board of health of the city or general health district in 72559
which a ~~maternity unit, newborn care nursery, or~~ maternity home is 72560
located may conduct inspections of the ~~unit, nursery, or~~ home as 72561
necessary to adequately monitor compliance with any applicable 72562
health regulation adopted by the board. The inspections may be 72563
scheduled or random. 72564

Sec. 3711.12. (A) The director of health shall adopt rules in 72565
accordance with Chapter 119. of the Revised Code as the director 72566

considers necessary to implement the requirements of this chapter 72567
for licensure and operation of ~~maternity units, newborn care~~ 72568
~~nurseries, and~~ maternity homes. The rules shall include provisions 72569
for the following: 72570

(1) Licensure application forms and procedures; 72571

(2) Renewal procedures, including procedures that address the 72572
right of the director of health, at the director's sole 72573
discretion, to conduct an inspection prior to renewal of a 72574
license; 72575

(3) Initial license fees and license renewal fees; 72576

(4) Fees for inspections conducted by the director under 72577
section 3711.10 of the Revised Code; 72578

(5) Safety standards, quality-of-care standards, and 72579
quality-of-care data reporting requirements; 72580

(6) Reporting and auditing requirements; 72581

(7) Inspection criteria, procedures, and guidelines; 72582

(8) Application forms to be used and procedures to be 72583
followed in applying under section 3711.13 of the Revised Code for 72584
a variance or waiver of any of the requirements of the rules 72585
adopted under this section regarding the operation of a maternity 72586
home; 72587

(9) Any other rules necessary to implement this chapter. 72588

(B) When adopting rules under this section, the director 72589
shall give consideration to recommendations regarding obstetric 72590
and newborn care issued by the American college of obstetricians 72591
and gynecologists; American academy of pediatrics; American 72592
academy of family physicians; American society of 72593
anesthesiologists; American college of nurse-midwives; United 72594
States centers for disease control and prevention; association of 72595

women's health, obstetric and neonatal nurses; and association of 72596
perioperative registered nurses, or their successor organizations. 72597

Sec. 3711.14. (A) In accordance with Chapter 119. of the 72598
Revised Code, the director of health may do any of the following: 72599

(1) Impose a civil penalty of not less than one thousand 72600
dollars and not more than two hundred fifty thousand dollars on a 72601
person who violates a provision of this chapter or the rules 72602
adopted under it; 72603

(2) Summarily suspend, in accordance with division (B) of 72604
this section, a license issued under this chapter if the director 72605
believes there is clear and convincing evidence that the continued 72606
operation of a ~~maternity unit, newborn care nursery, or~~ maternity 72607
home presents a danger of immediate and serious harm to the 72608
public; 72609

(3) Revoke a license issued under this chapter if the 72610
director determines that a violation of a provision of this 72611
chapter or the rules adopted under it has occurred in such a 72612
manner as to pose an imminent threat of serious physical or 72613
life-threatening danger. 72614

(B) If the director suspends a license under division (A)(2) 72615
of this section, the director shall issue a written order of 72616
suspension and cause it to be delivered by certified mail or in 72617
person in accordance with section 119.07 of the Revised Code. The 72618
order shall not be subject to suspension by the court while an 72619
appeal filed under section 119.12 of the Revised Code is pending. 72620
If the individual subject to the suspension requests an 72621
adjudication, the date set for the adjudication shall be within 72622
fifteen days but not earlier than seven days after the individual 72623
makes the request, unless another date is agreed to by both the 72624
individual and the director. The summary suspension shall remain 72625
in effect, unless reversed by the director, until a final 72626

adjudication order issued by the director pursuant to this section 72627
and Chapter 119. of the Revised Code becomes effective. 72628

The director shall issue a final adjudication order not later 72629
than ninety days after completion of the adjudication. If the 72630
director does not issue a final order within the ninety-day 72631
period, the summary suspension shall be void, but any final 72632
adjudication order issued subsequent to the ninety-day period 72633
shall not be affected. 72634

(C) If the director issues an order revoking or suspending a 72635
license issued under this chapter and the license holder continues 72636
to operate a ~~maternity unit, newborn care nursery, or~~ maternity 72637
home, the director may ask the attorney general to apply to the 72638
court of common pleas of the county in which the person is located 72639
for an order enjoining the person from operating the ~~unit,~~ 72640
~~nursery, or~~ home. The court shall grant the order on a showing 72641
that the person is operating the ~~unit, nursery, or~~ home. 72642

Sec. 3711.30. (A) As used in this section, "opioid" means 72643
~~opium, opium derivatives, and synthetic opium substitutes~~ an 72644
opioid analgesic as defined in section 3719.01 of the Revised 72645
Code. 72646

(B) Each ~~maternity unit, newborn care nursery, and~~ maternity 72647
home shall report to the department of health the number of 72648
newborns born to residents of this state in the ~~unit, nursery, or~~ 72649
home during the preceding calendar quarter that were diagnosed as 72650
opioid dependent at birth. The reports shall be submitted not 72651
later than thirty days after the end of each quarter and shall not 72652
include any patient-identifying information. 72653

(C) The department shall establish standards and procedures 72654
for reporting the information required by this section. The 72655
information reported under this section shall not be used for law 72656
enforcement purposes or disclosed to law enforcement authorities. 72657

(D) The department shall compile the information submitted 72658
under this section and make a summary of that information 72659
available to the public not later than ninety days after the end 72660
of each calendar year. 72661

Sec. 3722.01. As used in this chapter: 72662

(A) "Children's hospital" means either of the following: 72663

(1) A hospital that provides general pediatric medical and 72664
surgical care in which at least seventy-five per cent of annual 72665
inpatient discharges for the preceding two calendar years were 72666
individuals less than eighteen years of age; 72667

(2) A distinct portion of a hospital that provides general 72668
pediatric medical and surgical care, has a total of at least one 72669
hundred fifty pediatric special care and pediatric acute care 72670
beds, and in which at least seventy-five per cent of annual 72671
inpatient discharges for the preceding two calendar years were 72672
individuals less than eighteen years of age. 72673

(B) "Health care service" means any of the following: 72674

(1) Pediatric intensive care; 72675

(2) Solid organ and bone marrow transplantation; 72676

(3) Stem cell harvesting and reinfusion; 72677

(4) Cardiac catheterization; 72678

(5) Open heart surgery; 72679

(6) Operation of linear accelerators; 72680

(7) Operation of cobalt radiation therapy units; 72681

(8) Operation of gamma knives. 72682

(C) "Hospital" means an institution or facility that provides 72683
inpatient medical or surgical services for a continuous period 72684
longer than twenty-four hours. "Hospital" includes a children's 72685

hospital. 72686

(D) "Political subdivision" means a county, township, municipal corporation, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. 72687
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(E) "State university" has the same meaning as in section 3345.12 of the Revised Code. 72691
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Sec. 3722.02. (A) It is the intent of the General Assembly in enacting Chapter 3722. of the Revised Code to require each hospital operating in this state to be licensed by the director of health. Beginning on the date that is three years after the effective date of this section, any reference to a hospital contained in the Revised Code in a chapter other than Chapter 3722. of the Revised Code shall be construed to mean a hospital licensed under Chapter 3722. of the Revised Code. 72693
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(B) Beginning on the date that is three years after the effective date of this section, no person and no political subdivision, agency, or instrumentality of this state shall operate a hospital without holding a license issued by the director of health under section 3722.03 of the Revised Code. 72701
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(C) Division (A) of this section does not apply to any of the following: 72706
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(1) A hospital operated by the federal government; 72708

(2) An ambulatory surgical facility or other health care facility licensed as described in section 3702.30 of the Revised Code; 72709
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(3) A nursing home or residential care facility licensed under Chapter 3721. of the Revised Code; 72712
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(4) A hospital or inpatient unit licensed under section 5119.33 of the Revised Code; 72714
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- (5) A residential facility as defined in section 5119.34 of the Revised Code; 72716
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- (6) A residential facility as defined in section 5123.19 of the Revised Code; 72718
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- (7) A community addiction services provider as defined in section 5119.01 of the Revised Code; 72720
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- (8) A facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code; 72722
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- (9) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and that is used exclusively for the care of hospice patients; 72725
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- (10) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code and that is used exclusively for the care of pediatric respite care patients; 72728
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- (11) The site where a health care practice is operated, regardless of whether the practice is organized as an individual or group practice; 72731
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- (12) A clinic providing ambulatory patient services where patients are not regularly admitted as inpatients; 72734
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- (13) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 26 U.S.C. 1, and providing twenty-four-hour nursing care pursuant to the exemption from the licensing requirements of Chapter 4723. of the Revised Code described in division (E) of section 4723.32 of the Revised Code. 72736
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- (D)(1) If the director of health determines that a hospital 72745

is operating without a license in violation of this section, the 72746
director shall do any of the following: 72747

(a) Notify the hospital that it is operating without a 72748
license and provide it with an opportunity to apply for licensure, 72749
but only within the thirty-day period beginning on the date the 72750
hospital received the director's notice; 72751

(b) Direct the hospital to cease operations; 72752

(c) Impose a civil penalty of not more than two hundred fifty 72753
thousand dollars; 72754

(d) In addition to the penalty described in division 72755
(D)(1)(c) of this section, impose a penalty of not less than one 72756
thousand dollars and not more than ten thousand dollars for each 72757
day the hospital operates without a license. 72758

(2) If the hospital described in division (D)(1) of this 72759
section continues to operate without a license, the director may 72760
petition the court of common pleas of the county in which the 72761
hospital is located for an order enjoining the hospital from 72762
operating. 72763

Sec. 3722.03. (A) Subject to division (D) of this section, 72764
each person or political subdivision, agency, or instrumentality 72765
of this state, including a state university, seeking to operate a 72766
hospital shall apply to the director of health for a license to 72767
operate a hospital. 72768

The director of health shall not consider any application for 72769
licensure until the date that is one year after the effective date 72770
of this section. An application shall be submitted in the form and 72771
manner prescribed by the director in rules adopted under section 72772
3722.06 of the Revised Code. 72773

(B) To be eligible for a license, an applicant must satisfy 72774
all of the following: 72775

(1) Have submitted a complete application, which includes identifying the main hospital location and any location operated by the hospital pursuant to 42 C.F.R. 413.65 and paying the fee specified in rules adopted under section 3722.06 of the Revised Code; 72776
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(2) Be certified under Title XVIII of the "Social Security Act," 42 U.S.C. 1395aa, or accredited by a national accrediting organization approved by the federal centers for medicare and medicaid services in accordance with 42 U.S.C. 1395bb(a), or, in the case of a new hospital, eligible under rules adopted under section 3722.06 of the Revised Code; 72781
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(3) Demonstrate the ability to comply with standards established in rules adopted under section 3722.06 of the Revised Code; 72787
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(4) Specify the number of beds for the hospital, including skilled nursing beds, long-term care beds, and special skilled nursing beds. 72790
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(C)(1) If the applicant satisfies the requirements described in division (B) of this section, the director shall issue to the applicant a license to operate a hospital. 72793
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(2) A license issued under this section is valid for a three-year period unless revoked or suspended. A license expires on the date that is three years from the date of issuance and may be renewed for additional three-year periods. Applications for renewal shall be submitted to the director in a manner prescribed in rules adopted under section 3722.06 of the Revised Code. 72796
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(3) Both of the following apply to a license issued under this section: 72802
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(a) The license is valid only for the hospital identified in the application. 72804
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(b) The license holder shall post a copy of the license in a conspicuous place in the hospital. 72806
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(D) This section does not prohibit the director of health from issuing a license to a hospital that does either or both of the following: 72808
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(1) Occupies space in a building that is also used by another hospital or hospitals; 72811
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(2) Occupies one or more buildings located on the same campus as buildings used by another hospital or hospitals. 72813
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Sec. 3722.04. If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code. 72815
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The new owner is responsible for compliance with any action taken or proposed by the director under section 3722.07 or 3722.08 of the Revised Code. If a notice has been issued under section 119.07 of the Revised Code, the new owner becomes party to the notice. 72822
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Sec. 3722.05. (A) Upon the filing of an initial application for licensure under section 3722.03 of the Revised Code, the director of health may inspect the hospital prior to issuing or denying the applicant a license to operate a hospital. An applicant may avoid such an inspection if the applicant submits with the application a copy of the hospital's most recent final on-site survey report from the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) demonstrating that the hospital is certified or 72827
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accredited. 72836

(B) When filing an application to renew a license issued 72837
under section 3722.03 of the Revised Code, an applicant may avoid 72838
an inspection by the director if the applicant submits with the 72839
application a copy of the hospital's most recent final on-site 72840
survey report from the federal centers for medicare and medicaid 72841
services or an accrediting organization approved under 42 U.S.C. 72842
1395bb(a) demonstrating that the hospital is certified or 72843
accredited. 72844

(C) For purposes of this section, a final on-site survey 72845
report from the federal centers for medicare and medicaid services 72846
or an accrediting organization submitted in accordance with this 72847
section is confidential and is not a public record under section 72848
149.43 of the Revised Code. 72849

(D) At least once every thirty-six months, the director shall 72850
inspect each licensed hospital's maternity unit, newborn care 72851
nursery, and any unit providing health care services. 72852

(E) The director may at any time inspect a licensed hospital 72853
in order to address an incident that may impact public health, 72854
respond to a complaint submitted to the director, or otherwise 72855
ensure the safety of patients cared for by the hospital. 72856

(F) Any inspection conducted under this section is subject to 72857
a fee. Upon conducting the inspection, the director shall provide 72858
the applicant or license holder with a fee statement. Not later 72859
than fifteen days after receiving the fee statement, the applicant 72860
or license holder shall submit to the director the total amount of 72861
the fee. 72862

Sec. 3722.06. (A) Not later than the date that is one year 72863
after the effective date of this section, the director of health 72864
shall adopt rules establishing health, safety, welfare, and 72865

<u>quality standards for hospitals licensed under this chapter,</u>	72866
<u>including standards for all of the following:</u>	72867
<u>(1) Maternity units;</u>	72868
<u>(2) Newborn care nurseries;</u>	72869
<u>(3) Health care services.</u>	72870
<u>(B) Not later than the date that is one year after the</u>	72871
<u>effective date of this section, the director shall adopt rules</u>	72872
<u>establishing standards and procedures for the licensure of</u>	72873
<u>hospitals, including all of the following:</u>	72874
<u>(1) Procedures for applying and renewing licenses as</u>	72875
<u>described in section 3722.03 of the Revised Code;</u>	72876
<u>(2) Procedures for transferring licenses as described in</u>	72877
<u>section 3722.04 of the Revised Code;</u>	72878
<u>(3) Procedures for inspections following complaints;</u>	72879
<u>(4) Subject to division (C)(1) of this section, fees for</u>	72880
<u>initial applications, license renewals, and license transfers, as</u>	72881
<u>well as inspections conducted under section 3722.05 of the Revised</u>	72882
<u>Code;</u>	72883
<u>(5) Subject to division (C)(2) of this section, standards and</u>	72884
<u>procedures for imposing civil penalties as described in section</u>	72885
<u>3722.07 of the Revised Code;</u>	72886
<u>(6) Subject to division (C)(3) of this section, standards and</u>	72887
<u>procedures for correcting violations, including through the</u>	72888
<u>submission of correction plans;</u>	72889
<u>(7) Standards and procedures for identifying, monitoring,</u>	72890
<u>managing, reporting, and reducing exposures to risk conditions,</u>	72891
<u>such as Legionella, including through the use of environmental</u>	72892
<u>facility assessments, the development of water management plans,</u>	72893
<u>and the use of disinfection measures;</u>	72894

<u>(8) Standards and procedures for data reporting;</u>	72895
<u>(9) Standards and procedures for emergency preparedness;</u>	72896
<u>(10) Standards and procedures for the provision of technical assistance as described in section 3722.09 of the Revised Code;</u>	72897 72898
<u>(11) Standards and procedures for new hospitals to demonstrate eligibility as described in division (B)(2) of section 3722.03 of the Revised Code;</u>	72899 72900 72901
<u>(12) Standards and procedures to address changes to a hospital's license, including adding or removing a location of the hospital.</u>	72902 72903 72904
<u>(C)(1) In the case of an inspection fee described in division (B)(4) of this section, the director shall establish an amount to cover only the cost of the inspection. All other fees established under that division shall be limited to what is necessary to support the hospital licensure program.</u>	72905 72906 72907 72908 72909
<u>(2) The director shall establish a scale for use in determining the amount of a civil penalty that may be imposed under section 3722.07 of the Revised Code. The scale shall include per day amounts for ongoing violations. The total amount of a civil penalty shall not exceed two hundred fifty thousand dollars for each violation.</u>	72910 72911 72912 72913 72914 72915
<u>(3) The director shall accept a corrective action plan that also was accepted by the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) provided that the plan was submitted to the centers or organization in response to the same deficiencies identified by the director.</u>	72916 72917 72918 72919 72920 72921
<u>(D) The director may adopt any other rules as necessary to implement this chapter.</u>	72922 72923
<u>(E) When adopting rules under this section, all of the</u>	72924

<u>following apply:</u>	72925
<u>(1) The director shall adopt the rules in accordance with Chapter 119. of the Revised Code;</u>	72926 72927
<u>(2) Any rules adopted are not subject to division (F) of section 121.95 of the Revised Code;</u>	72928 72929
<u>(3) The director shall collaborate with representatives of this state's hospital industry to maximize the public health utility of rules adopted under this section and limit the administrative burden of and costs of complying with such rules.</u>	72930 72931 72932 72933
<u>(4) The director shall not adopt rules that conflict with requirements under federal laws or regulations.</u>	72934 72935
<u>Sec. 3722.07.</u> (A) <u>Each hospital licensed under this chapter shall comply with the requirements of this chapter and the rules adopted under it.</u>	72936 72937 72938
(B) <u>In accordance with Chapter 119. of the Revised Code, if the director of health finds that a license holder has violated any requirement of this chapter or the rules adopted under it, the director may do any of the following:</u>	72939 72940 72941 72942
<u>(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars;</u>	72943 72944
<u>(2) Require the license holder to submit a plan to correct or mitigate the violation;</u>	72945 72946
<u>(3) Suspend a health care service or revoke a license issued under this chapter if the director determines that the license holder is not in substantial compliance with this chapter or the rules adopted under it.</u>	72947 72948 72949 72950
(C)(1) <u>If the director takes action under division (B)(3) of this section, the director shall give written notice of proposed action to the hospital. The notice shall specify all of the</u>	72951 72952 72953

following: 72954

(a) The nature of the conditions giving rise to the director's judgment; 72955
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(b) The measures that the director determines the hospital must take to respond to the conditions; 72957
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(c) The date, which shall be not later than thirty days after the notice is delivered, on which the director intends to suspend the health care service or revoke the license if the conditions are not corrected and the director determines that the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 72959
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(2) If the licensed hospital notifies the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director shall conduct an inspection. The director may suspend the health care service or revoke the license if the director determines on the basis of the inspection that the conditions have not been corrected and the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 72965
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(3) If the licensed hospital fails to notify the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director may suspend the health care service or revoke the license. 72976
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(D) If the director suspends a health care service or revokes a license under division (C) of this section, the director shall 72983
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issue a written order of suspension or revocation and cause it to 72985
be delivered by certified mail or in person in accordance with 72986
section 119.07 of the Revised Code. If the license holder subject 72987
to the suspension or revocation requests an adjudication, the date 72988
set for the adjudication shall be within seven days after the 72989
license holder makes the request, unless another date is agreed to 72990
by both the individual and the director. The suspension or 72991
revocation shall remain in effect, unless reversed by the 72992
director, until a final adjudication order issued by the director 72993
pursuant to this section and Chapter 119. of the Revised Code 72994
becomes effective. 72995

The director shall issue a final adjudication order not later 72996
than fourteen days after completion of the adjudication. If the 72997
director does not issue a final order within the fourteen-day 72998
period, the suspension or revocation is void, but any final 72999
adjudication order issued subsequent to the fourteen-day period 73000
shall not be affected. 73001

(E) If the director issues a final adjudication order 73002
suspending a health care service or suspending or revoking a 73003
license issued under this chapter and the license holder continues 73004
to operate a hospital, the director may ask the attorney general 73005
to apply to the court of common pleas of the county in which the 73006
hospital is located for an order enjoining the license holder from 73007
operating the hospital. 73008

Sec. 3722.08. (A) As used in this section, "imminent threat 73009
of harm" means imminent danger of serious physical or 73010
life-threatening harm to one or more occupants of a hospital. 73011

(B) If, in the judgment of the director of health, an 73012
imminent threat of harm exists at any licensed hospital, the 73013
director may petition the court of common pleas of the county in 73014
which the hospital is located for such injunctive relief as is 73015

necessary to close the hospital, suspend a service within the 73016
hospital, transfer one or more occupants to other hospitals or 73017
other appropriate care settings, or otherwise eliminate the 73018
imminent threat of harm. The court has jurisdiction to grant such 73019
injunctive relief upon a showing that there is an imminent threat 73020
of harm. In such court proceeding, the hospital shall have an 73021
opportunity, before the court enters an order granting injunctive 73022
relief, to present evidence to the court that an imminent threat 73023
of harm does not exist or has been remedied. 73024

(C)(1) If the director determines that an imminent threat of 73025
harm exists at a licensed hospital and elects not to immediately 73026
seek injunctive relief under division (B) of this section, the 73027
director may give written notice of proposed action to the 73028
hospital. The notice shall specify all of the following: 73029

(a) The nature of the conditions giving rise to the imminent 73030
threat of harm; 73031

(b) The measures that the director determines the hospital 73032
must take to respond to the conditions; 73033

(c) The date on which the director intends to seek injunctive 73034
relief under division (B) of this section if the director 73035
determines that an imminent threat of harm remains at the 73036
hospital. 73037

(2) If the licensed hospital notifies the director, within 73038
the time specified pursuant to division (C)(1)(c) of this section, 73039
that it believes the conditions giving rise to the imminent threat 73040
of harm have been substantially corrected, the director shall 73041
conduct an inspection to determine whether an imminent threat of 73042
harm remains. If the director determines on the basis of the 73043
inspection that an imminent threat of harm remains, the director 73044
may petition under division (B) of this section for injunctive 73045
relief. 73046

(D) On finding that the imminent threat of harm for which injunctive relief was granted under division (B) of this section has been eliminated and that the hospital has demonstrated the capacity to prevent the imminent threat of harm from recurring, the court shall lift the injunctive relief. 73047
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If the imminent threat of harm cannot be eliminated practicably within a reasonable time, the court may order the hospital to close, transfer all patients to other hospitals or other appropriate care settings, or suspend a service. 73052
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(E) The director of health shall give notice of proposed action under this section to the following: 73056
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(1) The hospital's administrator; 73058

(2) The hospital's statutory agent. 73059

A notice shall be delivered by hand or certified mail. If mailed, the notice shall be addressed to the persons specified in this section, as indicated in the department of health's records. If hand delivered, the notice shall be delivered to persons who would reasonably appear to the average prudent person to have authority to accept them. 73060
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Sec. 3722.09. (A) The director of health may provide each licensed hospital with technical assistance in all of the following areas: 73066
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(1) Infectious diseases, including measures to prevent and control their spread; 73069
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(2) Quality improvement projects, including health equity and disparities; 73071
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(3) Population health initiatives; 73073

(4) Data analytics; 73074

(5) Workforce recruitment and development. 73075

(B) The director may engage with one or more quality improvement organizations to assist in providing technical assistance. The director may terminate the assistance of a quality improvement organization at any time. 73076
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(C) The director may use any fees and civil penalties collected under this chapter to fund the provision of technical assistance to licensed hospitals, including contracting with entities to provide training or technical assistance as determined necessary by the director. 73080
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Sec. 3722.10. Each hospital licensed under this chapter shall have a governing board to oversee the hospital's management, operation, and control. The governing board shall be responsible for overseeing the appointment, reappointment, and assignment of privileges to medical staff as described in section 3701.351 of the Revised Code. 73085
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Sec. 3722.11. (A) "Opioid" means opioid analgesic as defined in section 3719.01 of the Revised Code. 73091
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(B) Beginning on the date that is three years after the effective date of this section, each hospital licensed under this chapter that operates a maternity unit or newborn care nursery shall report to the director of health the number of newborns born to residents of this state in the unit or nursery during the preceding calendar quarter that were diagnosed as opioid dependent at birth. The reports shall be submitted not later than thirty days after the end of each quarter and shall not include any patient-identifying information. A third-party organization may report as described in this division on behalf of the hospital. 73093
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(C) The director shall establish standards and procedures for reporting the information required by this section, including reporting submitted by third-party organizations. The information 73103
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reported under this section shall not be used for law enforcement purposes or disclosed to law enforcement authorities. 73106
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(D) The director shall compile the information submitted under this section and make a summary of that information available to the public not later than ninety days after the end of each calendar year. 73108
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Sec. 3722.12. (A) Beginning on the date that is three years after the effective date of this section, each hospital shall report to the director of health the contagious, environmental, or infectious diseases, illnesses, or health conditions or unusual infectious agents or biological toxins for which it provides treatment to patients. A third-party organization may report as described in this division on behalf of the hospital. 73112
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(B) The director shall adopt rules that do all of the following: 73119
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(1) Specify the diseases, illnesses, conditions, infectious agents, and biological toxins to be reported under this section; 73121
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(2) Specify the frequency with which a hospital shall report to the director under this section; 73123
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(3) Prescribe the manner in which a hospital or third-party organization shall report to the director under this section. 73125
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(C) Any information reported under this section shall be considered protected health information as described in section 3701.17 of the Revised Code and shall be released only in accordance with that section. Information that does not identify an individual may be released in summary, statistical, or aggregate form. 73127
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Sec. 3722.13. All initial license fees, renewal fees, fees for inspections conducted by the director of health and civil 73133
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penalties collected under this chapter shall be deposited in the 73135
state treasury to the credit of the general operations fund 73136
created under section 3701.83 of the Revised Code. The moneys 73137
shall be used solely for purposes of administering and enforcing 73138
this chapter and the rules adopted under it. 73139

Sec. 3722.14. From the effective date of this section until 73140
the date that is three years after the effective date of this 73141
section, the requirements of this chapter apply only to a hospital 73142
that has obtained a license to operate issued under section 73143
3722.03 of the Revised Code. Beginning on the date that is three 73144
years after the effective date of this section, each hospital is 73145
subject to the requirements of this chapter. 73146

Sec. 3722.99. Beginning on the date that is three years from 73147
the effective date of this section, whoever violates division (B) 73148
of section 3722.02 of the Revised Code is guilty of a misdemeanor 73149
of the first degree and shall be liable for an additional penalty 73150
of one thousand dollars for each day of operation in violation of 73151
such division. 73152

Sec. 3727.70. As used in this section and sections 3727.71 to 73153
3727.79 of the Revised Code: 73154

(A) "Admission" means a patient's admission to a hospital on 73155
an inpatient basis by a health care professional ~~specified in~~ 73156
~~division (B)(1) of section 3727.06 of the Revised Code.~~ 73157

(B) "After-care" means assistance provided by a lay caregiver 73158
to a patient in the patient's residence after the patient's 73159
discharge and includes only the caregiving needs of the patient at 73160
the time of discharge. 73161

(C) "Discharge" means the discharge or release of a patient 73162
who has been admitted to a hospital on an inpatient basis from the 73163

hospital directly to the patient's residence. "Discharge" does not include the transfer of a patient to another facility or setting.

(D) "Discharging health care professional" means a health care professional who is authorized ~~by division (B)(1) of section 3727.06 of the Revised Code~~ to admit a patient to a hospital and who has assumed responsibility for directing the creation of the patient's discharge plan under section 3727.75 of the Revised Code.

(E) "Guardian" has the same meaning as in section 2133.01 of the Revised Code.

(F) "Lay caregiver" means an adult designated under section 3727.71 of the Revised Code to provide after-care to a patient.

(G) "Lay caregiver designation" means the designation of a lay caregiver for a patient as described in section 3727.71 of the Revised Code.

(H)(1) "Patient's residence" means either of the following:

(a) The dwelling that a patient or the patient's guardian considers to be the patient's home;

(b) The dwelling of a relative or other individual who has agreed to temporarily house the patient following discharge and who has communicated this fact to hospital staff.

(2) "Patient's residence" does not include any of the following:

(a) A hospital;

(b) A nursing home, residential care facility, county home, or district home, as defined in section 3721.01 of the Revised Code;

(c) A veterans' home operated under Chapter 5907. of the Revised Code;

(d) A residential facility, as defined in section 5119.34 of the Revised Code; 73193
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(e) A residential facility, as defined in section 5123.19 of the Revised Code; 73195
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(f) A hospice care program, as defined in section 3712.01 of the Revised Code; 73197
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(g) A freestanding inpatient rehabilitation facility licensed under section 3702.30 of the Revised Code; 73199
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(h) Another facility similar to one specified in this division. 73201
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Sec. 3781.112. (A) As used in this section, "secured facility" means any of the following: 73203
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(1) A ~~maternity unit, newborn care nursery, or~~ maternity home licensed under Chapter 3711. of the Revised Code; 73205
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(2) A pediatric intensive care unit ~~subject to rules adopted by the director of health pursuant to section 3702.11 of the Revised Code;~~ 73207
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(3) A ~~children's hospital, as defined in section 3727.01~~ hospital licensed under Chapter 3722. of the Revised Code; 73210
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(4) A hospital ~~that is~~ licensed under section 5119.33 of the Revised Code to receive mentally ill persons; 73212
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(5) The portion of a nursing home licensed under section 3721.02 of the Revised Code or in accordance with section 3721.09 of the Revised Code in which specialized care is provided to residents of the nursing home who have physical or mental conditions that require a resident to be restricted in the resident's freedom of movement for the health and safety of the resident, the staff attending the resident, or the general public. 73214
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(B) A secured facility may take reasonable steps in 73221

accordance with rules the board of building standards adopts under 73222
division (A) of section 3781.10 of the Revised Code and in 73223
accordance with the state fire code the fire marshal adopts under 73224
section 3737.82 of the Revised Code, to deny egress to confine and 73225
protect patients or residents of the secured facility who are not 73226
capable of self-preservation. A secured facility that wishes to 73227
deny egress to those patients or residents may use delayed-egress 73228
doors and electronically coded doors to deny egress, on the 73229
condition that those doors are installed and used in accordance 73230
with rules the board of building standards adopts under division 73231
(A) of section 3781.10 of the Revised Code and in accordance with 73232
the state fire code the fire marshal adopts under section 3737.82 73233
of the Revised Code. A secured facility also may install 73234
controlled-egress locks, in compliance with rules the board of 73235
building standards adopts under division (A) of section 3781.10 of 73236
the Revised Code and in compliance with the state fire code the 73237
fire marshal adopts under section 3737.82 of the Revised Code, in 73238
areas of the secured facility where patients or residents who have 73239
physical or mental conditions that would endanger the patients or 73240
residents, the staff attending the patients or residents, or the 73241
general public if those patients or residents are not restricted 73242
in their freedom of movement. A secured facility that uses 73243
delayed-egress doors and electronically coded doors, 73244
controlled-egress locks, or both, shall do both of the following: 73245

- (1) Provide continuous, twenty-four-hour custodial care to 73246
the patients or residents of the facility; 73247
- (2) Establish a system to evacuate patients or residents in 73248
the event of fire or other emergency. 73249

Sec. 3901.40. No insurance company, health insuring 73250
corporation, or self-insurance plan authorized to do business in 73251
this state shall include or provide in its policies or subscriber 73252

agreements for benefit payments or reimbursement for services in 73253
any hospital which is not ~~certified or accredited as provided in~~ 73254
~~division (A) of section 3727.02~~ licensed under Chapter 3722. of 73255
the Revised Code. No hospital located in this state shall charge 73256
any insurance company, health insuring corporation, federal, 73257
state, or local government agency, or person for any services 73258
rendered unless the hospital is ~~certified or accredited as~~ 73259
~~provided in division (A) of section 3727.02~~ licensed under Chapter 73260
3722. of the Revised Code. "Hospital" as used in this section 73261
means only those institutions included within the definition of 73262
that term contained in section 3727.01 of the Revised Code, and 73263
the prohibitions in this section do not apply to facilities 73264
excluded from that definition. 73265

Sec. 3929.67. (A) A medical liability insurance policy that 73266
insures a physician or podiatrist, written by or on behalf of the 73267
medical liability underwriting association pursuant to sections 73268
3929.62 to 3929.70 of the Revised Code, may only be cancelled 73269
during the term of the policy for one of the following reasons: 73270

(1) Nonpayment of premiums; 73271

(2) The license of the insured to practice medicine and 73272
surgery, osteopathic medicine and surgery, or podiatric medicine 73273
and surgery has been suspended or revoked; 73274

(3) The insured's failure to meet minimum eligibility and 73275
underwriting standards; 73276

(4) The occurrence of a change in the individual risk that 73277
substantially increases any hazard insured against after the 73278
coverage has been issued or renewed, except to the extent that the 73279
medical liability underwriting association reasonably should have 73280
foreseen the change or contemplated the risk in writing the 73281
policy; 73282

(5) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder. 73283
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(B) A medical liability insurance policy that insures a hospital, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled during the term of the policy for one of the following reasons: 73286
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(1) Nonpayment of premiums; 73291

(2) The hospital is not ~~certified or accredited in accordance with~~ licensed under Chapter ~~3727~~ 3722. of the Revised Code; 73292
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(3) An injunction against the hospital has been granted under section ~~3727.05~~ 3722.08 of the Revised Code; 73294
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(4) The insured's failure to meet minimum eligibility and underwriting standards; 73296
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(5) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy; 73298
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(6) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder. 73304
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Sec. 4723.431. (A)(1) An advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may practice only in accordance with a standard care arrangement entered into with each physician or podiatrist with whom the nurse collaborates. A copy of the standard care arrangement shall be retained on file by 73307
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the nurse's employer. Prior approval of the standard care arrangement by the board of nursing is not required, but the board may periodically review it for compliance with this section.

A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement with one or more collaborating physicians or podiatrists. If a collaborating physician or podiatrist enters into standard care arrangements with more than five nurses, the physician or podiatrist shall not collaborate at the same time with more than five nurses in the prescribing component of their practices.

Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall notify the board of any additions or deletions to the nurse's collaborating physicians or podiatrists. Except as provided in division (D) of this section, the notice must be provided not later than thirty days after the change takes effect.

(2) All of the following conditions apply with respect to the practice of a collaborating physician or podiatrist with whom a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement:

(a) The physician or podiatrist must be authorized to practice in this state.

(b) Except as provided in division (A)(2)(c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

(c) If the nurse is a clinical nurse specialist who is

certified as a psychiatric-mental health CNS by the American 73343
nurses credentialing center or a certified nurse practitioner who 73344
is certified as a psychiatric-mental health NP by the American 73345
nurses credentialing center, the nurse may enter into a standard 73346
care arrangement with a physician but not a podiatrist and the 73347
collaborating physician must be practicing in one of the following 73348
specialties: 73349

(i) Psychiatry; 73350

(ii) Pediatrics; 73351

(iii) Primary care or family practice. 73352

(B) A standard care arrangement shall be in writing and shall 73353
contain all of the following: 73354

(1) Criteria for referral of a patient by the clinical nurse 73355
specialist, certified nurse-midwife, or certified nurse 73356
practitioner to a collaborating physician or podiatrist or another 73357
physician or podiatrist; 73358

(2) A process for the clinical nurse specialist, certified 73359
nurse-midwife, or certified nurse practitioner to obtain a 73360
consultation with a collaborating physician or podiatrist or 73361
another physician or podiatrist; 73362

(3) A plan for coverage in instances of emergency or planned 73363
absences of either the clinical nurse specialist, certified 73364
nurse-midwife, or certified nurse practitioner or a collaborating 73365
physician or podiatrist that provides the means whereby a 73366
physician or podiatrist is available for emergency care; 73367

(4) The process for resolution of disagreements regarding 73368
matters of patient management between the clinical nurse 73369
specialist, certified nurse-midwife, or certified nurse 73370
practitioner and a collaborating physician or podiatrist; 73371

(5) Any other criteria required by rule of the board adopted 73372

pursuant to section 4723.07 or 4723.50 of the Revised Code. 73373

(C)(1) A standard care arrangement entered into pursuant to 73374
this section may permit a clinical nurse specialist, certified 73375
nurse-midwife, or certified nurse practitioner to supervise 73376
services provided by a home health agency as defined in section 73377
3701.881 of the Revised Code. 73378

(2) A standard care arrangement entered into pursuant to this 73379
section may permit a clinical nurse specialist, certified 73380
nurse-midwife, or certified nurse practitioner to admit a patient 73381
to a hospital ~~in accordance with section 3727.06 of the Revised~~ 73382
~~Code.~~ 73383

(D)(1) Except as provided in division (D)(2) of this section, 73384
if a physician or podiatrist terminates the collaboration between 73385
the physician or podiatrist and a certified nurse-midwife, 73386
certified nurse practitioner, or clinical nurse specialist before 73387
their standard care arrangement expires, all of the following 73388
apply: 73389

(a) The physician or podiatrist must give the nurse written 73390
or electronic notice of the termination. 73391

(b) Once the nurse receives the termination notice, the nurse 73392
must notify the board of nursing of the termination as soon as 73393
practicable by submitting to the board a copy of the physician's 73394
or podiatrist's termination notice. 73395

(c) Notwithstanding the requirement of section 4723.43 of the 73396
Revised Code that the nurse practice in collaboration with a 73397
physician or podiatrist, the nurse may continue to practice under 73398
the existing standard care arrangement without a collaborating 73399
physician or podiatrist for not more than one hundred twenty days 73400
after submitting to the board a copy of the termination notice. 73401

(2) In the event that the collaboration between a physician 73402
or podiatrist and a certified nurse-midwife, certified nurse 73403

practitioner, or clinical nurse specialist terminates because of 73404
the physician's or podiatrist's death, the nurse must notify the 73405
board of the death as soon as practicable. The nurse may continue 73406
to practice under the existing standard care arrangement without a 73407
collaborating physician or podiatrist for not more than one 73408
hundred twenty days after notifying the board of the physician's 73409
or podiatrist's death. 73410

(E) Nothing in this section prohibits a hospital from hiring 73411
a clinical nurse specialist, certified nurse-midwife, or certified 73412
nurse practitioner as an employee and negotiating standard care 73413
arrangements on behalf of the employee as necessary to meet the 73414
requirements of this section. A standard care arrangement between 73415
the hospital's employee and the employee's collaborating physician 73416
is subject to approval by the medical staff and governing body of 73417
the hospital prior to implementation of the arrangement at the 73418
hospital. 73419

Sec. 4723.481. This section establishes standards and 73420
conditions regarding the authority of an advanced practice 73421
registered nurse who is designated as a clinical nurse specialist, 73422
certified nurse-midwife, or certified nurse practitioner to 73423
prescribe and personally furnish drugs and therapeutic devices 73424
under a license issued under section 4723.42 of the Revised Code. 73425

(A) Except as provided in division (F) of this section, a 73426
clinical nurse specialist, certified nurse-midwife, or certified 73427
nurse practitioner shall not prescribe or furnish any drug or 73428
therapeutic device that is listed on the exclusionary formulary 73429
established in rules adopted under section 4723.50 of the Revised 73430
Code. 73431

(B) The prescriptive authority of a clinical nurse 73432
specialist, certified nurse-midwife, or certified nurse 73433
practitioner shall not exceed the prescriptive authority of the 73434

collaborating physician or podiatrist, including the collaborating 73435
physician's authority to treat chronic pain with controlled 73436
substances and products containing tramadol as described in 73437
section 4731.052 of the Revised Code. 73438

(C)(1) Except as provided in division (C)(2) or (3) of this 73439
section, a clinical nurse specialist, certified nurse-midwife, or 73440
certified nurse practitioner may prescribe to a patient a schedule 73441
II controlled substance only if all of the following are the case: 73442

(a) The patient has a terminal condition, as defined in 73443
section 2133.01 of the Revised Code. 73444

(b) A physician initially prescribed the substance for the 73445
patient. 73446

(c) The prescription is for an amount that does not exceed 73447
the amount necessary for the patient's use in a single, 73448
seventy-two-hour period. 73449

(2) The restrictions on prescriptive authority in division 73450
(C)(1) of this section do not apply if a clinical nurse 73451
specialist, certified nurse-midwife, or certified nurse 73452
practitioner issues the prescription to the patient from any of 73453
the following locations: 73454

(a) A hospital ~~registered under section 3701.07~~ as defined in 73455
section 3722.01 of the Revised Code; 73456

(b) An entity owned or controlled, in whole or in part, by a 73457
hospital or by an entity that owns or controls, in whole or in 73458
part, one or more hospitals; 73459

(c) A health care facility operated by the department of 73460
mental health and addiction services or the department of 73461
developmental disabilities; 73462

(d) A nursing home licensed under section 3721.02 of the 73463
Revised Code or by a political subdivision certified under section 73464

3721.09 of the Revised Code;	73465
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	73466 73467 73468
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	73469 73470
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	73471 73472
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	73473 73474
(i) A freestanding birthing center, as defined in section 3702.141 <u>3701.503</u> of the Revised Code;	73475 73476
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	73477 73478
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	73479 73480
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	73481 73482 73483 73484
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site;	73485 73486 73487 73488 73489 73490 73491 73492
(n) A residential care facility, as defined in section 3721.01 of the Revised Code.	73493 73494

(3) A clinical nurse specialist, certified nurse-midwife, or 73495
certified nurse practitioner shall not issue to a patient a 73496
prescription for a schedule II controlled substance from a 73497
convenience care clinic even if the clinic is owned or operated by 73498
an entity specified in division (C)(2) of this section. 73499

(D) A pharmacist who acts in good faith reliance on a 73500
prescription issued by a clinical nurse specialist, certified 73501
nurse-midwife, or certified nurse practitioner under division 73502
(C)(2) of this section is not liable for or subject to any of the 73503
following for relying on the prescription: damages in any civil 73504
action, prosecution in any criminal proceeding, or professional 73505
disciplinary action by the state board of pharmacy under Chapter 73506
4729. of the Revised Code. 73507

(E) A clinical nurse specialist, certified nurse-midwife, or 73508
certified nurse practitioner shall comply with section 3719.061 of 73509
the Revised Code if the nurse prescribes for a minor, as defined 73510
in that section, an opioid analgesic, as defined in section 73511
3719.01 of the Revised Code. 73512

(F) Until the board of nursing establishes a new formulary in 73513
rules adopted under section 4723.50 of the Revised Code, a 73514
clinical nurse specialist, certified nurse-midwife, or certified 73515
nurse practitioner who prescribes or furnishes any drug or 73516
therapeutic device shall do so in accordance with the formulary 73517
established by the board prior to ~~the effective date of this~~ 73518
~~amendment~~ April 6, 2017. 73519

Sec. 4730.411. (A) Except as provided in division (B) or (C) 73520
of this section, a physician assistant may prescribe to a patient 73521
a schedule II controlled substance only if all of the following 73522
are the case: 73523

(1) The patient is in a terminal condition, as defined in 73524
section 2133.01 of the Revised Code. 73525

- (2) The physician assistant's supervising physician initially prescribed the substance for the patient. 73526
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- (3) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period. 73528
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- (B) The restrictions on prescriptive authority in division (A) of this section do not apply if a physician assistant issues the prescription to the patient from any of the following locations: 73531
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- (1) A hospital ~~registered under section 3701.07~~ as defined in section 3722.01 of the Revised Code; 73535
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- (2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals; 73537
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- (3) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities; 73540
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- (4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code; 73543
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- (5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program; 73546
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- (6) A hospice care program, as defined in section 3712.01 of the Revised Code; 73549
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- (7) A community mental health services provider, as defined in section 5122.01 of the Revised Code; 73551
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- (8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code; 73553
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- (9) A freestanding birthing center, as defined in section 73555

~~3702.141~~ 3701.503 of the Revised Code; 73556

(10) A federally qualified health center, as defined in 73557
section 3701.047 of the Revised Code; 73558

(11) A federally qualified health center look-alike, as 73559
defined in section 3701.047 of the Revised Code; 73560

(12) A health care office or facility operated by the board 73561
of health of a city or general health district or the authority 73562
having the duties of a board of health under section 3709.05 of 73563
the Revised Code; 73564

(13) A site where a medical practice is operated, but only if 73565
the practice is comprised of one or more physicians who also are 73566
owners of the practice; the practice is organized to provide 73567
direct patient care; and the physician assistant has entered into 73568
a supervisory agreement with at least one of the physician owners 73569
who practices primarily at that site. 73570

(C) A physician assistant shall not issue to a patient a 73571
prescription for a schedule II controlled substance from a 73572
convenience care clinic even if the convenience care clinic is 73573
owned or operated by an entity specified in division (B) of this 73574
section. 73575

(D) A pharmacist who acts in good faith reliance on a 73576
prescription issued by a physician assistant under division (B) of 73577
this section is not liable for or subject to any of the following 73578
for relying on the prescription: damages in any civil action, 73579
prosecution in any criminal proceeding, or professional 73580
disciplinary action by the state board of pharmacy under Chapter 73581
4729. of the Revised Code. 73582

Sec. 4731.31. (A) As used in this section: 73583

(1) "Rural hospital" means a hospital agency, as defined in 73584
section 140.01 of the Revised Code, that meets all of the 73585

following criteria: 73586

(a) Is in compliance with ~~section 3727.02 of the Revised Code~~ 73587
~~and the registration requirement of division (A) of section~~ 73588
~~3701.07 Chapter 3722.~~ of the Revised Code; 73589

(b) Is located in a county that has a population of less than 73590
one hundred twenty-five thousand. 73591

(2) "Physician" means an individual authorized under Chapter 73592
4731. of the Revised Code to practice medicine and surgery, 73593
osteopathic medicine and surgery, or podiatric medicine and 73594
surgery. 73595

(B) Subject to division (C) of this section, a rural hospital 73596
or a health care facility that is owned or operated by a rural 73597
hospital may employ a physician. A hospital or facility that 73598
employs a physician in accordance with this section is not engaged 73599
in the practice of medicine and surgery, osteopathic medicine and 73600
surgery, or podiatric medicine and surgery in violation of section 73601
4731.41, 4731.43, or 4731.60 of the Revised Code. 73602

(C) No rural hospital or health care facility owned or 73603
operated by a rural hospital shall do either of the following: 73604

(1) Control the professional clinical judgment exercised 73605
within accepted and prevailing standards of practice of a 73606
physician employed pursuant to this section in rendering care, 73607
treatment, or professional advice to an individual patient; 73608

(2) Require that a physician be employed by the hospital or 73609
facility as a condition of granting the physician privileges to 73610
practice within the hospital or facility. 73611

Sec. 4761.01. As used in this chapter: 73612

(A) "Respiratory care" means rendering or offering to render 73613
to individuals, groups, organizations, or the public any service 73614
involving the evaluation of cardiopulmonary function, the 73615

treatment of cardiopulmonary impairment, the assessment of 73616
treatment effectiveness, and the care of patients with 73617
deficiencies and abnormalities associated with the cardiopulmonary 73618
system. The practice of respiratory care includes: 73619

(1) Obtaining, analyzing, testing, measuring, and monitoring 73620
blood and gas samples in the determination of cardiopulmonary 73621
parameters and related physiologic data, including flows, 73622
pressures, and volumes, and the use of equipment employed for this 73623
purpose; 73624

(2) Administering, monitoring, recording the results of, and 73625
instructing in the use of medical gases, aerosols, and 73626
bronchopulmonary hygiene techniques, including drainage, 73627
aspiration, and sampling, and applying, maintaining, and 73628
instructing in the use of artificial airways, ventilators, and 73629
other life support equipment employed in the treatment of 73630
cardiopulmonary impairment and provided in collaboration with 73631
other licensed health care professionals responsible for providing 73632
care; 73633

(3) Performing cardiopulmonary resuscitation and respiratory 73634
rehabilitation techniques; 73635

(4) Administering medications for the testing or treatment of 73636
cardiopulmonary impairment. 73637

(B) "Respiratory care professional" means a person who is 73638
licensed under this chapter to practice the full range of services 73639
described in division (A) of this section. 73640

(C) "Physician" means an individual authorized under Chapter 73641
4731. of the Revised Code to practice medicine and surgery or 73642
osteopathic medicine and surgery. 73643

(D) "Registered nurse" means an individual licensed under 73644
Chapter 4723. of the Revised Code to engage in the practice of 73645
nursing as a registered nurse. 73646

(E) "Hospital" ~~means a facility that meets the operating standards of section 3727.02~~ has the same meaning as in section 3722.01 of the Revised Code. 73647
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(F) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 73650
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(G) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code. 73652
73653

(H) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code. 73654
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Section 130.11. That existing sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 are hereby repealed. 73657
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Section 130.12. That sections 3702.11, 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 3727.05, 3727.06, 3727.07, and 3727.99 of the Revised Code are hereby repealed. 73664
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Section 130.13. (A) The amendment and repeal of Revised Code sections by Sections 130.10, 130.11, and 130.12 of this act take effect on the date that is three years after the effective date of this section. 73668
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(B) The enactment of sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 3722.13, 3722.14, and 3722.99 of the Revised Code by Section 130.10 of this act takes effect on the effective 73672
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date of this section. 73676

Section 130.14. (A) Not later than the date that is three 73677
years from the effective date of this section, each hospital shall 73678
comply with the requirements for initial licensure as established 73679
under Chapter 3722. of the Revised Code and rules adopted under it 73680
by the director of health. As each hospital is licensed, the 73681
director of health, or designee, shall assign the hospital to one 73682
of three licensure groups. The first group shall renew its license 73683
at the end of the first year. The second group shall renew its 73684
license at the end of the second year. The third group shall renew 73685
its license at the end of the third year. 73686

(B)(1) All initial licenses issued shall contain the renewal 73687
date according to division (A) of this section. Each hospital 73688
shall renew by the renewal date, meet the renewal application 73689
requirements established in rule, and pay the fee as set forth in 73690
division (B)(2) of this section. 73691

(2) Each hospital that renews its license in the first year 73692
shall pay a renewal fee that is one-third of the renewal fee 73693
established in rules adopted by the director of health. Each 73694
hospital that renews its license in the second year shall pay a 73695
renewal fee that is two-thirds of the renewal fee established in 73696
rules adopted by the director of health. Each hospital that renews 73697
its license in the third year shall pay the renewal fee as 73698
established in rules adopted by the director of health. 73699

(3) Each renewal license issued under this section shall be 73700
valid for three years such that each year thereafter one-third of 73701
hospitals will renew their licenses. 73702

(C) Renewal licenses issued under division (B) of this 73703
section shall be renewed following the renewal procedure set forth 73704
in rule, including payment of the renewal fee. 73705

Section 130.20. That sections 9.78, 9.79, and 4798.01 of the Revised Code be amended to read as follows:

Sec. 9.78. (A) As used in this section:

(1) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction. "License" does not include a registration under section 101.72, 101.92, or 121.62 of the Revised Code.

(2) "Licensing authority" means both of the following:

(a) A board, commission, or other entity that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession;

(b) A political subdivision that issues a license or that charges a fee for an individual to practice an occupation or profession in that political subdivision.

(B) An individual who has been convicted of any criminal offense may request, at any time, that a licensing authority determine whether the individual's criminal conviction disqualifies the individual from obtaining a license issued or conferred by the licensing authority. An individual making such a request shall include details of the individual's criminal conviction and any payment required by the licensing authority. A licensing authority may charge a fee of not more than twenty-five dollars for each request made under this section, to reimburse the costs it incurs in making the determination.

Not later than thirty days after receiving a request under this section, the licensing authority shall inform the individual

whether, based on the criminal record information submitted, the individual is disqualified from receiving or holding the license about which the individual inquired. A licensing authority is not bound by a determination made under this section, if, on further investigation, the licensing authority determines that the individual's criminal convictions differ from the information presented in the determination request.

(C) A licensing authority shall make all of the following available to the public on the licensing authority's internet web site:

(1) A list of all criminal offenses of which conviction of that offense shall disqualify an individual from obtaining a license issued or conferred by the licensing authority;

(2) That a disqualification referenced in division (C)(1) of this section may be overcome if the individual applying for the license or, as applicable, the individual's employee, holds a certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section 2961.22 of the Revised Code;

(3) A reference to the certificate of qualification for employment web site maintained by the department of rehabilitation and correction.

(D) A licensing authority shall include on any form, policy, manual, or other material that lists criminal offenses, the conviction of which would disqualify an individual from obtaining a license issued or conferred by that licensing authority, a statement that a disqualification may be overcome by the individual applying for the license or, as applicable, by the individual's employee, holding a certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section

2961.22 of the Revised Code, including a reference to the 73767
certificate of qualification for employment web site maintained by 73768
the department of rehabilitation and correction. 73769

(E) Any predetermination form, nonconviction statement form, 73770
or other form used by a licensing authority to determine whether a 73771
conviction or adjudication record disqualifies an applicant from 73772
obtaining a particular license shall include a section requesting 73773
the applicant to provide information if they are a recipient of a 73774
certificate of qualification for employment under section 2953.25 73775
of the Revised Code or a certificate of achievement and 73776
employability under section 2961.22 of the Revised Code. 73777

Sec. 9.79. (A) As used in this section: 73778

(1) "License" means an authorization evidenced by a license, 73779
certificate, registration, permit, card, or other authority that 73780
is issued or conferred by a licensing authority to an individual 73781
by which the individual has or claims the privilege to engage in a 73782
profession, occupation, or occupational activity over which the 73783
licensing authority has jurisdiction. "License" does not include a 73784
registration under section 101.72, 101.92, or 121.62 of the 73785
Revised Code. 73786

(2) "Licensing authority" means a state agency that issues 73787
licenses under Title XLVII or any other provision of the Revised 73788
Code to practice an occupation or profession. 73789

(3) "Offense of violence" has the same meaning as in section 73790
2901.01 of the Revised Code. 73791

(4) "Sexually oriented offense" has the same meaning as in 73792
section 2950.01 of the Revised Code. 73793

(5) "State agency" has the same meaning as in section 1.60 of 73794
the Revised Code. 73795

(6) "Community control sanction" has the same meaning as in 73796

section 2929.01 of the Revised Code. 73797

(7) "Post-release control sanction" has the same meaning as 73798
in section 2967.01 of the Revised Code. 73799

(8) "Fiduciary duty" means a duty to act for someone else's 73800
benefit, while subordinating one's personal interest to that of 73801
the other person. 73802

(B)(1) Notwithstanding any provision of the Revised Code to 73803
the contrary, for each type of license issued or conferred by a 73804
licensing authority, the licensing authority shall establish 73805
within one hundred eighty days after the effective date of this 73806
section a list of specific criminal offenses for which a 73807
conviction, judicial finding of guilt, or plea of guilty may 73808
disqualify an individual from obtaining an initial license. The 73809
licensing authority shall make the list available to the public on 73810
the licensing authority's web site pursuant to division (C) of 73811
section 9.78 of the Revised Code. The licensing authority, in 73812
adopting the list, shall do both of the following: 73813

(a) Identify each disqualifying offense by name or by the 73814
Revised Code section number that creates the offense; 73815

(b) Include in the list only criminal offenses that are 73816
directly related to the duties and responsibilities of the 73817
licensed occupation. 73818

(2) The licensing authority may include in the list an 73819
existing or former municipal ordinance or law of this or any other 73820
state or the United States that is substantially equivalent to any 73821
section or offense included in the list adopted under division 73822
(B)(1) of this section. 73823

(C)(1) Except as provided in division (C)(2) or (D) of this 73824
section, a licensing authority shall not refuse to issue an 73825
initial license to an individual based on any of the following: 73826

(a) Solely or in part on a conviction of, judicial finding of guilt of, or plea of guilty to an offense; 73827
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(b) A criminal charge that does not result in a conviction, judicial finding of guilt, or plea of guilty; 73829
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(c) A nonspecific qualification such as "moral turpitude" or lack of "moral character"; 73831
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(d) A disqualifying offense included on the list adopted under division (B) of this section, if consideration of that offense occurs after the time periods permitted in division (D) of this section. 73833
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(2) If the individual was convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to a disqualifying offense included in the list adopted under division (B) of this section for the license for which the individual applied, the licensing authority may take the conviction, judicial finding of guilt, or plea of guilty into consideration in accordance with division (D) of this section. 73837
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(D)(1) A licensing authority that may, under this section, consider a conviction of, judicial finding of guilt of, or plea of guilty to an offense in determining whether to refuse to issue an initial license to an individual shall consider all of the following factors and shall use a preponderance of the evidence standard in evaluating those factors to determine whether the conviction, judicial finding of guilt, or plea of guilty disqualifies the individual from receiving the license: 73844
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(a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a judicial finding, or pleaded guilty; 73852
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(b) The passage of time since the individual committed the offense; 73855
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(c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; 73857
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(d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code; 73860
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(e) Whether the denial of a license is reasonably necessary to ensure public safety. 73866
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(2) A licensing authority may take a disqualifying offense into account only during the following time periods: 73868
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(a) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that does not involve a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of, and did not enter a plea of guilty to any other offense during the applicable period: 73870
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(i) Five years from the date of conviction, judicial finding of guilt, or plea of guilty; 73877
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(ii) Five years from the date of the release from incarceration; 73879
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(iii) The time period specified in division (D)(3) of this section. 73881
73882

(b) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that involves a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, 73883
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provided the individual was not convicted of, found guilty 73887
pursuant to a judicial finding of, and did not enter a plea of 73888
guilty to any other offense during the applicable period: 73889

(i) Ten years from the date of conviction, judicial finding 73890
of guilt, or plea of guilty; 73891

(ii) Ten years from the date of the release from 73892
incarceration; 73893

(iii) The time period specified in division (D)(4) of this 73894
section. 73895

(c) For a conviction of, judicial finding of guilt of, or 73896
plea of guilty to a disqualifying offense that is an offense of 73897
violence or a sexually oriented offense, any time. 73898

(3) If an individual is subject to a community control 73899
sanction, parole, or post-release control sanction based on a 73900
conviction of, judicial finding of guilt of, or plea of guilty to 73901
a disqualifying offense that is not an offense of violence or a 73902
sexually oriented offense, a licensing authority may take the 73903
offense into account during the following time periods: 73904

(a) If the community control sanction, parole, or 73905
post-release control sanction was for a term of less than five 73906
years, the period of the community control sanction, parole, or 73907
post-release control sanction plus the number of years after the 73908
date of final discharge of the community control sanction, parole, 73909
or post-release control sanction necessary to equal five years; 73910

(b) If the community control sanction, parole, or 73911
post-release control sanction was for a term of five years or 73912
more, the period of the community control sanction, parole, or 73913
post-release control sanction. 73914

(4) If an individual is subject to a community control 73915
sanction, parole, or post-release control sanction based on a 73916

conviction of, judicial finding of guilt of, or plea of guilty to 73917
a disqualifying offense that involved a breach of fiduciary duty 73918
and that is not an offense of violence or a sexually oriented 73919
offense, a licensing authority may take the offense into account 73920
during the following time periods: 73921

(a) If the community control sanction, parole, or 73922
post-release control sanction was for a term of less than ten 73923
years, for the period of the community control sanction, parole, 73924
or post-release control sanction plus the number of years after 73925
the date of final discharge of the community control sanction, 73926
parole, or post-release control sanction necessary to equal ten 73927
years; 73928

(b) If the community control sanction, parole, or 73929
post-release control sanction was for a term of ten years or more, 73930
the period of the community control sanction, parole, or 73931
post-release control sanction. 73932

(E) If a licensing authority refuses to issue an initial 73933
license to an individual pursuant to division (D) of this section, 73934
the licensing authority shall notify the individual in writing of 73935
all of the following: 73936

(1) The grounds and reasons for the refusal, including an 73937
explanation of the licensing authority's application of the 73938
factors under division (D) of this section to the evidence the 73939
licensing authority used to reach the decision; 73940

(2) The individual's right to a hearing regarding the 73941
licensing authority's decision under section 119.06 of the Revised 73942
Code; 73943

(3) The earliest date the individual may reapply for a 73944
license; 73945

(4) Notice that evidence of rehabilitation may be considered 73946
on reapplication. 73947

(F) In an administrative hearing or civil action reviewing a licensing authority's refusal to issue an initial license under this section, the licensing authority has the burden of proof on the question of whether the individual's conviction of, judicial finding of guilt of, or plea of guilty to an offense directly relates to the licensed occupation.

(G) A licensing authority that is authorized by law to limit or otherwise place restrictions on a license may do so to comply with the terms and conditions of a community control sanction, post-release control sanction, or an intervention plan established in accordance with section 2951.041 of the Revised Code.

(H) Each licensing authority shall adopt any rules that it determines are necessary to implement this section.

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

(1) Any position for which appointment requires compliance with section 109.77 of the Revised Code or in which an individual may satisfy the requirements for appointment or election by complying with that section;

(2) Any position for which federal law requires disqualification from licensure or employment based on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;

(3) Community-based long-term care services certificates and community-based long-term care services contracts or grants issued under section 173.381 of the Revised Code;

(4) Certifications of a provider to provide community-based long-term care services under section 173.391 of the Revised Code;

(5) Certificates of authority to a health insuring corporation issued under section 1751.05 of the Revised Code;

(6) Licenses to operate a home or residential care facility

issued under section 3721.07 of the Revised Code; 73978

(7) Certificates of authority to make contracts of indemnity 73979
issued under section 3931.10 of the Revised Code. 73980

(J) Nothing in this section prohibits a licensing authority 73981
from considering either of the following when making a 73982
determination whether to issue a license to an individual: 73983

(1) Past disciplinary action taken by the licensing authority 73984
against the individual; 73985

(2) Past disciplinary action taken against the individual by 73986
an authority in another state that issues a license that is 73987
substantially similar to the license for which the individual 73988
applies. 73989

(K) Notwithstanding any provision of the Revised Code to the 73990
contrary, if a licensing authority issues a license to an 73991
individual after considering a conviction of, judicial finding of 73992
guilt of, or plea of guilty to an offense under division (D) of 73993
this section, the licensing authority shall not refuse to renew 73994
the individual's license based on that conviction, judicial 73995
finding of guilt, or plea of guilty. 73996

Sec. 4798.01. (A) As used in this chapter: 73997

"Certification" means a voluntary program in which a private 73998
organization or the state grants nontransferable recognition to an 73999
individual who meets personal qualifications established by the 74000
private organization or state law. 74001

"Individual" means a natural person. 74002

"Lawful occupation" means a course of conduct, pursuit, or 74003
profession that includes the sale of goods or services that are 74004
not themselves illegal to sell irrespective of whether the 74005
individual selling the goods or services is subject to an 74006
occupational regulation. 74007

"Least restrictive regulation" means the public policy of 74008
relying on one of the following, listed from the least to the most 74009
restrictive, as a means of consumer protection: market 74010
competition; third-party or consumer-created ratings and reviews; 74011
private certification; specific private civil cause of action to 74012
remedy consumer harm; actions under Chapter 1345. of the Revised 74013
Code; regulation of the process of providing the specific goods or 74014
services to consumers; inspection; bonding or insurance; 74015
registration; government certification; specialty occupational 74016
license for medical reimbursement; and occupational license. 74017

"Occupational license" means nontransferable authorization in 74018
law that an individual must possess in order to perform a lawful 74019
occupation for compensation based on meeting personal 74020
qualifications established by statute, or by a rule authorized by 74021
statute. "Occupational license" does not include a commercial or 74022
other driver's license issued under the Revised Code. 74023

"Occupational licensing board" means any board, commission, 74024
committee, or council, or any other similar state public body, and 74025
any administrative department enumerated under section 121.02 of 74026
the Revised Code, and any agency, division, or office of state 74027
government, that issues an occupational license. "Occupational 74028
licensing board" does not include a committee or office created 74029
under section 101.34 of the Revised Code. 74030

"Occupational regulation" means a statute, policy, rule, 74031
adjudication order, practice, or other state law requiring an 74032
individual to possess certain personal qualifications to use an 74033
occupational title or work in a lawful occupation. "Occupational 74034
regulation" includes registration, certification, and occupational 74035
license. "Occupational regulation" excludes a business license, 74036
facility license, building permit, or zoning and land use 74037
regulation, except to the extent those laws regulate an 74038
individual's personal qualifications to perform a lawful 74039

occupation, and excludes sections of the Revised Code related to 74040
commercial or other driver's license. 74041

"Personal qualifications" mean criteria related to an 74042
individual's personal background and characteristics including 74043
completion of an approved educational program, satisfactory 74044
performance on an examination, work experience, other evidence of 74045
attainment of requisite skills or knowledge, moral standing, 74046
criminal history, and completion of continuing education. 74047

"Registration" means a requirement to give notice to the 74048
government that may include the individual's name and address, the 74049
individual's agent for service of process, the location of the 74050
activity to be performed, and a description of the service the 74051
individual provides. "Registration" does not include personal 74052
qualifications but may require a bond or insurance. 74053

"Specialty occupational license for medical reimbursement" is 74054
a nontransferable authorization in law for an individual to 74055
qualify for payment or reimbursement from a government agency, for 74056
providing identified medical services, based on meeting personal 74057
qualifications established in law, which may be recognized by a 74058
private company. 74059

(B) For purposes of this chapter: 74060

(1) The terms "certification" and "registration" are not 74061
synonymous with "occupational license." 74062

(2) The use of the words "certification" and "certified" in 74063
other statutes to mean requiring an individual to meet certain 74064
personal qualifications to work legally shall be interpreted for 74065
the purposes of this chapter as requiring an individual to meet 74066
the requirements of an "occupational license." 74067

(3) The use of the words "registration" and "registered" in 74068
other statutes to mean requiring an individual to meet certain 74069
personal qualifications to work legally shall be interpreted for 74070

the purposes of this chapter as requiring an individual to meet 74071
the requirements of an "occupational license." 74072

Section 130.21. That existing sections 9.78, 9.79, and 74073
4798.01 of the Revised Code are hereby repealed. 74074

Section 130.22. That the version of section 9.78 of the 74075
Revised Code that is scheduled to take effect October 9, 2021, be 74076
amended to read as follows: 74077

Sec. 9.78. (A) As used in this section: 74078

(1) "License" means an authorization evidenced by a license, 74079
certificate, registration, permit, card, or other authority that 74080
is issued or conferred by a licensing authority to an individual 74081
by which the individual has or claims the privilege to engage in a 74082
profession, occupation, or occupational activity over which the 74083
licensing authority has jurisdiction. "License" does not include a 74084
registration under section 101.72, 101.92, or 121.62 of the 74085
Revised Code. 74086

(2) "Licensing authority" means both of the following: 74087

(a) A board, commission, or other entity that issues licenses 74088
under Title XLVII or any other provision of the Revised Code to 74089
practice an occupation or profession; 74090

(b) A political subdivision that issues a license or that 74091
charges a fee for an individual to practice an occupation or 74092
profession in that political subdivision. 74093

(B) An individual who has been convicted of any criminal 74094
offense may request, at any time, that a licensing authority 74095
determine whether the individual's criminal conviction 74096
disqualifies the individual from obtaining a license issued or 74097
conferred by the licensing authority. An individual making such a 74098
request shall include details of the individual's criminal 74099

conviction and any payment required by the licensing authority. A 74100
licensing authority may charge a fee of not more than twenty-five 74101
dollars for each request made under this section, to reimburse the 74102
costs it incurs in making the determination. 74103

Not later than thirty days after receiving a request under 74104
this section, the licensing authority shall inform the individual 74105
whether, based on the criminal record information submitted, the 74106
individual is disqualified from receiving or holding the license 74107
about which the individual inquired. A licensing authority is not 74108
bound by a determination made under this section, if, on further 74109
investigation, the licensing authority determines that the 74110
individual's criminal convictions differ from the information 74111
presented in the determination request. 74112

(C) A licensing authority shall make all of the following 74113
available to the public on the licensing authority's internet web 74114
site: 74115

(1) A list of all criminal offenses of which conviction of 74116
that offense shall disqualify an individual from obtaining a 74117
license issued or conferred by the licensing authority; 74118

(2) That a disqualification referenced in division (C)(1) of 74119
this section may be overcome if the individual applying for the 74120
license or, as applicable, the individual's employee, holds a 74121
certificate of qualification for employment issued under section 74122
2953.25 of the Revised Code or a certificate of achievement and 74123
employability issued under section 2961.22 of the Revised Code; 74124

(3) A reference to the certificate of qualification for 74125
employment web site maintained by the department of rehabilitation 74126
and correction. 74127

(D) A licensing authority shall include on any form, policy, 74128
manual, or other material that lists criminal offenses, the 74129
conviction of which would disqualify an individual from obtaining 74130

a license issued or conferred by that licensing authority, a 74131
statement that a disqualification may be overcome by the 74132
individual applying for the license or, as applicable, by the 74133
individual's employee, holding a certificate of qualification for 74134
employment issued under section 2953.25 of the Revised Code or a 74135
certificate of achievement and employability issued under section 74136
2961.22 of the Revised Code, including a reference to the 74137
certificate of qualification for employment web site maintained by 74138
the department of rehabilitation and correction. 74139

(E) Any predetermination form, nonconviction statement form, 74140
or other form used by a licensing authority to determine whether a 74141
conviction or adjudication record disqualifies an applicant from 74142
obtaining a particular license shall include a section requesting 74143
the applicant to provide information if they are a recipient of a 74144
certificate of qualification for employment under section 2953.25 74145
of the Revised Code or a certificate of achievement and 74146
employability under section 2961.22 of the Revised Code. 74147

(F)(1) Each licensing authority described in division 74148
(A)(2)(a) of this section annually shall provide to the director 74149
of administrative services the following information for each 74150
license the licensing authority is authorized to issue: 74151

(a) The number of applications received for the license; 74152

(b) The number of those applications that resulted in a 74153
license being granted; 74154

(c) The number of those applications that resulted in a 74155
license being denied; 74156

(d) A list of criminal offenses reported by individuals who 74157
were granted a license; 74158

(e) A list of criminal offenses reported by individuals who 74159
were denied a license; 74160

(f) A list of all of the requests received by the licensing authority under division (B) of this section that includes the following information: 74161
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(i) The number of requests for which the licensing authority determined that an individual's criminal conviction disqualified the individual from obtaining a license issued by the licensing authority; 74164
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(ii) The number of requests for which the licensing authority determined that an individual's criminal conviction did not disqualify the individual from obtaining a license issued by the licensing authority; 74168
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(iii) A list of the offenses reported by individuals described in division (F)(1)(f)(i) of this section; 74172
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(iv) A list of the offenses reported by individuals described in division (F)(1)(f)(ii) of this section. 74174
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(g) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were issued a license. 74176
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(h) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were denied a license. 74181
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(i) Any other information the director may require. 74186

(2) The first report of information required under division (F)(1) of this section shall be submitted to the director by June 30, 2021, and include the required information from January 1, 2016, to December 31, 2020, if available. Each year thereafter, 74187
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each licensing authority shall submit the required information 74191
from the past year by the thirtieth day of June. 74192

(3) The director shall compile the information submitted 74193
pursuant to division (F)(1) of this section and annually publish 74194
it in a searchable format on a web site created and maintained by 74195
the director. The director may adopt rules in accordance with 74196
Chapter 119. of the Revised Code as the director determines 74197
necessary to implement division (F) of this section. 74198

Section 130.23. That the existing version of section 9.78 of 74199
the Revised Code that is scheduled to take effect October 9, 2021, 74200
is hereby repealed. 74201

Section 130.24. That Sections 130.22 and 130.23 of this act 74202
take effect October 9, 2021. 74203

Section 130.25. That the versions of sections 101.721, 74204
101.921, and 121.621 of the Revised Code resulting from H.B. 263 74205
of the 133rd General Assembly that are scheduled to take effect 74206
October 9, 2021, are hereby repealed. 74207

Section 130.26. That Section 2 of H.B. 263 of the 133rd 74208
General Assembly be amended to read as follows: 74209

Sec. 2. That existing sections 9.78, ~~101.721, 101.921,~~ 74210
109.572, 121.22, ~~121.621,~~ 147.01, 147.011, 147.05, 169.16, 169.17, 74211
903.05, 921.23, 926.05, 935.06, 943.03, 943.031, 943.05, 956.03, 74212
956.15, 1119.05, 1119.08, 1315.04, 1315.101, 1315.23, 1321.04, 74213
1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1322.24, 74214
1533.342, 1533.631, 1546.16, 1561.12, 1561.23, 1571.012, 1707.19, 74215
1716.05, 1716.07, 2915.081, 2915.082, 3304.31, 3310.43, 3319.088, 74216
3319.225, 3319.30, 3319.31, 3319.39, 3327.10, 3332.05, 3332.09, 74217
3332.11, 3332.12, 3710.06, 3734.42, 3734.44, 3743.03, 3743.16, 74218

3743.70, 3743.99, 3770.05, 3770.073, 3772.01, 3772.07, 3772.10, 74219
3773.42, 3783.03, 3796.03, 3796.04, 3796.09, 3796.10, 3905.06, 74220
3905.062, 3905.07, 3905.14, 3905.15, 3905.72, 3905.85, 3916.15, 74221
3951.04, 4104.09, 4104.19, 4508.03, 4508.04, 4511.76, 4513.34, 74222
4517.04, 4517.09, 4517.12, 4517.13, 4517.14, 4517.171, 4701.01, 74223
4701.06, 4701.07, 4701.08, 4701.09, 4701.17, 4703.07, 4703.10, 74224
4703.34, 4707.02, 4707.07, 4707.09, 4707.15, 4707.19, 4707.22, 74225
4709.07, 4709.08, 4709.10, 4709.13, 4713.28, 4713.30, 4713.31, 74226
4713.34, 4713.69, 4715.10, 4715.101, 4715.21, 4715.27, 4715.30, 74227
4717.05, 4717.051, 4717.061, 4717.14, 4719.03, 4723.09, 4723.092, 74228
4723.28, 4723.651, 4723.75, 4723.76, 4723.84, 4725.12, 4725.121, 74229
4725.18, 4725.19, 4725.44, 4725.48, 4725.501, 4725.52, 4725.53, 74230
4727.03, 4728.03, 4729.071, 4729.08, 4729.09, 4729.16, 4729.90, 74231
4729.92, 4729.96, 4730.10, 4730.101, 4730.11, 4730.25, 4731.08, 74232
4731.09, 4731.171, 4731.19, 4731.22, 4731.291, 4731.299, 4731.52, 74233
4731.531, 4731.573, 4732.091, 4732.10, 4732.17, 4733.11, 4733.20, 74234
4734.20, 4734.202, 4734.23, 4734.27, 4734.31, 4735.07, 4735.09, 74235
4735.10, 4735.13, 4735.27, 4735.28, 4736.08, 4738.04, 4738.07, 74236
4740.05, 4740.06, 4740.061, 4740.10, 4741.10, 4741.12, 4741.22, 74237
4747.04, 4747.05, 4747.051, 4747.10, 4747.12, 4749.03, 4751.20, 74238
4751.202, 4751.21, 4751.32, 4752.09, 4753.061, 4753.10, 4755.06, 74239
4755.07, 4755.08, 4755.11, 4755.47, 4755.62, 4755.64, 4755.70, 74240
4757.10, 4757.101, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 74241
4757.36, 4758.20, 4758.24, 4758.30, 4759.02, 4759.051, 4759.06, 74242
4759.061, 4759.07, 4760.03, 4760.032, 4760.13, 4761.04, 4761.05, 74243
4761.051, 4761.06, 4761.07, 4761.09, 4762.03, 4762.031, 4762.13, 74244
4763.05, 4764.05, 4764.06, 4764.13, 4764.14, 4765.11, 4765.17, 74245
4765.301, 4765.55, 4771.18, 4773.03, 4774.03, 4774.031, 4774.13, 74246
4776.04, 4778.02, 4778.03, 4778.04, 4778.14, 4779.09, 4779.091, 74247
4779.18, 4779.28, 4781.09, 4781.18, 4783.04, 4783.09, 5120.55, 74248
5123.169, 5123.1611, 5123.452, and 5502.011 of the Revised Code 74249
are hereby repealed. 74250

Section 130.27. That existing Section 2 of H.B. 263 of the 133rd General Assembly is hereby repealed.

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Section 130.28. The repeal of the future versions of sections 101.721, 101.921, and 121.621 of the Revised Code in Section 130.25 of this act and the repeal of the future existing repeal of those sections in Sections 130.26 and 130.27 of this act removes the limitation on the continued existence of the versions of those sections in effect prior to H.B. 263 of the 133rd General Assembly. The versions of those sections are presented below, without amendment, to confirm their continued application:

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Sec. 101.721. (A) No person shall be permitted to register as a legislative agent under division (A) or (B) of section 101.72 of the Revised Code if the person is convicted of or pleads guilty to committing on or after the effective date of this section any of the following offenses that is a felony:

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(1) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code;

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(2) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

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(3) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1) of this section;

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(4) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is

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substantially equivalent to any violation listed in division 74280
(A)(2) of this section if the person committed the violation while 74281
the person was serving in a public office and the conduct 74282
constituting the violation was related to the duties of the 74283
person's public office or to the person's actions as a public 74284
official holding that public office; 74285

(5) A conspiracy to commit, attempt to commit, or complicity 74286
in committing any violation listed in division (A)(1) or described 74287
in division (A)(3) of this section; 74288

(6) A conspiracy to commit, attempt to commit, or complicity 74289
in committing any violation listed in division (A)(2) or described 74290
in division (A)(4) of this section if the person committed the 74291
violation while the person was serving in a public office and the 74292
conduct constituting the violation that was the subject of the 74293
conspiracy, that would have constituted the offense attempted, or 74294
constituting the violation in which the person was complicit was 74295
or would have been related to the duties of the person's public 74296
office or to the person's actions as a public official holding 74297
that public office. 74298

(B) If a legislative agent has registered with the joint 74299
legislative ethics committee under division (A) or (B) of section 74300
101.72 of the Revised Code and, on or after the effective date of 74301
this section and during the period during which the registration 74302
is valid, the legislative agent is convicted of or pleads guilty 74303
to any felony offense listed or described in division (A)(1), (2), 74304
(3), (4), (5), or (6) of this section in the circumstances 74305
specified in the particular division, the joint legislative ethics 74306
committee immediately upon becoming aware of the conviction or 74307
guilty plea shall terminate the registration of the person as a 74308
legislative agent, and, after the termination, the ban imposed 74309
under division (A) of this section applies to the person. 74310

(C) The ban imposed under division (A) of this section is a 74311

lifetime ban, and the offender is forever disqualified from 74312
registering as a legislative agent under section 101.72 of the 74313
Revised Code. 74314

(D) For purposes of divisions (A) and (B) of this section, a 74315
violation of section 2923.32 of the Revised Code or any other 74316
violation or offense that includes as an element a course of 74317
conduct or the occurrence of multiple acts is "committed on or 74318
after the effective date of this section" if the course of conduct 74319
continues, one or more of the multiple acts occurs, or the subject 74320
person's accountability for the course of conduct or for one or 74321
more of the multiple acts continues, on or after the effective 74322
date of this section. 74323

(E) As used in this section, "public office" means any 74324
elected federal, state, or local government office in this state. 74325

Sec. 101.921. (A) No person shall be permitted to register as 74326
a retirement system lobbyist under division (A) or (B) of section 74327
101.92 of the Revised Code if the person is convicted of or pleads 74328
guilty to committing on or after the effective date of this 74329
section any felony offense listed or described in divisions (A)(1) 74330
to (6) of section 101.721 of the Revised Code in the circumstances 74331
specified in the particular division. 74332

(B) If a retirement system lobbyist has registered with the 74333
joint legislative ethics committee under division (A) or (B) of 74334
section 101.92 of the Revised Code, and, on or after the effective 74335
date of this section and during the period during which the 74336
registration is valid, the retirement system lobbyist is convicted 74337
of or pleads guilty to any felony offense listed or described in 74338
divisions (A)(1) to (6) of section 101.721 of the Revised Code in 74339
the circumstances specified in the particular division, the joint 74340
legislative ethics committee immediately upon becoming aware of 74341
the conviction or guilty plea shall terminate the registration of 74342

the person as a retirement system lobbyist, and, after the 74343
termination, the ban imposed under division (A) of this section 74344
applies to the person. 74345

(C) The ban imposed under division (A) of this section is a 74346
lifetime ban, and the offender is forever disqualified from 74347
registering as a retirement system lobbyist under section 101.92 74348
of the Revised Code. 74349

(D) For purposes of divisions (A) and (B) of this section, a 74350
violation of section 2923.32 of the Revised Code or any other 74351
violation or offense that includes as an element a course of 74352
conduct or the occurrence of multiple acts is "committed on or 74353
after the effective date of this section" if the course of conduct 74354
continues, one or more of the multiple acts occurs, or the subject 74355
person's accountability for the course of conduct or for one or 74356
more of the multiple acts continues, on or after the effective 74357
date of this section. 74358

Sec. 121.621. (A) No person shall be permitted to register as 74359
an executive agency lobbyist under division (A) or (B) of section 74360
121.62 of the Revised Code if the person is convicted of or pleads 74361
guilty to committing on or after the effective date of this 74362
section any felony offense listed or described in divisions (A)(1) 74363
to (6) of section 101.721 of the Revised Code in the circumstances 74364
specified in the particular division. 74365

(B) If an executive agency lobbyist has registered with the 74366
joint legislative ethics committee under division (A) or (B) of 74367
section 121.62 of the Revised Code and, on or after the effective 74368
date of this section and during the period during which the 74369
registration is valid, the executive agency lobbyist is convicted 74370
of or pleads guilty to any felony offense listed or described in 74371
divisions (A)(1) to (6) of section 101.721 of the Revised Code in 74372
the circumstances specified in the particular division, the joint 74373

legislative ethics committee immediately upon becoming aware of 74374
the conviction or guilty plea shall terminate the registration of 74375
the person as an executive agency lobbyist, and, after the 74376
termination, the ban imposed under division (A) of this section 74377
applies to the person. 74378

(C) The ban imposed under divisions (A) and (B) of this 74379
section is a lifetime ban, and the offender is forever 74380
disqualified from registering as an executive agency lobbyist 74381
under section 121.62 of the Revised Code. 74382

(D) For purposes of divisions (A) and (B) of this section, a 74383
violation of section 2923.32 of the Revised Code or any other 74384
violation or offense that includes as an element a course of 74385
conduct or the occurrence of multiple acts is "committed on or 74386
after the effective date of this section" if the course of conduct 74387
continues, one or more of the multiple acts occurs, or the subject 74388
person's accountability for the course of conduct or for one or 74389
more of the multiple acts continues, on or after the effective 74390
date of this section. 74391

Section 201.10. Except as otherwise provided in this act, all 74392
appropriation items in this act are appropriated out of any moneys 74393
in the state treasury to the credit of the designated fund that 74394
are not otherwise appropriated. For all appropriations made in 74395
this act, the amounts in the first column are for fiscal year 2022 74396
and the amounts in the second column are for fiscal year 2023. 74397
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Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 74399

Dedicated Purpose Fund Group 74400

4J80	889601	CPA Education	\$	525,000	\$	525,000	74401
		Assistance					
4K90	889609	Operating Expenses	\$	1,244,124	\$	1,291,139	74402

TOTAL DPF Dedicated Purpose Fund					74403	
Group		\$	1,769,124	\$	1,816,139	74404
TOTAL ALL BUDGET FUND GROUPS		\$	1,769,124	\$	1,816,139	74405
Section 205.10. ADJ ADJUTANT GENERAL					74407	
General Revenue Fund					74408	
GRF 745401	Ohio Military Reserve	\$	9,500	\$	9,800	74409
GRF 745404	Air National Guard	\$	1,750,000	\$	1,811,250	74410
GRF 745407	National Guard	\$	174,000	\$	174,000	74411
	Benefits					
GRF 745409	Central	\$	2,940,167	\$	3,025,550	74412
	Administration					
GRF 745499	Army National Guard	\$	3,600,000	\$	3,726,000	74413
GRF 745503	Ohio Cyber Reserve	\$	750,000	\$	750,000	74414
GRF 745504	Ohio Cyber Range	\$	2,100,000	\$	2,100,000	74415
GRF 745505	State Active Duty	\$	50,000	\$	50,000	74416
TOTAL GRF General Revenue Fund		\$	11,373,667	\$	11,646,600	74417
Dedicated Purpose Fund Group					74418	
5340 745612	Property Operations	\$	900,000	\$	900,000	74419
	Management					
5360 745605	Marksmanship	\$	115,000	\$	115,000	74420
	Activities					
5360 745620	Camp Perry and	\$	874,055	\$	874,055	74421
	Buckeye Inn					
	Operations					
5370 745604	Ohio National Guard	\$	190,000	\$	190,000	74422
	Facilities					
	Maintenance					
5CV1 745632	Coronavirus Relief -	\$	1,000,000	\$	0	74423
	ADJ					
5LY0 745626	Military Medal of	\$	5,000	\$	5,000	74424
	Distinction					

5U80 745613	Community Match	\$	350,000	\$	350,000	74425
	Armories					
TOTAL DPF	Dedicated Purpose Fund	\$	3,434,055	\$	2,434,055	74426
Group						
Federal Fund Group						74427
3420 745616	Army National Guard	\$	26,252,590	\$	26,636,202	74428
	Service Agreement					
3E80 745628	Air National Guard	\$	14,476,985	\$	14,881,509	74429
	Operations and					
	Maintenance					
3R80 745603	Counter Drug	\$	15,000	\$	15,382	74430
	Operations					
TOTAL FED	Federal Fund Group	\$	40,744,575	\$	41,533,093	74431
TOTAL ALL BUDGET	FUND GROUPS	\$	55,552,297	\$	55,613,748	74432

Section 205.20. NATIONAL GUARD BENEFITS 74434

The foregoing appropriation item 745407, National Guard 74435
Benefits, shall be used for purposes of sections 5919.31 and 74436
5919.33 of the Revised Code, and for administrative costs of the 74437
associated programs. 74438

If necessary, in order to pay benefits in a timely manner 74439
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 74440
Adjutant General may request the Director of Budget and Management 74441
transfer appropriation from any appropriation item used by the 74442
Adjutant General to appropriation item 745407, National Guard 74443
Benefits. Such amounts are hereby appropriated. The Adjutant 74444
General may subsequently seek Controlling Board approval to 74445
restore the appropriation in the appropriation item from which 74446
such a transfer was made. 74447

For active duty members of the Ohio National Guard who died 74448
after October 7, 2001, while performing active duty, the death 74449
benefit, pursuant to section 5919.33 of the Revised Code, shall be 74450

paid to the beneficiary or beneficiaries designated on the 74451
member's Servicemembers' Group Life Insurance Policy. 74452

OHIO CYBER RESERVE 74453

The foregoing appropriation item 745503, Ohio Cyber Reserve, 74454
shall be used for purposes of providing support for the 74455
administration of the Ohio Cyber Reserve, a civilian cyber reserve 74456
force that is part of the Ohio organized militia, capable of being 74457
expanded and trained to educate and protect all levels of state 74458
government, critical infrastructure, and the citizens of this 74459
state from cyberattacks and incidences under sections 5922.01, 74460
5922.02, and 5922.08 of the Revised Code. 74461

OHIO CYBER RANGE 74462

The foregoing appropriation item 745504, Ohio Cyber Range, 74463
shall be used by the Adjutant General's Department to establish 74464
and maintain the cyber range for purposes of providing cyber 74465
training and education to K-12 students, higher education 74466
students, members of the Ohio National Guard, federal employees, 74467
and state and local government employees, and provide for 74468
emergency preparedness exercises and trainings. 74469

The Adjutant General's Department, in conjunction and 74470
collaboration with the Department of Administrative Services, the 74471
Department of Public Safety, the Department of Higher Education, 74472
and the Department of Education shall establish and maintain a 74473
cyber range. The Adjutant General's Department may work with 74474
federal agencies to assist in accomplishing this objective. The 74475
state agencies identified in this paragraph may procure any 74476
necessary goods and services including, but not limited to, 74477
contracted services, hardware, networking services, maintenance 74478
costs, and the training and management costs of a cyber range. 74479
These state agencies shall determine the amount of funds each 74480
agency will contribute from available funds and appropriations 74481

enacted herein in order to establish and maintain a cyber range. 74482

STATE ACTIVE DUTY 74483

The foregoing appropriation item 745505, State Active Duty, 74484
shall be used for the purpose of paying expenses related to state 74485
active duty of members of the Ohio organized militia, in 74486
accordance with a proclamation or order of the Governor. Expenses 74487
include, but are not limited to, cost of equipment, supplies, and 74488
services, as determined by the Adjutant General. 74489

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 74490

General Revenue Fund 74491

GRF 100412 Unemployment Insurance \$ 1,550,000 \$ 1,560,000 74492

System Lease Rental
Payments

GRF 100413 EDCS Lease Rental \$ 13,280,000 \$ 13,275,000 74493

Payments

GRF 100414 MARCS Lease Rental \$ 6,770,000 \$ 6,770,000 74494

Payments

GRF 100415 OAKS Lease Rental \$ 2,450,000 \$ 2,450,000 74495

Payments

GRF 100416 STARS Lease Rental \$ 5,000,000 \$ 5,000,000 74496

Payments

GRF 100447 Administrative \$ 88,000,000 \$ 85,000,000 74497

Buildings Lease Rental
Bond Payments

GRF 100456 State IT Services \$ 1,413,165 \$ 1,424,551 74498

GRF 100459 Ohio Business Gateway \$ 13,527,621 \$ 13,527,621 74499

GRF 100469 Aronoff Center \$ 222,121 \$ 222,121 74500

Building Maintenance

GRF 100501 MARCS Fee Offset \$ 1,500,000 \$ 1,500,000 74501

GRF 130321 State Agency Support \$ 24,623,264 \$ 25,349,994 74502

Services

TOTAL GRF General Revenue Fund	\$	158,336,171	\$	156,079,287	74503
Dedicated Purpose Fund Group					74504
5CV1 100671 Coronavirus Relief - DAS	\$	6,000,000	\$	0	74505
5L70 100610 Professional Development	\$	1,650,000	\$	1,650,000	74506
5MV0 100662 Theater Equipment Maintenance	\$	50,000	\$	50,000	74507
5NM0 100663 911 Program	\$	586,070	\$	599,969	74508
5V60 100619 Employee Educational Development	\$	1,500,000	\$	1,600,000	74509
TOTAL DPF Dedicated Purpose Fund Group	\$	9,786,070	\$	3,899,969	74510
Internal Service Activity Fund Group					74511
1120 100616 DAS Administration	\$	13,253,998	\$	13,700,502	74512
1150 100632 Central Service Agency	\$	989,973	\$	1,013,812	74513
1170 100644 General Services Division - Operating	\$	25,686,811	\$	25,866,307	74514
1220 100637 Fleet Management	\$	26,492,047	\$	28,792,538	74515
1250 100622 Human Resources Division - Operating	\$	18,718,045	\$	19,178,890	74516
1250 100657 Benefits Communication	\$	615,521	\$	615,521	74517
1280 100620 Office of Collective Bargaining	\$	4,385,893	\$	4,385,893	74518
1300 100606 Risk Management Reserve	\$	17,904,121	\$	19,381,381	74519
1320 100631 DAS Building Management	\$	53,043,664	\$	53,323,205	74520
1330 100607 IT Services Delivery	\$	168,044,912	\$	173,182,510	74521
2100 100612 State Printing	\$	29,507,055	\$	28,719,641	74522
2290 100630 IT Governance	\$	30,073,302	\$	32,179,505	74523
2290 100640 Consolidated IT	\$	15,351,924	\$	15,351,924	74524

		Purchases				
4270	100602	Investment Recovery	\$	1,664,257	\$	1,679,401 74525
4N60	100617	Major IT Purchases	\$	2,800,000	\$	2,800,000 74526
5C20	100605	MARCS Administration	\$	29,045,797	\$	30,882,138 74527
5EB0	100635	OAKS Support	\$	58,738,136	\$	58,434,886 74528
		Organization				
5EB0	100656	OAKS Updates and	\$	6,064,809	\$	6,146,812 74529
		Developments				
5JQ0	100658	Professionals	\$	4,989,466	\$	5,111,024 74530
		Licensing System				
5KZ0	100659	Building Improvement	\$	1,675,000	\$	2,160,000 74531
5LJ0	100661	IT Development	\$	19,000,000	\$	16,500,000 74532
5PC0	100665	Enterprise	\$	10,038,838	\$	10,601,983 74533
		Applications				
5WU0	100672	Ohio Benefits	\$	154,119,471	\$	154,276,578 74534
TOTAL ISA		Internal Service Activity	\$			74535
Fund Group			\$	692,203,040	\$	704,284,451 74536
		Fiduciary Fund Group				74537
5UH0	100670	Enterprise	\$	1,150,000	\$	1,150,000 74538
		Transactions				
TOTAL FID		Fiduciary Fund Group	\$	1,150,000	\$	1,150,000 74539
		Federal Fund Group				74540
3AJ0	100623	Information Technology	\$	10,000	\$	10,000 74541
		Grants				
TOTAL FED		Federal Fund Group	\$	10,000	\$	10,000 74542
TOTAL ALL BUDGET FUND GROUPS			\$	861,485,281	\$	865,423,707 74543

Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL 74545
PAYMENTS 74546

The foregoing appropriation item 100412, Unemployment 74547
Insurance System Lease Rental Payments, shall be used to make 74548
payments during the period from July 1, 2021, through June 30, 74549

2023, pursuant to leases and agreements entered into under Chapter 74550
125. of the Revised Code, as supplemented by Section 701.40 of 74551
H.B. 529 of the 132nd General Assembly, with respect to financing 74552
the costs associated with the acquisition, development, 74553
implementation, and integration of the Unemployment Insurance 74554
System. 74555

EDCS LEASE RENTAL PAYMENTS 74556

The foregoing appropriation item 100413, EDCS Lease Rental 74557
Payments, shall be used to make payments during the period from 74558
July 1, 2021, through June 30, 2023, pursuant to leases and 74559
agreements entered into under Chapter 125. of the Revised Code, as 74560
supplemented by Section 701.10 of H.B. 529 of the 132nd General 74561
Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd 74562
General Assembly, and other prior acts of the General Assembly, 74563
with respect to financing the costs associated with the 74564
acquisition, development, implementation, and integration of the 74565
Enterprise Data Center Solutions (EDCS) information technology 74566
initiative. 74567

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 74568

The foregoing appropriation item 100414, MARCS Lease Rental 74569
Payments, shall be used to make payments during the period from 74570
July 1, 2021, through June 30, 2023, pursuant to leases and 74571
agreements entered into under Chapter 125. of the Revised Code, as 74572
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 74573
General Assembly and other prior acts of the General Assembly, 74574
with respect to financing the costs associated with the 74575
acquisition, development, implementation, and integration of the 74576
Multi-Agency Radio Communications System (MARCS) upgrade. 74577

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 74578

The foregoing appropriation item 100415, OAKS Lease Rental 74579
Payments, shall be used to make payments during the period from 74580

July 1, 2021, through June 30, 2023, pursuant to leases and 74581
agreements entered into under Chapter 125. of the Revised Code, as 74582
supplemented by Section 701.10 of H.B. 529 of the 132nd General 74583
Assembly and other prior acts of the General Assembly, with 74584
respect to financing the costs associated with the acquisition, 74585
development, implementation, and integration of the Ohio 74586
Administrative Knowledge System (OAKS). 74587

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 74588
PAYMENTS 74589

The foregoing appropriation item 100416, STARS Lease Rental 74590
Payments, shall be used to make payments during the period from 74591
July 1, 2021, through June 30, 2023, pursuant to leases and 74592
agreements entered into under Chapter 125. of the Revised Code, as 74593
supplemented by Section 701.30 of H.B. 529 of the 132nd General 74594
Assembly and other prior acts of the General Assembly, with 74595
respect to financing the costs associated with the acquisition, 74596
development, implementation, and integration of the State Taxation 74597
Accounting and Revenue System (STARS). 74598

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 74599

The foregoing appropriation item 100447, Administrative 74600
Buildings Lease Rental Bond Payments, shall be used to meet all 74601
payments during the period from July 1, 2021, through June 30, 74602
2023, by the Department of Administrative Services pursuant to 74603
leases and agreements under Chapters 152. and 154. of the Revised 74604
Code. These appropriations are the source of funds pledged for 74605
bond service charges on related obligations issued under Chapters 74606
152. and 154. of the Revised Code. 74607

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 74608

The Director of Administrative Services, in consultation with 74609
the Multi-Agency Radio Communication System (MARCS) Steering 74610
Committee and the Director of Budget and Management, shall 74611

determine the share of debt service payments attributable to 74612
spending for MARCS components that are not specific to any one 74613
agency and that shall be charged to the Public Safety - Highway 74614
Purposes Fund (Fund 5TM0). Such share of debt service payments 74615
shall be calculated for MARCS capital disbursements made beginning 74616
July 1, 1997. Within thirty days of any payment made from 74617
appropriation item 100447, Administrative Buildings Lease Rental 74618
Bond Payments, the Director of Administrative Services shall 74619
certify to the Director of Budget and Management the amount of 74620
this share. On or before June 30 of each fiscal year, the Director 74621
of Budget and Management may transfer an amount up to the amount 74622
certified for that fiscal year to the General Revenue Fund from 74623
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 74624
in section 4501.06 of the Revised Code. 74625

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 74626
FUND 74627

The foregoing appropriation item 130321, State Agency Support 74628
Services, may be used to provide funding for the cost of property 74629
appraisals or building studies that the Department of 74630
Administrative Services may be required to obtain for property 74631
that is being sold by the state or property under consideration to 74632
be renovated or purchased by the state. 74633

Notwithstanding section 125.28 of the Revised Code, the 74634
foregoing appropriation item 130321, State Agency Support 74635
Services, also may be used to pay the operating expenses of state 74636
facilities maintained by the Department of Administrative Services 74637
that are not billed to building tenants, or other costs associated 74638
with the Voinovich Center in Youngstown, Ohio. These expenses may 74639
include, but are not limited to, the costs for vacant space and 74640
space undergoing renovation, and the rent expenses of tenants that 74641
are relocated because of building renovations. These payments may 74642
be processed by the Department of Administrative Services through 74643

intrastate transfer vouchers and placed into the Building Management Fund (Fund 1320). 74644
74645

At least once per year, the portion of appropriation item 130321, State Agency Support Services, that is not used for the regular expenses of the appropriation item may be processed by the Department of Administrative Services through intrastate transfer voucher and placed in the Building Improvement Fund (Fund 5KZ0). 74646
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On July 1, 2022, or as soon as possible thereafter, the Director of Administrative Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 130321, State Agency Support Services, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023. 74651
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Section 207.30. PROFESSIONAL DEVELOPMENT FUND 74659

The foregoing appropriation item 100610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated. 74660
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911 PROGRAM 74666

The foregoing appropriation item 100663, 911 Program, shall be used by the Department of Administrative Services to pay the administrative, marketing, and educational costs of the Statewide Emergency Services Internet Protocol Network program. 74667
74668
74669
74670

EMPLOYEE EDUCATIONAL DEVELOPMENT 74671

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee 74672
74673

Educational Development Fund (Fund 5V60) under section 124.86 of 74674
the Revised Code. The fund shall be used to pay the costs of 74675
administering educational programs under existing collective 74676
bargaining agreements with District 1199, the Health Care and 74677
Social Service Union, Service Employees International Union; State 74678
Council of Professional Educators; Ohio Education Association and 74679
National Education Association; the Fraternal Order of Police 74680
State of Ohio, Unit 2 Association; and the Ohio State Troopers 74681
Association, Units 1 and 15. 74682

If it is determined by the Director of Budget and Management 74683
that additional amounts are necessary, the amounts are hereby 74684
appropriated. 74685

Section 207.40. GENERAL SERVICE CHARGES 74686

The Department of Administrative Services, with the approval 74687
of the Director of Budget and Management, shall establish charges 74688
for recovering the costs of administering the programs funded by 74689
the General Services Fund (Fund 1170) and the State Printing Fund 74690
(Fund 2100). 74691

COLLECTIVE BARGAINING ARBITRATION EXPENSES 74692

The Department of Administrative Services may seek 74693
reimbursement from state agencies for the actual costs and 74694
expenses the Department incurs in the collective bargaining 74695
arbitration process. The reimbursements shall be processed through 74696
intrastate transfer vouchers and credited to the Collective 74697
Bargaining Fund (Fund 1280). 74698

CONSOLIDATED IT PURCHASES 74699

The foregoing appropriation item 100640, Consolidated IT 74700
Purchases, shall be used by the Department of Administrative 74701
Services acting as the purchasing agent for one or more government 74702
entities under the authority of division (G) of section 125.18 of 74703

the Revised Code to make information technology purchases at a 74704
lower aggregate cost than each individual government entity could 74705
have obtained independently for that information technology 74706
purchase. 74707

INVESTMENT RECOVERY FUND 74708

Notwithstanding division (B) of section 125.14 of the Revised 74709
Code, cash balances in the Investment Recovery Fund (Fund 4270) 74710
may be used to support the operating expenses of the Federal 74711
Surplus Operating Program created in sections 125.84 to 125.90 of 74712
the Revised Code. 74713

MAJOR IT PURCHASES CHARGES 74714

Upon the request of the Director of Administrative Services, 74715
the Director of Budget and Management may transfer up to the 74716
amount collected for statewide indirect costs attributable to debt 74717
service paid for the enterprise data center solutions project from 74718
the General Revenue Fund to the Major Information Technology 74719
Purchases Fund (Fund 4N60). 74720

PROFESSIONS LICENSING SYSTEM 74721

The foregoing appropriation item, 100658, Ohio Professionals 74722
Licensing System, shall be used to purchase the equipment, 74723
products, and services necessary to update and maintain an 74724
automated licensing system for the professional licensing boards. 74725

The Department of Administrative Services shall establish 74726
charges for recovering the costs of ongoing maintenance of the 74727
system that are not otherwise recovered under section 125.18 of 74728
the Revised Code. The charges shall be billed to state agencies, 74729
boards, and commissions using the state's enterprise electronic 74730
licensing system and deposited via intrastate transfer vouchers to 74731
the credit of the Professions Licensing System Fund (Fund 5JQ0). 74732

Section 207.45. BUILDING IMPROVEMENT FUND 74733

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these buildings and may maintain a cash balance in Fund 5KZ0 equal to the cost of the repairs and improvements that are recommended to occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may permit a cash transfer from Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to tenants during the same fiscal year.

Should the cash balance in Fund 1320 be determined to be sufficient, the Director of Administrative Services may request that the Director of Budget and Management transfer cash from Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash transfer made under this section plus applicable interest.

INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology management and investment practices away from a limited, agency-specific focus in favor of a statewide methodology supporting development of enterprise solutions. This appropriation item may be used to pay the costs of enterprise information technology initiatives affecting state agencies or their customers.

Notwithstanding any provision of law to the contrary, the Department of Administrative Services, with the approval of the Director of Budget and Management, may charge state agencies an information technology development assessment based on state agencies' information technology expenditures or other methodology and may assess fees or charges to entities that are not state agencies to offset the cost of specific technology events or services. The revenue from these assessments, fees, or charges shall be deposited into the Information Technology Development Fund (Fund 5LJ0), which is hereby created.

STATE EEO FUND

Effective July 1, 2021, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 100649, Equal Opportunity Division - Operating, and reestablish them against appropriation item 100622, Human Resources Division - Operating. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 100649, Equal Opportunity Division - Operating, by July 1, 2021, shall be completed under appropriation item 100622, Human Resources Division - Operating, in the same manner, and with the same effect, as if completed with regard to appropriation item 100649, Equal Opportunity Division - Operating.

The Director of Budget and Management shall transfer the amount of cash in the State EEO Fund (Fund 1880) that was received from agencies for actual expenditures deposited to the credit of the State EEO Fund (Fund 1880) into the Human Resources Services Fund (Fund 1250). In order to facilitate this transfer, the Director of Administrative Services, on July 1, 2021, or as soon as possible thereafter, shall certify to the Director of Budget and Management the amount to be transferred.

ENTERPRISE APPLICATIONS

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Applications Fund (Fund 5PC0).

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs, or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may transfer appropriations, funds, and cash as needed to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section shall be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements determined in accordance with this section.

Section 209.10. AGE DEPARTMENT OF AGING				74826
General Revenue Fund				74827
GRF	490321	Operating Expenses	\$ 1,724,070 \$ 1,745,504	74828
GRF	490410	Long-Term Care	\$ 3,112,901 \$ 3,112,901	74829
Ombudsman				
GRF	490411	Senior Community	\$ 8,723,995 \$ 8,662,042	74830
Services				
GRF	490414	Alzheimer's and Other	\$ 2,495,245 \$ 2,495,245	74831
Dementia Respite				
GRF	490506	National Senior	\$ 222,792 \$ 222,792	74832
Service Corps				
GRF	656423	Long-Term Care Budget	\$ 5,154,308 \$ 5,194,827	74833
- State				
TOTAL GRF	General Revenue Fund		\$ 21,433,311 \$ 21,433,311	74834
Dedicated Purpose Fund Group				74835
4800	490606	Senior Community	\$ 385,964 \$ 380,761	74836
Outreach and				
Education				
4C40	490609	Regional Long-Term	\$ 1,000,000 \$ 1,000,000	74837
Care Ombudsman				
Program				
5BA0	490620	Ombudsman Support	\$ 1,532,273 \$ 1,532,919	74838
5K90	490613	Long-Term Care	\$ 401,640 \$ 1,427,072	74839
Consumers Guide				
5MT0	490627	Board of Executives	\$ 750,838 \$ 761,056	74840
of Long-Term Services				
and Supports				
5T40	656625	Health Care Grants -	\$ 200,000 \$ 200,000	74841
State				
5TI0	656624	Provider	\$ 120,000 \$ 120,000	74842
Certification				

5W10 490616	Resident Services	\$	344,934	\$	345,050	74843
	Coordinator Program					
TOTAL DPF	Dedicated Purpose					74844
Fund Group		\$	4,735,649	\$	5,766,858	74845
Federal Fund Group						74846
3220 490618	Federal Aging Grants	\$	9,435,514	\$	8,860,830	74847
3C40 656623	Long Term Care Budget	\$	4,790,982	\$	4,839,274	74848
	- Federal					
3M40 490612	Federal Independence	\$	62,630,274	\$	57,726,103	74849
	Services					
TOTAL FED	Federal Fund Group	\$	76,856,770	\$	71,426,207	74850
TOTAL ALL	BUDGET FUND GROUPS	\$	103,025,730	\$	98,626,376	74851

Section 209.20. LONG-TERM CARE 74853

Pursuant to an interagency agreement, the Department of 74854
 Medicaid may designate the Department of Aging to perform 74855
 assessments under section 5165.04 of the Revised Code. The 74856
 Department of Aging shall provide long-term care consultations 74857
 under section 173.42 of the Revised Code to assist individuals in 74858
 planning for their long-term health care needs. 74859

The Department of Aging shall administer the Medicaid 74860
 waiver-funded PASSPORT Home Care Program, the Assisted Living 74861
 Program, and PACE as delegated by the Department of Medicaid in an 74862
 interagency agreement. 74863

PERFORMANCE-BASED REIMBURSEMENT 74864

In order to improve health outcomes among populations served 74865
 by PASSPORT administrative agencies, the Department of Aging, 74866
 through rules adopted in accordance with Chapter 119. of the 74867
 Revised Code, may design and utilize a payment method for PASSPORT 74868
 administrative agency operations that includes a 74869
 pay-for-performance incentive component that is earned by a 74870
 PASSPORT administrative agency when defined consumer and policy 74871

outcomes are achieved. Prior to filing with the Joint Committee on 74872
Agency Rule Review, as provided in section 119.03 of the Revised 74873
Code, a proposed rule related to a payment method that includes a 74874
pay-for-performance incentive component, the Department shall 74875
submit a report to the Joint Medicaid Oversight Committee 74876
outlining the payment method. 74877

Section 209.30. MYCARE OHIO 74878

The authority of the Office of the State Long-Term Care 74879
Ombudsman as described in sections 173.14 to 173.28 of the Revised 74880
Code extends to MyCare Ohio during the period of the federal 74881
financial alignment demonstration program. 74882

SENIOR COMMUNITY SERVICES 74883

The foregoing appropriation item 490411, Senior Community 74884
Services, may be used for programs, services, and activities 74885
designated by the Department of Aging, including, but not limited 74886
to, home-delivered meals, congregate dining, transportation, 74887
personal care, respite, adult day services, home maintenance and 74888
chores, minor home modification, care coordination, evidence-based 74889
disease prevention and health promotion, and decision support 74890
systems. Funds may also be used to provide grants to community 74891
organizations to support and expand older adult programming. 74892
Services priority shall be given to low-income, high-need persons, 74893
and/or persons with a cognitive impairment who are sixty years of 74894
age or over. 74895

NATIONAL SENIOR SERVICE CORPS 74896

The foregoing appropriation item 490506, National Senior 74897
Service Corps, may be used by the Department of Aging to fund 74898
grants to organizations that receive federal funds from the 74899
Corporation for National and Community Service to support the 74900
following Senior Corps programs: the Foster Grandparents Program, 74901

the Senior Companion Program, and the Retired Senior Volunteer 74902
Program. A recipient of these grant funds shall use the funds to 74903
support priorities established by the Department and the Ohio 74904
State Office of the Corporation for National and Community 74905
Service. Neither the Department nor any area agencies on aging 74906
that are involved in the distribution of these funds to 74907
lower-tiered grant recipients may use any portion of these funds 74908
to cover administrative costs. 74909

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 74910

The foregoing appropriation item 490627, Board of Executives 74911
of Long-Term Services and Supports, may be used by the Board of 74912
Executives of Long-Term Services and Supports to administer and 74913
enforce Chapter 4751. of the Revised Code and rules adopted under 74914
it. 74915

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 74916

General Revenue Fund 74917

GRF 700401	Animal Health Programs	\$	5,267,266	\$	5,388,181	74918
GRF 700403	Dairy Division	\$	1,292,929	\$	1,342,866	74919
GRF 700404	Ohio Proud	\$	102,734	\$	105,096	74920
GRF 700406	Consumer Protection	\$	1,467,261	\$	1,389,965	74921
	Lab					
GRF 700407	Food Safety	\$	1,376,113	\$	1,408,710	74922
GRF 700409	Farmland Preservation	\$	500,000	\$	500,000	74923
GRF 700410	Plant Industry	\$	151,708	\$	155,449	74924
GRF 700412	Weights and Measures	\$	631,487	\$	631,487	74925
GRF 700415	Poultry Inspection	\$	832,288	\$	851,470	74926
GRF 700417	Soil and Water	\$	10,700,000	\$	10,700,000	74927
	Phosphorus Program					
GRF 700418	Livestock Regulation	\$	1,281,483	\$	1,325,467	74928
	Program					
GRF 700424	Livestock Testing and	\$	119,843	\$	122,240	74929

		Inspections				
GRF 700426	Dangerous and		\$ 618,447	\$ 631,310	74930	
	Restricted Animals					
GRF 700427	High Volume Breeder		\$ 1,269,865	\$ 1,300,401	74931	
	Kennel Control					
GRF 700428	Soil and Water		\$ 3,658,683	\$ 3,658,683	74932	
	Division					
GRF 700499	Meat Inspection		\$ 6,485,605	\$ 6,672,501	74933	
	Program - State Share					
GRF 700501	County Agricultural		\$ 379,673	\$ 379,673	74934	
	Societies					
GRF 700509	Soil and Water		\$ 11,810,000	\$ 11,810,000	74935	
	District Support					
GRF 700511	Ride Inspection		\$ 900,000	\$ 600,000	74936	
GRF 700674	Hemp Production		\$ 195,000	\$ 195,000	74937	
TOTAL GRF	General Revenue Fund		\$ 49,040,385	\$ 49,168,499	74938	
	Dedicated Purpose Fund Group				74939	
4900 700651	License Plates -		\$ 17,500	\$ 17,500	74940	
	Sustainable					
	Agriculture					
4940 700612	Agricultural		\$ 240,000	\$ 240,000	74941	
	Commodity Marketing					
	Program					
4960 700626	Ohio Grape Industries		\$ 1,550,000	\$ 1,550,000	74942	
4970 700627	Grain Warehouse		\$ 425,000	\$ 425,000	74943	
	Program					
4C90 700605	Commercial Feed and		\$ 2,326,251	\$ 2,326,251	74944	
	Seed					
4D20 700609	Auction Education		\$ 50,000	\$ 50,000	74945	
4E40 700606	Utility Radiological		\$ 101,130	\$ 101,130	74946	
	Safety					
4P70 700610	Food Safety		\$ 1,071,208	\$ 1,096,240	74947	
	Inspection					

4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	74948
4R20	700637	Dairy Industry Inspection	\$	1,832,950	\$	1,832,950	74949
4T60	700611	Poultry and Meat Inspection	\$	100,000	\$	100,000	74950
5780	700620	Ride Inspection	\$	700,000	\$	1,200,000	74951
5B80	700629	Auctioneers	\$	361,450	\$	361,450	74952
5BV0	700660	Heidelberg Water Quality Lab	\$	275,000	\$	275,000	74953
5BV0	700661	Soil and Water Districts	\$	8,000,000	\$	8,000,000	74954
5CV1	700672	Coronavirus Relief - Local Fairs	\$	1,000,000	\$	0	74955
5FC0	700648	Plant Pest Program	\$	1,554,599	\$	1,590,615	74956
5H20	700608	Metrology Lab and Scale Certification	\$	1,269,572	\$	1,289,718	74957
5L80	700604	Livestock Management Program	\$	245,000	\$	245,000	74958
5MA0	700657	Dangerous and Restricted Animals	\$	10,000	\$	10,000	74959
5MR0	700658	High Volume Breeders and Kennels	\$	460,000	\$	460,000	74960
5MS0	700659	Captive Deer	\$	18,000	\$	18,000	74961
5PL0	700662	Pet Store License	\$	30,000	\$	30,000	74962
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000	74963
5WJ0	700671	Hemp Program	\$	1,006,000	\$	1,006,000	74964
5YB0	700676	Farm Financial Management Institute	\$	250,000	\$	250,000	74965
6520	700634	Animal, Consumer, and ATL Labs	\$	5,840,522	\$	5,962,715	74966
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,894,402	\$	4,894,402	74967

6H20 700670	H2Ohio	\$	49,300,000	\$	49,300,000	74968
TOTAL DPF Dedicated Purpose						74969
Fund Group		\$	83,474,084	\$	83,177,471	74970
Internal Service Activity Fund Group						74971
5DA0 700644	Laboratory	\$	1,204,626	\$	1,204,626	74972
	Administration					
	Support					
5GH0 700655	Administrative	\$	5,677,844	\$	5,813,996	74973
	Support					
TOTAL ISA Internal Service Activity						74974
Fund Group		\$	6,882,470		7,018,622	74975
Capital Projects Fund Group						74976
7057 700632	Clean Ohio	\$	610,000	\$	610,000	74977
	Agricultural Easement					
	Operating					
TOTAL CPF Capital Projects Fund						74978
Group		\$	610,000	\$	610,000	
Federal Fund Group						74979
3260 700618	Meat Inspection	\$	5,194,424	\$	5,194,424	74980
	Program - Federal					
	Share					
3360 700617	Ohio Farm Loan -	\$	225,000	\$	225,000	74981
	Revolving					
3820 700601	Federal Cooperative	\$	8,613,000	\$	8,617,000	74982
	Contracts					
3AB0 700641	Agricultural Easement	\$	330,000	\$	330,000	74983
3J40 700607	Federal	\$	1,237,587	\$	1,264,214	74984
	Administrative					
	Programs					
3R20 700614	Federal Plant	\$	7,295,972	\$	7,295,972	74985
	Industry					
TOTAL FED Federal Fund Group						74986
		\$	22,895,983	\$	22,926,610	

BASIN 75018

Of the foregoing appropriation item 700509, Soil and Water 75019
District Support, \$50,000 in each fiscal year shall be used to 75020
support the administrative expenses of the Indian Lake Watershed 75021
Project. 75022

Of the foregoing appropriation item 700509, Soil and Water 75023
District Support, \$350,000 in each fiscal year shall be used by 75024
the Department of Agriculture for a program to support soil and 75025
water conservation districts in the Western Lake Erie Basin in 75026
complying with provisions of Sub. S.B. 1 of the 131st General 75027
Assembly. The Department shall approve a soil and water district's 75028
application for funding under the program if the application 75029
demonstrates that funding will be used for, but not limited to, 75030
providing technical assistance, developing applicable nutrient or 75031
manure management plans, hiring and training of soil and water 75032
conservation district staff on best conservation practices, or 75033
other activities the Director determines appropriate to assist 75034
farmers in the Western Lake Erie Basin in complying with the 75035
provisions of Sub. S.B. 1 of the 131st General Assembly. 75036

Of the foregoing appropriation item 700509, Soil and Water 75037
District Support, \$3,500,000 in each fiscal year shall be used to 75038
support county soil and water conservation districts in the 75039
Western Lake Erie Basin for staffing costs and to assist in soil 75040
testing and nutrient management plan development, including manure 75041
transformation and manure conversion technologies, enhanced filter 75042
strips, water management, and other conservation support. 75043

SOIL AND WATER DISTRICTS 75044

In addition to state payments to soil and water conservation 75045
districts authorized by section 940.15 of the Revised Code, the 75046
Department of Agriculture may use appropriation item 700661, Soil 75047
and Water Districts, to pay any soil and water conservation 75048

district an annual amount not to exceed \$40,000 upon receipt of a 75049
request and justification from the district and approval by the 75050
Ohio Soil and Water Conservation Commission. The county auditor 75051
shall credit the payments to the special fund established under 75052
section 940.12 of the Revised Code for use by the local soil and 75053
water conservation district. The amounts received by each district 75054
shall be expended for the purposes of the district. 75055

CORONAVIRUS - LOCAL FAIRS 75056

The foregoing appropriation item 700672, Coronavirus Relief - 75057
Local Fairs, shall be used to support safety in connection with 75058
the Ohio State Fair in fiscal year 2022. 75059

FARM FINANCIAL MANAGEMENT INSTITUTE 75060

The foregoing appropriation item 700676, Farm Financial 75061
Management Institute, shall be allocated to the Ohio State 75062
University Extension's Farm Production, Policy, and Financial 75063
Management Institute. 75064

H2OHIO FUND 75065

On July 1, 2022, or as soon as possible thereafter, the 75066
Director of Agriculture may certify to the Director of Budget and 75067
Management an amount up to the unexpended, unencumbered balance of 75068
the foregoing appropriation item, 700670, H2Ohio, at the end of 75069
fiscal year 2022 to be reappropriated in fiscal year 2023. Upon 75070
Controlling Board approval, the amount certified is hereby 75071
reappropriated to the same appropriation item for fiscal year 75072
2023. 75073

Of the foregoing appropriation item 700670, H2Ohio, 75074
\$1,800,000 in fiscal year 2022 and \$2,200,000 in fiscal year 2023 75075
shall be used to match federal funding available to establish a 75076
water quality pilot program at Shallow Run located in Hardin 75077
County in accordance to Section 3 of H.B. 7 of the 133rd General 75078
Assembly. Funding under this appropriation item shall not be 75079

expended until the Department of Agriculture reports to the 75080
Controlling Board that federal funding for the pilot program has 75081
been committed or obtained. 75082

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 75083

The foregoing appropriation item 700632, Clean Ohio 75084
Agricultural Easement Operating, shall be used by the Department 75085
of Agriculture in administering Clean Ohio Agricultural Easement 75086
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 75087
5301.67 to 5301.70 of the Revised Code. 75088

CASH TRANSFER TO AUCTIONEERS FUND 75089

On or before December 31, 2021, upon the request of the 75090
Director of Agriculture, and subject to the approval of the 75091
Controlling Board, the Director of Budget and Management may 75092
transfer up to \$300,000 in cash from the Auction Recovery Fund 75093
(5U10) to the Auctioneers Fund (5B80). 75094

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 75095

Dedicated Purpose Fund Group 75096

4Z90 898602	Small Business	\$	209,000	\$	211,000	75097
	Ombudsman					

5700 898601	Operating Expenses	\$	774,811	\$	783,347	75098
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5A00 898603	Small Business	\$	300,000	\$	300,000	75099
	Assistance					

TOTAL DPF Dedicated Purpose Fund	\$	1,283,811	\$	1,294,347	75100	
Group						

TOTAL ALL BUDGET FUND GROUPS	\$	1,283,811	\$	1,294,347	75101
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Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 75103

AUTHORITY TRUST ACCOUNT 75104

Notwithstanding any other provision of law to the contrary, 75105
the Air Quality Development Authority may reimburse the Air 75106

Quality Development Authority trust account established under 75107
 section 3706.10 of the Revised Code from all operating funds of 75108
 the agency for expenses pertaining to the administration and 75109
 shared costs incurred by the Air Quality Development Authority in 75110
 the execution of responsibilities as prescribed in Chapter 3706. 75111
 of the Revised Code. The reimbursement shall be made by voucher. 75112

Section 215.10. ARC ARCHITECTS BOARDS 75113

Dedicated Purpose Fund Group 75114
 4K90 891609 Operating \$ 633,410 \$ 644,408 75115
 TOTAL DPF Dedicated Purpose Fund 75116
 Group \$ 633,410 \$ 644,408 75117
 TOTAL ALL BUDGET FUND GROUPS \$ 633,410 \$ 644,408 75118

Section 217.10. ART OHIO ARTS COUNCIL 75120

General Revenue Fund 75121
 GRF 370321 Operating Expenses \$ 1,961,700 \$ 1,961,700 75122
 GRF 370502 State Program \$ 18,038,300 \$ 18,038,300 75123
 Subsidies
 TOTAL GRF General Revenue Fund \$ 20,000,000 \$ 20,000,000 75124
 Dedicated Purpose Fund Group 75125
 4600 370602 Arts Council Program \$ 385,000 \$ 385,000 75126
 Support
 4B70 370603 Percent for Art \$ 165,000 \$ 165,000 75127
 Acquisitions
 TOTAL DPF Dedicated Purpose Fund \$ 550,000 \$ 550,000 75128
 Group
 Federal Fund Group 75129
 3140 370601 Federal Support \$ 1,250,000 \$ 1,250,000 75130
 TOTAL FED Federal Fund Group \$ 1,250,000 \$ 1,250,000 75131
 TOTAL ALL BUDGET FUND GROUPS \$ 21,800,000 \$ 21,800,000 75132

FEDERAL SUPPORT 75133

Notwithstanding any provision of law to the contrary, the
foregoing appropriation item 370601, Federal Support, shall be
used by the Ohio Arts Council for subsidies only, and not for its
administrative costs, unless the Council is required to use a
portion of the funds for administrative costs under conditions of
the federal grant.

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Section 219.10. ATH ATHLETIC COMMISSION

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Dedicated Purpose Fund Group

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4K90 175609 Operating Expenses \$ 280,501 \$ 275,423

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TOTAL DPF Dedicated Purpose Fund \$ 280,501 \$ 275,423

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Group

TOTAL ALL BUDGET FUND GROUPS \$ 280,501 \$ 275,423

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Section 221.10. AGO ATTORNEY GENERAL

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General Revenue Fund

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GRF 055321 Operating Expenses \$ 67,000,000 \$ 67,830,000

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GRF 055405 Law-Related Education \$ 68,950 \$ 68,950

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GRF 055406 BCIRS Lease Rental \$ 2,525,000 \$ 2,520,000

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Payments

GRF 055411 County Sheriffs' Pay \$ 1,024,983 \$ 1,043,558

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Supplement

GRF 055415 County Prosecutors' \$ 1,317,602 \$ 1,340,208

75152

Pay Supplement

GRF 055431 Drug Abuse Response \$ 1,500,000 \$ 1,500,000

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Team Grants

GRF 055432 Drug Testing \$ 964,100 \$ 964,100

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Equipment

GRF 055434 ICAC Task Force \$ 500,000 \$ 500,000

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GRF 055501 Rape Crisis Centers \$ 7,300,000 \$ 7,300,000

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GRF 055502 School Safety \$ 8,000,000 \$ 8,000,000

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Training Grants

GRF	055504	Domestic Violence Programs	\$	2,525,000	\$	2,500,000	75158
GRF	055505	Pike County Capital Case	\$	300,000	\$	0	75159
GRF	055509	Law Enforcement Reimbursement Training Pilot Program	\$	15,000,000	\$	0	75160
TOTAL GRF		General Revenue Fund	\$	108,025,635	\$	93,566,816	75161
		Dedicated Purpose Fund Group					75162
1060	055612	Attorney General Operating	\$	72,700,000	\$	72,700,000	75163
4020	055616	Victims of Crime	\$	16,500,000	\$	16,500,000	75164
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	75165
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	75166
4190	055623	Claims Section	\$	40,000,000	\$	42,000,000	75167
4210	055617	Police Officers' Training Academy Fee	\$	1,500,000	\$	1,500,000	75168
4L60	055606	DARE Programs	\$	2,900,000	\$	2,900,000	75169
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	75170
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	75171
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	75172
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	75173
5LR0	055655	Peace Officer Training - Casino	\$	4,700,000	\$	4,700,000	75174
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	75175

6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	75176
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728	75177
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,650,000	\$	2,650,000	75178
TOTAL DPF Dedicated Purpose Fund							75179
Group			\$	161,084,804	\$	163,084,804	75180
Internal Service Activity Fund Group							75181
1950	055660	Workers' Compensation Section	\$	9,115,000	\$	9,115,000	75182
TOTAL ISA Internal Service Activity							75183
Fund Group			\$	9,115,000	\$	9,115,000	
Holding Account Fund Group							75184
R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	75185
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	75186
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	75187
R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000	75188
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000	75189
TOTAL HLD Holding Account							75190
Fund Group			\$	8,250,000	\$	8,250,000	75191
Federal Fund Group							75192
3060	055620	Medicaid Fraud Control	\$	13,561,582	\$	13,561,582	75193
3830	055634	Crime Victims	\$	90,000,000	\$	90,000,000	75194

	Assistance				
3E50 055638	Attorney General	\$	4,020,999	\$	4,020,999 75195
	Pass-Through Funds				
3FV0 055656	Crime Victim	\$	5,000,000	\$	5,000,000 75196
	Compensation				
3R60 055613	Attorney General	\$	3,500,000	\$	3,500,000 75197
	Federal Funds				
TOTAL FED	Federal Fund Group	\$	116,082,581	\$	116,082,581 75198
TOTAL ALL BUDGET FUND GROUPS		\$	402,558,020	\$	390,099,201 75199

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 75201
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Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 75203
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DOMESTIC VIOLENCE PROGRAM 75210

Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code. 75211
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NARCOTICS TASK FORCES 75215

Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General. 75216
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BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS 75219
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The foregoing appropriation item 055406, BCIRS Lease Rental 75221

Payments, shall be used for payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.

COUNTY SHERIFFS' PAY SUPPLEMENT

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

DRUG TESTING EQUIPMENT

The foregoing appropriation item 055432, Drug Testing
Equipment, shall be used to purchase drug testing equipment for
the Bureau of Criminal Identification and Investigation.

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ICAC TASK FORCE

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The foregoing appropriation item 055434, ICAC Task Force,
shall be used by the Attorney General in support of the Ohio
Internet Crimes Against Children Task Force for the purposes
described in section 195.02 of the Revised Code.

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Section 221.30. BATTERED WOMEN'S SHELTER

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Of the foregoing appropriation item 055504, Domestic Violence
Programs, \$50,000 in each fiscal year shall be distributed to the
Battered Women's Shelter of Summit and Medina counties for the
cost of operating the commercial kitchen located at its Market
Street Facility, and \$50,000 in each fiscal year shall be
distributed to the Battered Women's Shelter of Portage County.

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FINDING MY CHILDHOOD AGAIN PILOT PROGRAM

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Of the foregoing appropriation item 055504, Domestic Violence
Programs, \$300,000 in each fiscal year shall be distributed to the
Battered Women's Shelter of Summit and Medina counties for
expenses related to the creation and implementation of a pilot
program called "Finding my Childhood Again."

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DRUG ABUSE RESPONSE TEAM GRANT PROGRAM

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The Attorney General shall maintain the Drug Abuse Response
Team Grant Program for the purpose of replicating or expanding
successful law enforcement programs that address the opioid
epidemic similar to the Drug Abuse Response Team established by
the Lucas County Sheriff's Department, and the Quick Response
Teams established in Colerain Township's Department of Public
Safety in Hamilton County and Summit County. Any grants awarded by
this grant program may include requirements for private or

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nonprofit matching support. 75283

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. 75284
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Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives. 75293
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SCHOOL SAFETY TRAINING GRANTS 75299

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Superintendent of Public Instruction and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training. 75300
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(B) The use of the grants includes, but is not limited to, all of the following: 75310
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(1) The support of school resource officer certification training; 75312
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(2) Any type of active shooter and school safety training or equipment;	75314 75315
(3) All grade level type educational resources;	75316
(4) Training to identify and assist students with mental health issues;	75317 75318
(5) School supplies or equipment related to school safety or for implementing the school's safety plan;	75319 75320
(6) Any other training related to school safety.	75321
(C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.	75322 75323 75324 75325 75326 75327 75328 75329
(D) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.	75330 75331 75332 75333 75334
DOMESTIC VIOLENCE PROGRAMS	75335
The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.	75336 75337 75338 75339
Of the foregoing appropriation item 055504, Domestic Violence Programs, \$25,000 in fiscal year 2022 shall be provided as grants to Ohio domestic violence shelters to buy transportation vouchers, ridesharing credits, or gas cards for eligible clients. The	75340 75341 75342 75343

Attorney General shall adopt any rules necessary for the 75344
administration of the grant program. 75345

PIKE COUNTY CAPITAL CASE 75346

An amount equal to the unexpended, unencumbered balance of 75347
appropriation item 055505, Pike County Capital Case, at the end of 75348
fiscal year 2021 is hereby reappropriated to the same 75349
appropriation item for the same purpose in fiscal year 2022. 75350

LAW ENFORCEMENT REIMBURSEMENT TRAINING PILOT PROGRAM 75351

The foregoing appropriation item 055509, Law Enforcement 75352
Reimbursement Training Pilot Program, shall be used by the 75353
Attorney General, in accordance with division (A) of Section 75354
701.70 of this act, for state funding of the training of peace 75355
officers and troopers that is required under section 109.803 of 75356
the Revised Code. 75357

Of the foregoing appropriation item 055509, Law Enforcement 75358
Reimbursement Training Pilot Program, the Attorney General may use 75359
up to \$25,000 for administrative expenses associated with the 75360
program. 75361

On July 1, 2022, or as soon as possible thereafter, the 75362
Attorney General shall certify to the Director of Budget and 75363
Management an amount up to the unexpended, unencumbered balance of 75364
the foregoing appropriation item 055509, Law Enforcement 75365
Reimbursement Training Pilot Program, at the end of fiscal year 75366
2022 to be reappropriated for the same purpose in fiscal year 75367
2023. Upon Controlling Board approval, the amount certified is 75368
hereby reappropriated to the same appropriation item for fiscal 75369
year 2023. 75370

WORKERS' COMPENSATION SECTION 75371

The Workers' Compensation Fund (Fund 1950) is entitled to 75372
receive quarterly payments from the Bureau of Workers' 75373

Compensation and the Ohio Industrial Commission to fund legal 75374
services provided to the Bureau of Workers' Compensation and the 75375
Ohio Industrial Commission during the fiscal year. 75376

In addition, the Bureau of Workers' Compensation shall 75377
transfer payments for the support of the Workers' Compensation 75378
Fraud Unit. 75379

All amounts shall be mutually agreed upon by the Attorney 75380
General, the Bureau of Workers' Compensation, and the Ohio 75381
Industrial Commission. 75382

GENERAL HOLDING ACCOUNT 75383

The foregoing appropriation item 055631, General Holding 75384
Account, shall be used to distribute moneys under the terms of 75385
relevant court orders or other settlements received in a variety 75386
of cases involving the Office of the Attorney General. If it is 75387
determined that additional amounts are necessary for this purpose, 75388
the amounts are hereby appropriated. 75389

ANTITRUST SETTLEMENTS 75390

The foregoing appropriation item 055632, Antitrust 75391
Settlements, shall be used to distribute moneys under the terms of 75392
relevant court orders or other out-of-court settlements in 75393
antitrust cases or antitrust matters involving the Office of the 75394
Attorney General. If it is determined that additional amounts are 75395
necessary for this purpose, the amounts are hereby appropriated. 75396

CONSUMER FRAUDS 75397

The foregoing appropriation item 055630, Consumer Frauds, 75398
shall be used for distribution of moneys from court-ordered 75399
judgments against sellers in actions brought by the Office of the 75400
Attorney General under sections 1334.08 and 4549.48 and division 75401
(B) of section 1345.07 of the Revised Code. These moneys shall be 75402
used to provide restitution to consumers victimized by the fraud 75403

that generated the court-ordered judgments. If it is determined 75404
that additional amounts are necessary for this purpose, the 75405
amounts are hereby appropriated. 75406

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 75407

The foregoing appropriation item 055601, Organized Crime 75408
Commission Distributions, shall be used by the Organized Crime 75409
Investigations Commission, as provided by section 177.011 of the 75410
Revised Code, to reimburse political subdivisions for the expenses 75411
the political subdivisions incur when their law enforcement 75412
officers participate in an organized crime task force. If it is 75413
determined that additional amounts are necessary for this purpose, 75414
the amounts are hereby appropriated. 75415

COLLECTION PAYMENT REDISTRIBUTION 75416

The foregoing appropriation item 055650, Collection Payment 75417
Redistribution, shall be used for the purpose of allocating the 75418
revenue where debtors mistakenly paid the client agencies instead 75419
of the Attorney General's Collections Enforcement Section. If it 75420
is determined that additional amounts are necessary for this 75421
purpose, the amounts are hereby appropriated. 75422

Section 223.10. AUD AUDITOR OF STATE 75423

General Revenue Fund 75424

GRF 070401 Audit Management and \$ 12,046,143 \$ 12,344,795 75425
Services

GRF 070402 Performance Audits \$ 1,950,971 \$ 1,977,596 75426

GRF 070403 Fiscal \$ 550,000 \$ 550,000 75427
Watch/Emergency
Technical Assistance

GRF 070404 Fraud/Corruption \$ 2,400,000 \$ 2,400,000 75428
Audits and
Investigations

GRF 070412	Local Government	\$ 13,200,000	\$ 13,200,000	75429
	Audit Support			
TOTAL GRF	General Revenue Fund	\$ 30,147,114	\$ 30,472,391	75430
	Dedicated Purpose Fund Group			75431
1090 070601	Public Audit Expense	\$ 11,818,035	\$ 11,065,646	75432
	- Intrastate			
4220 070602	Public Audit Expense	\$ 33,931,168	\$ 32,983,559	75433
	- Local Government			
5840 070603	Training Program	\$ 200,000	\$ 200,000	75434
5JZ0 070606	LEAP Revolving Loans	\$ 125,000	\$ 125,000	75435
5VP0 070611	Local Government	\$ 12,215,435	\$ 13,905,599	75436
	Audit Support Fund			
6750 070605	Uniform Accounting	\$ 4,142,777	\$ 5,705,108	75437
	Network			
TOTAL DPF	Dedicated Purpose Fund			75438
Group		\$ 62,432,415	\$ 63,984,912	75439
TOTAL ALL BUDGET FUND GROUPS		\$ 92,579,529	\$ 94,457,303	75440

Section 223.20. AUDIT MANAGEMENT AND SERVICES 75442

The foregoing appropriation item 070401, Audit Management and 75443
 Services, shall be used pursuant to section 117.13 of the Revised 75444
 Code to support costs of the Auditor of State that are not 75445
 recovered through charges to local governments and state entities, 75446
 including costs that cannot be recovered from audit clients under 75447
 federal indirect cost allocation guidelines. This appropriation 75448
 item shall also be used to cover costs of the Local Government 75449
 Services Section that are not charged to clients. 75450

PERFORMANCE AUDITS 75451

The foregoing appropriation item 070402, Performance Audits, 75452
 shall be used pursuant to section 117.13 of the Revised Code to 75453
 support costs of the Auditor of State related to the provision of 75454
 performance audits for local governments, school districts, state 75455

agencies, and colleges and universities that are not recovered 75456
through charges to those entities, including costs that cannot be 75457
recovered from audit clients under federal indirect cost 75458
allocation guidelines. 75459

LOCAL GOVERNMENT AUDIT SUPPORT 75460

The foregoing appropriation item 070412, Local Government 75461
Audit Support, shall be used pursuant to section 117.13 of the 75462
Revised Code to support costs of the Auditor of State that are not 75463
recovered through charges to local governments, including costs 75464
that cannot be recovered from audit clients under federal indirect 75465
cost allocation guidelines. 75466

LOCAL GOVERNMENT AUDIT SUPPORT FUND 75467

The foregoing appropriation item 070611, Local Government 75468
Audit Support Fund, shall be used pursuant to section 117.131 of 75469
the Revised Code to offset costs of audits that would otherwise be 75470
charged to local public offices in the absence of the fund. 75471

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 75472

General Revenue Fund 75473

GRF 042321 Operating Expenses \$ 4,128,353 \$ 4,128,353 75474

TOTAL GRF General Revenue Fund \$ 4,128,353 \$ 4,128,353 75475

Dedicated Purpose Fund Group 75476

5CV1 042517 Ohio Humanities \$ 1,000,000 \$ 0 75477

Council

5CV1 042621 COVID Response Costs \$ 18,000,000 \$ 0 75478

- Multiple Agencies

TOTAL Dedicated Purpose Fund Group \$ 19,000,000 \$ 0 75479

Internal Service Activity Fund Group 75480

1050 042603 Financial Management \$ 16,500,000 \$ 17,200,000 75481

1050 042620 Shared Services \$ 6,730,000 \$ 7,050,000 75482

Operating

TOTAL ISA Internal Service Activity				75483	
Fund Group	\$	23,230,000	\$	24,250,000	75484
Fiduciary Fund Group				75485	
5EH0 042604 Forgery Recovery	\$	30,000	\$	30,000	75486
TOTAL FID Fiduciary Fund Group	\$	30,000	\$	30,000	75487
TOTAL ALL BUDGET FUND GROUPS	\$	46,388,353	\$	28,408,353	75488

Section 229.20. AUDIT COSTS 75490

All centralized audit costs associated with either Single 75491
Audit Schedules or financial statements prepared in conformance 75492
with generally accepted accounting principles for the state shall 75493
be paid from the foregoing appropriation item 042603, Financial 75494
Management. 75495

Costs associated with the audit of the Auditor of State shall 75496
be paid from the foregoing appropriation item 042321, Operating 75497
Expenses. 75498

SHARED SERVICES CENTER 75499

The foregoing appropriation items 042321, Operating Expenses, 75500
and 042620, Shared Services Operating, shall be used by the 75501
Director of Budget and Management to support the Shared Services 75502
program pursuant to division (D) of section 126.21 of the Revised 75503
Code. 75504

The Director of Budget and Management shall include the 75505
recovery of costs to operate the Shared Services program in the 75506
accounting and budgeting services payroll rate and through direct 75507
charges using intrastate transfer vouchers billed to agencies for 75508
services rendered using a methodology determined by the Director 75509
of Budget and Management. Such cost recovery revenues shall be 75510
deposited to the credit of the Accounting and Budgeting Fund (Fund 75511
1050). 75512

INTERNAL AUDIT 75513

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program pursuant to section 126.45 of the Revised Code in the accounting and budgeting services payroll rate using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

FORGERY RECOVERY

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated.

OHIO HUMANITIES COUNCIL

The foregoing appropriation item 042517, Ohio Humanities Council, shall be used to support public humanities organizations and to preserve valuable cultural assets across the state. The Director of Budget and Management shall consult with the Ohio Humanities Council Board of Directors before distributing the funds from item 042517.

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

General Revenue Fund

GRF 874100	Personal Services	\$	4,069,830	\$	4,069,830	
GRF 874320	Maintenance and	\$	1,502,833	\$	1,402,833	
	Equipment					
TOTAL GRF	General Revenue Fund	\$	5,572,663	\$	5,472,663	

Dedicated Purpose Fund Group

2080	874601	Underground Parking	\$	4,245,906	\$	4,245,906	75543
		Garage Operations					
4G50	874603	Capitol Square	\$	6,000	\$	6,000	75544
		Education Center and					
		Arts					
TOTAL DPF Dedicated Purpose							75545
Fund Group			\$	4,251,906	\$	4,251,906	75546
Internal Service Activity Fund Group							75547
4S70	874602	Statehouse Gift	\$	800,000	\$	800,000	75548
		Shop/Events					
TOTAL ISA Internal Service Activity							75549
Fund Group			\$	800,000	\$	800,000	75550
TOTAL ALL BUDGET FUND GROUPS							75551
PERSONAL SERVICES							75552
On July 1, 2021, or as soon as possible thereafter, the							75553
Executive Director of the Capitol Square Review and Advisory Board							75554
may certify to the Director of Budget and Management an amount up							75555
to the unexpended, unencumbered balance of the foregoing							75556
appropriation item 874100, Personal Services, at the end of fiscal							75557
year 2021 to be reappropriated to fiscal year 2022. The amount							75558
certified is hereby appropriated to the same appropriation item							75559
for fiscal year 2022.							75560
On July 1, 2022, or as soon as possible thereafter, the							75561
Executive Director of the Capital Square Review and Advisory Board							75562
may certify to the Director of Budget and Management an amount up							75563
to the unexpended, unencumbered balance of the foregoing							75564
appropriation item 874100, Personal Services, at the end of fiscal							75565
year 2022 to be reappropriated to fiscal year 2023. The amount							75566
certified is hereby appropriated to the same appropriation item							75567
for fiscal year 2023.							75568
MAINTENANCE AND EQUIPMENT							75569

Of the foregoing appropriation item 874320, Maintenance and Equipment, up to \$100,000 in fiscal year 2022 shall be used to perform a comprehensive security assessment of the Capitol Square Complex, which consists of the Statehouse, Senate Building, Underground Parking Garage, and related grounds.

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Maintenance and Equipment, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Maintenance and Equipment, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2023.

UNDERGROUND PARKING GARAGE FUND

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

HOUSE AND SENATE PARKING REIMBURSEMENT

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Underground

Parking Garage Fund (Fund 2080). The amounts transferred under 75601
this section shall be used to reimburse the Capitol Square Review 75602
and Advisory Board for legislative parking costs. 75603

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 75604
SCHOOLS 75605

Dedicated Purpose Fund Group 75606
4K90 233601 Operating Expenses \$ 513,000 \$ 513,000 75607
TOTAL DPF Dedicated Purpose Fund \$ 513,000 \$ 513,000 75608
Group
TOTAL ALL BUDGET FUND GROUPS \$ 513,000 \$ 513,000 75609

Section 235.10. CAC CASINO CONTROL COMMISSION 75611

Dedicated Purpose Fund Group 75612
5HS0 955321 Operating Expenses \$ 13,401,718 \$ 13,492,672 75613
5NU0 955601 Casino Commission \$ 250,000 \$ 250,000 75614
Enforcement
TOTAL DPF Dedicated Purpose Fund \$ 13,651,718 \$ 13,742,672 75615
Group
TOTAL ALL BUDGET FUND GROUPS \$ 13,651,718 \$ 13,742,672 75616

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 75618

Dedicated Purpose Fund Group 75619
4K90 930609 Operating Expenses \$ 833,131 \$ 850,305 75620
TOTAL DPF Dedicated Purpose Fund \$ 833,131 \$ 850,305 75621
Group
TOTAL ALL BUDGET FUND GROUPS \$ 833,131 \$ 850,305 75622

Section 239.10. CHR STATE CHIROPRACTIC BOARD 75624

Dedicated Purpose Fund Group 75625
4K90 878609 Operating Expenses \$ 622,000 \$ 622,000 75626
TOTAL DPF Dedicated Purpose Fund \$ 622,000 \$ 622,000 75627

Group

TOTAL ALL BUDGET FUND GROUPS \$ 622,000 \$ 622,000 75628

Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION 75630

General Revenue Fund 75631

GRF 876321 Operating Expenses \$ 6,118,897 \$ 6,538,548 75632

TOTAL GRF General Revenue Fund \$ 6,118,897 \$ 6,538,548 75633

Dedicated Purpose Fund Group 75634

2170 876604 Operations Support \$ 3,000 \$ 3,000 75635

TOTAL DPF Internal Service Activity 75636

Fund Group \$ 3,000 \$ 3,000 75637

Federal Fund Group 75638

3340 876601 Federal Programs \$ 3,300,000 \$ 3,036,884 75639

TOTAL FED Federal Special Revenue 75640

Fund Group \$ 3,300,000 \$ 3,036,884 75641

TOTAL ALL BUDGET FUND GROUPS \$ 9,421,897 \$ 9,578,432 75642

Section 243.10. COM DEPARTMENT OF COMMERCE 75644

Dedicated Purpose Fund Group 75645

4B20 800631 Real Estate Appraisal \$ 35,000 \$ 35,000 75646

Recovery

4H90 800608 Cemeteries \$ 313,466 \$ 313,466 75647

4X20 800619 Financial Institutions \$ 2,080,213 \$ 2,080,213 75648

5430 800602 Unclaimed \$ 11,491,192 \$ 11,489,073 75649

Funds-Operating

5430 800625 Unclaimed Funds-Claims \$ 70,000,000 \$ 70,000,000 75650

5440 800612 Banks \$ 10,138,048 \$ 10,138,048 75651

5460 800610 Fire Marshal \$ 23,166,255 \$ 23,451,914 75652

5460 800639 Fire Department Grants \$ 6,425,000 \$ 6,275,000 75653

5470 800603 Real Estate \$ 69,655 \$ 69,655 75654

Education/Research

5480 800611 Real Estate Recovery \$ 50,000 \$ 50,000 75655

5490	800614	Real Estate	\$	4,155,513	\$	4,227,780	75656
5500	800617	Securities	\$	7,234,782	\$	7,387,595	75657
5520	800604	Credit Union	\$	3,807,712	\$	3,807,712	75658
5530	800607	Consumer Finance	\$	5,517,185	\$	5,510,095	75659
5560	800615	Industrial Compliance	\$	30,929,000	\$	30,929,000	75660
5F10	800635	Small Government Fire	\$	600,000	\$	600,000	75661
		Departments					
5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	75662
		Education					
5GK0	800609	Securities Investor	\$	2,182,150	\$	2,182,150	75663
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	75664
5LC0	800644	Liquor JobsOhio	\$	327,470	\$	396,154	75665
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	23,532,000	\$	25,395,000	75666
		Services					
5LP0	800646	Liquor Regulatory	\$	16,829,784	\$	15,584,778	75667
		Operating Expenses					
5SE0	800651	Cemetery Grant Program	\$	130,000	\$	130,000	75668
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	75669
		Officers' Dependent					
		Fund					
5SU0	800649	Manufactured Homes	\$	331,281	\$	340,357	75670
		Regulation					
5SY0	800650	Medical Marijuana	\$	5,121,000	\$	5,121,000	75671
		Control Program					
5VC0	800652	Real Estate Home	\$	96,320	\$	100,813	75672
		Inspector Operating					
5VD0	800653	Real Estate Home	\$	10,000	\$	10,000	75673
		Inspector Recovery					
5X60	800623	Video Service	\$	437,693	\$	437,693	75674
5XK0	800657	Ohio Investor Recovery	\$	2,500,000	\$	2,500,000	75675
6530	800629	UST Registration/Permit	\$	2,481,714	\$	2,501,714	75676

		Fee				
6A40	800630	Real Estate	\$	1,095,546	\$	1,108,310 75677
		Appraiser-Operating				
		TOTAL DPF Dedicated Purpose				75678
		Fund Group	\$	231,315,303	\$	232,399,844 75679
		Internal Service Activity Fund Group				75680
1630	800620	Division of	\$	9,481,409	\$	9,296,249 75681
		Administration				
1630	800637	Information Technology	\$	10,990,749	\$	10,677,029 75682
		TOTAL ISA Internal Service Activity				75683
		Fund Group	\$	20,472,158	\$	19,973,278 75684
		Federal Fund Group				75685
3480	800622	Underground Storage	\$	805,112	\$	805,112 75686
		Tanks				
3480	800624	Leaking Underground	\$	2,000,000	\$	2,000,000 75687
		Storage Tanks				
3HK0	800654	911 Grant Program	\$	3,302,976	\$	0 75688
		TOTAL FED Federal Fund Group	\$	6,108,088	\$	2,805,112 75689
		TOTAL ALL BUDGET FUND GROUPS	\$	257,895,549	\$	255,178,234 75690

Section 243.20. UNCLAIMED FUNDS PAYMENTS 75692

The foregoing appropriation item 800625, Unclaimed 75693
 Funds-Claims, shall be used to pay claims under section 169.08 of 75694
 the Revised Code. If it is determined by the Director of Commerce 75695
 that additional appropriation amounts are necessary to make such 75696
 payments, the Director of Commerce may request that the Director 75697
 of Budget and Management approve such increases. Any approved 75698
 increases are hereby appropriated. 75699

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 75700

The foregoing appropriation item 800631, Real Estate 75701
 Appraiser Recovery, shall be used to pay settlements, judgments, 75702
 and court orders under section 4763.16 of the Revised Code. If it 75703

is determined by the Director of Commerce that additional 75704
appropriation amounts are necessary to make such payments, the 75705
Director of Commerce may request that the Director of Budget and 75706
Management approve such increases. Any approved increases are 75707
hereby appropriated. 75708

The foregoing appropriation item 800611, Real Estate 75709
Recovery, shall be used to pay settlements, judgments, and court 75710
orders under section 4735.12 of the Revised Code. If it is 75711
determined by the Director of Commerce that additional 75712
appropriation amounts are necessary to make such payments, the 75713
Director of Commerce may request that the Director of Budget and 75714
Management approve such increases. Any approved increases are 75715
hereby appropriated. 75716

The foregoing appropriation item 800653, Real Estate Home 75717
Inspector Recovery, shall be used to pay settlements, judgments, 75718
and court orders under section 4764.21 of the Revised Code. If it 75719
is determined by the Director of Commerce that additional 75720
appropriation amounts are necessary to make such payments, the 75721
Director of Commerce may request that the Director of Budget and 75722
Management approve such increases. Any approved increases are 75723
hereby appropriated. 75724

FIRE DEPARTMENT GRANTS 75725

(A) The foregoing appropriation item 800639, Fire Department 75726
Grants, shall be used to make annual grants to the following 75727
eligible recipients: volunteer fire departments, fire departments 75728
that serve one or more small municipalities or small townships, 75729
joint fire districts comprised of fire departments that primarily 75730
serve small municipalities or small townships, local units of 75731
government responsible for such fire departments, and local units 75732
of government responsible for the provision of fire protection 75733
services for small municipalities or small townships. For the 75734
purposes of these grants, a private fire company, as that phrase 75735

is defined in section 9.60 of the Revised Code, that is providing 75736
fire protection services under a contract to a political 75737
subdivision of the state, is an additional eligible recipient for 75738
a training grant. 75739

Eligible recipients that consist of small municipalities or 75740
small townships that all intend to contract with the same fire 75741
department or private fire company for fire protection services 75742
may jointly apply and be considered for a grant. If a joint 75743
applicant is awarded a grant, the State Fire Marshal shall, if 75744
feasible, proportionately award the grant and any equipment 75745
purchased with grant funds to each of the joint applicants based 75746
upon each applicant's contribution to and demonstrated need for 75747
fire protection services. For the purpose of this grant program, 75748
an eligible recipient or any firefighting entity that is 75749
contracted to serve an eligible recipient may only file, be listed 75750
as joint applicant, or be designated as a service provider on one 75751
grant application per fiscal year. 75752

If the grant awarded to joint applicants is an equipment 75753
grant and the equipment to be purchased cannot be readily 75754
distributed or possessed by multiple recipients, each of the joint 75755
applicants shall be awarded by the State Fire Marshal an ownership 75756
interest in the equipment so purchased in proportion to each 75757
applicant's contribution to and demonstrated need for fire 75758
protection services. The joint applicants shall then mutually 75759
agree on how the equipment is to be maintained, operated, stored, 75760
or disposed of. If, for any reason, the joint applicants cannot 75761
agree as to how jointly owned equipment is to be maintained, 75762
operated, stored, or disposed of or any of the joint applicants no 75763
longer maintain a contract with the same fire protection service 75764
provider as the other applicants, then the joint applicants shall, 75765
with the assistance of the State Fire Marshal, mutually agree as 75766
to how the jointly owned equipment is to be maintained, operated, 75767

stored, disposed of, or owned. If the joint applicants cannot 75768
agree how the grant equipment is to be maintained, operated, 75769
stored, disposed of, or owned, the State Fire Marshal may, in its 75770
discretion, require all of the equipment acquired by the joint 75771
applicants with grant funds to be returned to the State Fire 75772
Marshal. The State Fire Marshal may then award the returned 75773
equipment to any eligible recipients. For this paragraph only, an 75774
"equipment grant" also includes a MARCS Grant. 75775

(B) Except as otherwise provided in this section, the grants 75776
shall be used by recipients to purchase firefighting or rescue 75777
equipment or gear or similar items, to provide full or partial 75778
reimbursement for the documented costs of firefighter training, 75779
or, at the discretion of the State Fire Marshal, to cover fire 75780
department costs for providing fire protection services in that 75781
grant recipient's jurisdiction. 75782

(1) Of the foregoing appropriation item 800639, Fire 75783
Department Grants, up to \$1,000,000 per fiscal year may be used to 75784
pay for the State Fire Marshal's costs of providing firefighter I 75785
certification classes or other firefighter classes approved by the 75786
State Fire Marshal at no cost to selected students attending the 75787
Ohio Fire Academy or other class providers approved by the State 75788
Fire Marshal. The State Fire Marshal may establish the 75789
qualifications and selection processes for students to attend such 75790
classes by written policy, and such students shall be considered 75791
eligible recipients of fire department grants for the purposes of 75792
this portion of the grant program. 75793

(2) Of the foregoing appropriation item 800639, Fire 75794
Department Grants, up to \$3,500,000 in each fiscal year may be 75795
used for MARCS Grants. MARCS Grants may be used for the payment of 75796
user access fees by the eligible recipient to cover costs for 75797
accessing MARCS. 75798

For purposes of this section, a MARCS Grant is a grant for 75799

systems, equipment, or services that are a part of, integrated 75800
into, or otherwise interoperable with the Multi-Agency Radio 75801
Communication System (MARCS) operated by the state. 75802

MARCS Grant awards may be up to \$50,000 in each fiscal year 75803
per eligible recipient. Each eligible recipient may apply, as a 75804
separate entity or as a part of a joint application, for only one 75805
MARCS Grant per fiscal year. The State Fire Marshal may give a 75806
preference to MARCS Grants that will enhance the overall 75807
interoperability and effectiveness of emergency communication 75808
networks in the geographic region that includes and that is 75809
adjacent to the applicant. 75810

Eligible recipients that are or were awarded fire department 75811
grants that are not MARCS Grants may also apply for and receive 75812
MARCS Grants in accordance with criteria for the awarding of grant 75813
funds established by the State Fire Marshal. 75814

(3) Grant awards for firefighting or rescue equipment or gear 75815
or for fire department costs of providing fire protection services 75816
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 75817
fiscal year if an eligible entity serves a jurisdiction in which 75818
the Governor declared a natural disaster during the preceding or 75819
current fiscal year in which the grant was awarded. In addition to 75820
any grant funds awarded for rescue equipment or gear, or for fire 75821
department costs associated with the provision of fire protection 75822
services, an eligible entity may receive a grant for up to \$15,000 75823
per fiscal year for full or partial reimbursement of the 75824
documented costs of firefighter training. For each fiscal year, 75825
the State Fire Marshal shall determine the total amounts to be 75826
allocated for each eligible purpose. 75827

(C) The grants shall be administered by the State Fire 75828
Marshal in accordance with rules the State Fire Marshal adopts as 75829
part of the state fire code adopted pursuant to section 3737.82 of 75830
the Revised Code that are necessary for the administration and 75831

operation of the grant program. The rules may further define the 75832
entities eligible to receive grants and establish criteria for the 75833
awarding and expenditure of grant funds, including methods the 75834
State Fire Marshal may use to verify the proper use of grant funds 75835
or to obtain reimbursement for or the return of equipment for 75836
improperly used grant funds. To the extent consistent with this 75837
section and until the rules are updated, the existing rules in the 75838
state fire code adopted pursuant to section 3737.82 of the Revised 75839
Code for fire department grants under this section apply to MARCS 75840
Grants. Any amounts in appropriation item 800639, Fire Department 75841
Grants, in excess of the amount allocated for these grants may be 75842
used for the administration of the grant program. 75843

(D) Of the foregoing appropriation 800639, Fire Department 75844
Grants, \$200,000 in each fiscal year shall be allocated to fire 75845
departments located in Trumbull County for equipment and training 75846
costs. 75847

(E) Of the foregoing appropriation item 800639, Fire 75848
Department Grants, \$150,000 in fiscal year 2022 shall be allocated 75849
to the Village of Lisbon Fire Department to purchase land for a 75850
new fire station. 75851

(F) Of the foregoing appropriation item 800639, Fire 75852
Department Grants, \$125,000 in each fiscal year shall be 75853
distributed to fire departments located in Lorain County for 75854
equipment and training costs, with priority given to grant 75855
applications from volunteer and part-time fire departments. 75856

(G) Of the foregoing appropriation item 800639, Fire 75857
Department Grants, \$50,000 in each fiscal year shall be 75858
distributed to fire departments located in Huron County for 75859
equipment and training costs, with priority given to grant 75860
applications from volunteer and part-time fire departments. 75861

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 75862

OPERATING FUND 75863

Upon the written request of the Director of Commerce, and 75864
subject to the approval of the Controlling Board, the Director of 75865
Budget and Management may transfer up to \$500,000 in cash from the 75866
Real Estate Education and Research Fund (Fund 5470) to the 75867
Division of Real Estate Operating Fund (Fund 5490) during the 75868
biennium ending June 30, 2023. 75869

If the Real Estate Recovery Fund (Fund 5480) cash balance 75870
exceeds \$250,000 during the biennium ending June 30, 2023, the 75871
Director of Budget and Management, upon the written request of the 75872
Director of Commerce and subject to the approval of the 75873
Controlling Board, may transfer cash from Fund 5480 to the 75874
Division of Real Estate Operating Fund (Fund 5490), such that the 75875
amount available in Fund 5480 is not less than \$250,000. 75876

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 75877

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 75878
balance exceeds \$200,000 during the biennium ending June 30, 2023, 75879
the Director of Budget and Management, upon the written request of 75880
the Director of Commerce and subject to the approval of the 75881
Controlling Board, may transfer cash from Fund 4B20 to the Real 75882
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 75883
available in Fund 4B20 is not less than \$200,000. 75884

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 75885
REVOLVING LOAN FUND 75886

Upon the written request of the Director of Commerce, and 75887
subject to the approval of the Controlling Board, the Director of 75888
Budget and Management may transfer up to \$600,000 in cash from the 75889
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 75890
Department Services Revolving Loan Fund (Fund 5F10) during the 75891
biennium ending June 30, 2023. 75892

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 75893
HOME INSPECTOR RECOVERY FUND 75894

During the biennium beginning July 1, 2021, and ending June 75895
30, 2023, upon written request from the Director of Commerce, and 75896
subject to the approval of the Controlling Board, the Director of 75897
Budget and Management may transfer up to \$500,000 in cash from the 75898
Division of Securities Fund (Fund 5500) as follows: up to \$400,000 75899
in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to 75900
\$100,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 75901
When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 75902
sufficient to sustain operations, the Director of Budget and 75903
Management, in consultation with the Director of Commerce, shall 75904
establish a repayment schedule to fully repay the cash transferred 75905
from Fund 5500 to Fund 5VC0 and Fund 5VD0. 75906

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 75907

Upon the written request of the Director of Commerce, and 75908
subject to the approval of the Controlling Board, the Director of 75909
Budget and Management may transfer up to \$2,500,000 in each fiscal 75910
year from the Division of Securities Operating Fund (Fund 5500) to 75911
the Ohio Investor Recovery Fund (Fund 5XK0) during the biennium 75912
ending June 30, 2023. 75913

Of the foregoing appropriation item 800657, Ohio Investor 75914
Recovery, up to \$2,500,000 in each fiscal year shall be used by 75915
the Department of Commerce to provide restitution assistance to 75916
victims who: (1) are identified in a final administrative order 75917
issued by the Division of Securities or a final court order in a 75918
civil or criminal proceeding initiated by the Division as a 75919
purchaser damaged by a sale or contract for sale made in violation 75920
of Chapter 1707. of the Revised Code; and (2) have not received 75921
the full amount of any restitution ordered in a final order before 75922
the application for restitution assistance is due. 75923

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL				75924	
Dedicated Purpose Fund Group				75925	
5F50 053601 Operating Expenses	\$	5,641,043	\$	5,641,043	75926
TOTAL DPF Dedicated Purpose Fund Group	\$	5,641,043	\$	5,641,043	75927
TOTAL ALL BUDGET FUND GROUPS	\$	5,641,043	\$	5,641,043	75928
Section 247.10. CEB CONTROLLING BOARD				75930	
Internal Service Activity Fund Group				75931	
5KM0 911614 Controlling Board	\$	7,500,000	\$	7,500,000	75932
Emergency Purposes/Contingencies					
TOTAL ISA Internal Service Activity Fund Group	\$	7,500,000	\$	7,500,000	75933
TOTAL ALL BUDGET FUND GROUPS	\$	7,500,000	\$	7,500,000	75934
Section 247.20. FEDERAL SHARE				75936	
In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.				75937 75938 75939 75940 75941 75942	
DISASTER SERVICES				75943	
The Disaster Services Fund (Fund 5E20) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash used for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.				75944 75945 75946 75947 75948 75949	
Pursuant to requests submitted by the Department of Public				75950	

Safety, the Controlling Board may approve cash transfers from Fund 75951
5E20 to any fund used by the Department of Public Safety to 75952
provide for assistance to political subdivisions made necessary by 75953
natural disasters or emergencies. These cash transfers may be 75954
requested and approved prior to the occurrence of any specific 75955
natural disasters or emergencies in order to facilitate the 75956
provision of timely assistance. The Emergency Management Agency of 75957
the Department of Public Safety shall use the cash to fund the 75958
State Disaster Relief Program for disasters that qualify for the 75959
program by written authorization of the Governor, and the State 75960
Individual Assistance Program for disasters that been declared by 75961
the federal Small Business Administration and that qualify for the 75962
program by written authorization from the Governor. The Ohio 75963
Emergency Management Agency shall publish and make available 75964
application packets outlining procedures for the State Disaster 75965
Relief Program and the State Individual Assistance Program. 75966

Section 249.10. COS COSMETOLOGY AND BARBER BOARD 75967

Dedicated Purpose Fund Group 75968
4K90 879609 Operating Expenses \$ 5,416,852 \$ 5,716,944 75969
TOTAL DPF Dedicated Purpose Fund \$ 5,416,852 \$ 5,716,944 75970
Group
TOTAL ALL BUDGET FUND GROUPS \$ 5,416,852 \$ 5,716,944 75971

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 75973
AND FAMILY THERAPIST BOARD 75974

Dedicated Purpose Fund Group 75975
4K90 899609 Operating Expenses \$ 1,845,658 \$ 1,907,553 75976
TOTAL DPF Dedicated Purpose Fund \$ 1,845,658 \$ 1,907,553 75977
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,845,658 \$ 1,907,553 75978

Section 253.10. CLA COURT OF CLAIMS 75980

General Revenue Fund					75981	
GRF 015321	Operating Expenses	\$	2,668,140	\$	2,730,329	75982
GRF 015403	Public Records	\$	931,645	\$	957,137	75983
	Adjudication					
TOTAL GRF	General Revenue Fund	\$	3,599,785	\$	3,687,466	75984
Dedicated Purpose Fund Group						75985
5K20 015603	CLA Victims of Crime	\$	507,867	\$	521,755	75986
5TE0 015604	Public Records	\$	1,200	\$	1,200	75987
TOTAL DPF	Dedicated Purpose Fund	\$	509,067	\$	522,955	75988
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	4,108,852	\$	4,210,421	75989
Section 255.10.	DEN STATE DENTAL BOARD					75991
Dedicated Purpose Fund Group						75992
4K90 880609	Operating Expenses	\$	1,700,000	\$	1,750,000	75993
TOTAL DPF	Dedicated Purpose Fund	\$	1,700,000	\$	1,750,000	75994
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,700,000	\$	1,750,000	75995
Section 257.10.	BDP BOARD OF DEPOSIT					75997
Dedicated Purpose Fund Group						75998
4M20 974601	Board of Deposit	\$	1,688,400	\$	1,688,400	75999
TOTAL DPF	Dedicated Purpose Fund	\$	1,688,400	\$	1,688,400	76000
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,688,400	\$	1,688,400	76001
BOARD OF DEPOSIT EXPENSE FUND						76002
Upon receiving certification of expenses from the Treasurer						76003
of State, the Director of Budget and Management shall transfer						76004
cash from the Investment Earnings Redistribution Fund (Fund 6080)						76005
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund						76006
shall be used pursuant to section 135.02 of the Revised Code to						76007
pay for any and all necessary expenses of the Board of Deposit or						76008

for banking charges and fees required for the operation of the 76009
State of Ohio Regular Account. 76010

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 76011

General Revenue Fund 76012

GRF 195402 Coal Research and \$ 175,000 \$ 175,000 76013
Development Program

GRF 195405 Minority Business \$ 5,919,141 \$ 5,919,141 76014
Development

GRF 195415 Business Development \$ 3,905,000 \$ 3,905,000 76015
Services

GRF 195426 Redevelopment \$ 1,000,000 \$ 1,000,000 76016
Assistance

GRF 195453 Technology Programs \$ 800,000 \$ 800,000 76017
and Grants

GRF 195454 Small Business and \$ 3,500,000 \$ 3,500,000 76018
Export Assistance

GRF 195455 Appalachia Assistance \$ 6,500,000 \$ 6,500,000 76019

GRF 195497 CDBG Operating Match \$ 1,250,000 \$ 1,250,000 76020

GRF 195499 BSD Federal Programs \$ 13,200,000 \$ 13,200,000 76021
Match

GRF 195501 iBELIEVE \$ 200,000 \$ 200,000 76022

GRF 195503 Local Development \$ 19,810,000 \$ 15,850,000 76023
Projects

GRF 195537 Ohio-Israel \$ 250,000 \$ 250,000 76024
Agricultural
Initiative

GRF 195553 Industry Sector \$ 7,500,000 \$ 2,500,000 76025
Partnerships

GRF 195566 Main Street Job \$ 250,000 \$ 250,000 76026
Recovery Program

GRF 195901 Coal Research and \$ 7,300,000 \$ 8,500,000 76027

		Development General Obligation Bond Debt Service				
GRF	195905	Third Frontier	\$	69,000,000	\$	76,000,000 76028
		Research and Development General Obligation Bond Debt Service				
GRF	195912	Job Ready Site	\$	4,605,000	\$	4,605,000 76029
		Development General Obligation Bond Debt Service				
TOTAL GRF		General Revenue Fund	\$	145,164,141	\$	144,404,141 76030
						76031
		Dedicated Purpose Fund Group				
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905 76032
4510	195649	Business Assistance Programs	\$	3,000,000	\$	3,000,000 76033
4F20	195639	State Special Projects	\$	1,000,000	\$	1,000,000 76034
4F20	195699	Utility Community Assistance	\$	750,000	\$	750,000 76035
4W10	195646	Minority Business Enterprise Loan	\$	5,000,000	\$	5,000,000 76036
5HR0	195606	TechCred Program	\$	33,300,000	\$	25,000,000 76037
5JR0	195635	Tax Incentives Operating	\$	800,000	\$	800,000 76038
5KP0	195645	Historic Rehabilitation Operating	\$	1,000,000	\$	1,000,000 76039
5M40	195659	Low Income Energy Assistance (USF)	\$	325,000,000	\$	325,000,000 76040
5M50	195660	Advanced Energy Loan	\$	8,500,000	\$	8,500,000 76041

1350	195684	Development Services Operations	\$	12,000,000	\$	12,000,000	76060
6850	195636	Development Services Reimbursable Expenditures	\$	125,000	\$	125,000	76061
TOTAL ISA Internal Service Activity			\$	12,125,000	\$	12,125,000	76062
Fund Group							
Facilities Establishment Fund Group							76063
4Z60	195647	Rural Industrial Park Loan	\$	15,000,000	\$	15,000,000	76064
5S90	195628	Capital Access Loan Program	\$	2,500,000	\$	2,500,000	76065
7009	195664	Innovation Ohio	\$	4,800,000	\$	4,800,000	76066
7010	195665	Research and Development	\$	5,000,000	\$	5,000,000	76067
7037	195615	Facilities Establishment	\$	152,000,000	\$	50,000,000	76068
TOTAL FCE Facilities Establishment			\$	179,300,000	\$	77,300,000	76069
Fund Group							
Bond Research and Development Fund Group							76070
7011	195686	Third Frontier Tax Exempt - Operating	\$	750,000	\$	750,000	76071
7011	195687	Third Frontier Research and Development Projects	\$	10,000,000	\$	10,000,000	76072
7014	195620	Third Frontier Taxable - Operating	\$	1,710,000	\$	1,710,000	76073
7014	195692	Research and Development Taxable Bond Projects	\$	50,000,000	\$	50,000,000	76074
TOTAL BRD Bond Research and Development Fund Group			\$	62,460,000	\$	62,460,000	76075

Federal Fund Group					76076	
3080 195602	Appalachian Regional Commission	\$	5,500,000	\$	5,500,000	76077
3080 195603	Housing Assistance Programs	\$	12,000,000	\$	12,000,000	76078
3080 195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	76079
3080 195618	Energy Grants	\$	4,000,000	\$	4,000,000	76080
3080 195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	76081
3080 195672	Manufacturing Extension Partnership	\$	6,300,000	\$	6,300,000	76082
3080 195675	Procurement Technical Assistance	\$	1,000,000	\$	1,000,000	76083
3080 195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	76084
3350 195610	Energy Programs	\$	350,000	\$	350,000	76085
3AE0 195643	Workforce Development Initiatives	\$	2,000,000	\$	2,000,000	76086
3FJ0 195626	Small Business Capital Access and Collateral Enhancement Program	\$	8,000,000	\$	8,000,000	76087
3K80 195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	76088
3K90 195611	Home Energy Assistance Block Grant	\$	165,000,000	\$	165,000,000	76089
3K90 195614	HEAP Weatherization	\$	40,000,000	\$	40,000,000	76090
3L00 195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	76091
3V10 195601	HOME Program	\$	35,000,000	\$	35,000,000	76092
TOTAL FED	Federal Fund Group	\$	393,421,381	\$	393,421,381	76093

TOTAL ALL BUDGET FUND GROUPS \$ 1,594,730,489 \$ 1,157,670,489 76094

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 76096

The foregoing appropriation item 195402, Coal Research and 76097
Development Program, shall be used for the operating expenses of 76098
the Community Services Division in support of the Ohio Coal 76099
Development Office. 76100

MINORITY BUSINESS DEVELOPMENT 76101

The foregoing appropriation item 195405, Minority Business 76102
Development, shall be used to support the activities of the 76103
Minority Business Development Division, including providing grants 76104
to local nonprofit organizations to support economic development 76105
activities that promote minority business development, in 76106
conjunction with local organizations funded through appropriation 76107
item 195454, Small Business and Export Assistance. 76108

BUSINESS DEVELOPMENT SERVICES 76109

The foregoing appropriation item 195415, Business Development 76110
Services, shall be used for the operating expenses of the Office 76111
of Strategic Business Investments and the regional economic 76112
development offices. 76113

Of the foregoing appropriation item 195415, Business 76114
Development Services, \$1,800,000 in each fiscal year shall be 76115
allocated to Development Projects, Inc., for economic development 76116
programs and the creation of new jobs to leverage and support 76117
mission gains at Department of Defense and related facilities in 76118
Ohio by working with future base realignment and closure 76119
activities and ongoing Department of Defense efficiency and 76120
partnership initiatives, assisting efforts to secure Department of 76121
Defense support contracts for Ohio companies, assessing and 76122
supporting regional job training and workforce development needs 76123
generated by the Department of Defense and the Ohio aerospace 76124

industry, promoting technology transfer to Ohio businesses, and 76125
for expanding job training and economic development programs in 76126
human performance and cyber security related initiatives. 76127

REDEVELOPMENT ASSISTANCE 76128

The foregoing appropriation item 195426, Redevelopment 76129
Assistance, shall be used to fund the costs of administering the 76130
energy, redevelopment, and other revitalization programs that may 76131
be implemented, and may be used to match federal grant funding. 76132

TECHNOLOGY PROGRAMS AND GRANTS 76133

The foregoing appropriation item 195453, Technology Programs 76134
and Grants, shall be used for operating expenses incurred in 76135
administering the Ohio Third Frontier Programs and other 76136
technology focused programs that may be implemented. 76137

SMALL BUSINESS AND EXPORT ASSISTANCE 76138

The foregoing appropriation item 195454, Small Business and 76139
Export Assistance, may be used to provide a range of business 76140
assistance, including grants to local organizations to support 76141
economic development activities that promote small business 76142
development, entrepreneurship, and exports of Ohio's goods and 76143
services, in conjunction with local organizations funded through 76144
appropriation item 195405, Minority Business Development. The 76145
foregoing appropriation item shall also be used as matching funds 76146
for grants from the United States Small Business Administration 76147
and other federal agencies, pursuant to Pub. L. No. 96-302 as 76148
amended by Pub. L. No. 98-395, and regulations and policy 76149
guidelines for the programs pursuant thereto. 76150

APPALACHIA ASSISTANCE 76151

The foregoing GRF appropriation item 195455, Appalachia 76152
Assistance, may be used for the administrative costs of planning 76153
and liaison activities for the Governor's Office of Appalachia, to 76154

provide financial assistance to projects in Ohio's Appalachian 76155
counties, to support four local development districts, and to pay 76156
dues for the Appalachian Regional Commission. These funds may be 76157
used to match federal funds from the Appalachian Regional 76158
Commission. Programs funded through the appropriation item shall 76159
be identified and recommended by the local development districts 76160
and approved by the Governor's Office of Appalachia. The 76161
Department of Development shall conduct compliance and regulatory 76162
review of the programs recommended by the local development 76163
districts. Moneys allocated under the appropriation item may be 76164
used to fund projects including, but not limited to, those 76165
designated by the local development districts as community 76166
investment and rapid response projects. 76167

Of the foregoing appropriation item 195455, Appalachia 76168
Assistance, in each fiscal year, \$170,000 shall be allocated to 76169
the Ohio Valley Regional Development Commission, \$170,000 shall be 76170
allocated to the Ohio Mid-Eastern Government Association, \$170,000 76171
shall be allocated to the Buckeye Hills-Hocking Valley Regional 76172
Development District, and \$170,000 shall be allocated to the 76173
Eastgate Regional Council of Governments. Local development 76174
districts receiving funding under this section shall use the funds 76175
for the implementation and administration of programs and duties 76176
under section 107.21 of the Revised Code. 76177

CDBG OPERATING MATCH 76178

The foregoing appropriation item 195497, CDBG Operating 76179
Match, shall be used as matching funds for grants from the United 76180
States Department of Housing and Urban Development pursuant to the 76181
Housing and Community Development Act of 1974 and regulations and 76182
policy guidelines for the programs pursuant thereto. 76183

BSD FEDERAL PROGRAMS MATCH 76184

The foregoing appropriation item 195499, BSD Federal Programs 76185

Match, shall be used as matching funds for grants from the U.S. 76186
Department of Commerce, National Institute of Standards and 76187
Technology Manufacturing Extension Partnership Program and Defense 76188
Logistics Agency Procurement Technical Assistance Program, and 76189
other federal agencies, pursuant to Pub. L. No. 96-302 as amended 76190
by Pub. L. No. 98-395, and regulations and policy guidelines for 76191
the programs pursuant thereto. The appropriation item shall also 76192
be used for operating expenses of the Business Services Division. 76193

iBELIEVE 76194

The foregoing appropriation item 195501, iBELIEVE, shall be 76195
allocated to the iBELIEVE Foundation to provide opportunities for 76196
Appalachian youth to develop twenty-first century skills, 76197
including leadership, communication, and problem-solving for 76198
college access and retention. 76199

LOCAL DEVELOPMENT PROJECTS 76200

Of the foregoing appropriation item 195503, Local Development 76201
Projects, \$7,500,000 in fiscal year 2022 and \$10,000,000 in fiscal 76202
year 2023 shall be allocated to the Foundation for Appalachian 76203
Ohio. 76204

Of the foregoing appropriation item 195503, Local Development 76205
Projects, up to \$4,000,000 in each fiscal year shall be allocated 76206
for the GRIT program, to be administered by the Governor's Office 76207
of Appalachia and the Department of Development. The program shall 76208
create jobs in economically distressed and at-risk areas within 11 76209
counties in the service territory of the Ohio Valley Regional 76210
Development Commission. This portion of the foregoing 76211
appropriation item shall be used to establish virtual workforce 76212
development centers and place un- and under-employed adults into 76213
jobs, in collaboration with private businesses and public sector 76214
partners. Of this portion of the foregoing appropriation item, up 76215
to \$1,250,000 in each fiscal year may be used for youth assessment 76216

and career development activities, up to \$1,150,000 in each fiscal 76217
year may be used to support the development of virtual workforce 76218
centers, up to \$800,000 in each fiscal year may be used for 76219
assessments, and up to \$800,000 in each fiscal year may be used 76220
for operating costs. 76221

Of the foregoing appropriation item 195503, Local Development 76222
Projects, \$4,000,000 in fiscal year 2022 shall be used to support 76223
the Cleveland Water Alliance Sustainable Water Technologies 76224
Initiative. 76225

Of the foregoing appropriation item 195503, Local Development 76226
Projects, up to \$2,250,000 in fiscal year 2022 shall be used in 76227
coordination with the Department of Health to support stable 76228
housing initiatives for pregnant mothers and to improve maternal 76229
and infant health outcomes. 76230

Of the foregoing appropriation item 195503, Local Development 76231
Projects, \$500,000 in each fiscal year shall be allocated to the 76232
Lucas County Land Reutilization Corporation for the Lucas County 76233
Commercial Site Clean-Up Pilot Program to demolish vacant 76234
commercial or industrial buildings located in Lucas County. The 76235
state funding shall be matched on a 1:1 basis by funding from any 76236
of the following entities: City of Toledo, Lucas County, 76237
Toledo-Lucas County Port Authority, Lucas County Land 76238
Reutilization Corporation, the municipality, village or township 76239
where the project is located, or any private entities or nonprofit 76240
organizations. The program shall prioritize the demolition of 76241
blighted or nuisance commercial or industrial buildings at 76242
locations that are depressing the value of surrounding properties 76243
and locations that have the greatest potential for new 76244
construction or development. 76245

Of the foregoing appropriation item 195503, Local Development 76246
Projects, \$500,000 in each fiscal year shall be used for the 76247
Center for Advanced Manufacturing and Logistics to provide 76248

workforce development, supply chain management, automation, 76249
research and development, and entrepreneurship to foster 76250
manufacturing and logistic industry jobs and company creation. 76251

Of the foregoing appropriation item 195503, Local Development 76252
Projects, \$300,000 in each fiscal year shall be used to support 76253
the Camp James A. Garfield Joint Military Training Center and the 76254
Youngstown Air Reserve Station. 76255

Of the foregoing appropriation item 195503, Local Development 76256
Projects, \$300,000 in each fiscal year shall be allocated to 76257
Cleveland Neighborhood Progress for the Cleveland Chain Reaction 76258
Project. 76259

Of the foregoing appropriation item 195503, Local Development 76260
Projects, \$150,000 in each fiscal year shall be allocated to the 76261
Stark County Minority Business Association to work in partnership 76262
with the Canton Regional Chamber of Commerce to support a 76263
demonstration pilot project. 76264

Of the foregoing appropriation item 195503, Local Development 76265
Projects, \$150,000 in fiscal year 2022 shall be allocated to the 76266
City of East Liverpool to acquire, demolish, or rehabilitate 76267
abandoned houses and conduct property cleanup activities. 76268

Of the foregoing appropriation item 195503, Local Development 76269
Projects, \$100,000 in each fiscal year shall be granted to the 76270
Lincoln Community Center located in Troy. 76271

Of the foregoing appropriation item 195503, Local Development 76272
Projects, \$60,000 in fiscal year 2022 shall be allocated to the 76273
city of East Liverpool to create a Downtown Plan. 76274

OHIO-ISRAEL AGRICULTURAL INITIATIVE 76275

The foregoing appropriation item 195537, Ohio-Israel 76276
Agricultural Initiative, shall be used for the Ohio-Israel 76277
Agricultural Initiative. The appropriation shall not be used for 76278

travel and entertainment expenses incurred under the initiative. 76279

SECTOR PARTNERSHIP NETWORKS 76280

The foregoing appropriation item 195553, Industry Sector 76281
Partnerships, shall be used for the grant program described in 76282
section 122.179 of the Revised Code. 76283

Notwithstanding section 122.179 of the Revised Code, of the 76284
foregoing appropriation item 195553, Industry Sector Partnerships, 76285
up to \$5,000,000 in fiscal year 2022 shall be allocated to the 76286
National Additive Manufacturing Innovation Institute, in 76287
partnership with Eastern Gateway Community College, to create 76288
workforce initiatives for each of the following populations: (1) 76289
fifth through twelfth grade students, (2) adult workers, and (3) 76290
minority and economically disadvantaged individuals. 76291

Notwithstanding section 122.179 of the Revised Code, of the 76292
foregoing appropriation item 195553, Industry Sector Partnerships, 76293
\$46,250 in each fiscal year shall be allocated to Jewish 76294
Vocational Service of Cincinnati to support workforce development 76295
costs involved with assisting in employment services for the 76296
financially indigent. 76297

On July 1, 2022, or as soon as possible thereafter, the 76298
Director of Development shall certify to the Director of Budget 76299
and Management the unexpended, unencumbered balance of the fiscal 76300
year 2022 appropriation to the foregoing appropriation item. The 76301
certified amount is hereby reappropriated to the foregoing 76302
appropriation item in fiscal year 2023. 76303

MAIN STREET JOB RECOVERY PROGRAM 76304

The foregoing appropriation item 195566, Main Street Job 76305
Recovery Program, shall be used by the Department of Development 76306
or in coordination with a statewide community development 76307
organization to provide grants to nonprofit organizations to 76308
create permanent business development and employment opportunities 76309

targeted to low- and moderate-income individuals or individuals of 76310
the reentry population. Grants shall be awarded by the Department 76311
based on the following criteria: (1) number of businesses created 76312
and expanded, (2) number of jobs created for low- and 76313
moderate-income individuals, and (3) the amount of funds leveraged 76314
as a result of the program. 76315

Not later than June 30 of each year during the FY 2022-FY 76316
2023 biennium, the Department of Development shall submit a 76317
written report describing the outcomes of the Main Street Job 76318
Recovery Program to the President of the Senate, the Speaker of 76319
the House of Representatives, the Minority Leader of the Senate, 76320
the Minority Leader of the House of Representatives, and the Ohio 76321
Legislative Service Commission. 76322

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL 76323
OBLIGATION BOND DEBT SERVICE 76324

The foregoing appropriation line item 195901, Coal Research 76325
and Development General Obligation Bond Debt Service, shall be 76326
used to pay all debt service and related financing costs during 76327
the period July 1, 2021, through June 30, 2023, on obligations 76328
issued under sections 151.01 and 151.07 of the Revised Code. 76329

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 76330
BOND DEBT SERVICE 76331

The foregoing appropriation item 195905, Third Frontier 76332
Research and Development General Obligation Bond Debt Service, 76333
shall be used to pay all debt service and related financing costs 76334
during the period from July 1, 2021, through June 30, 2023, on 76335
obligations issued under sections 151.01 and 151.10 of the Revised 76336
Code. 76337

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 76338
SERVICE 76339

The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.11 of the Revised Code.

Section 259.30. MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the biennium ending June 30, 2023, of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of

Strategic Business Investments.	76371
STATE SPECIAL PROJECTS	76372
The State Special Projects Fund (Fund 4F20), may be used for	76373
the deposit of private-sector funds from utility companies and for	76374
the deposit of other miscellaneous state funds. State moneys so	76375
deposited may also be used to match federal funding and to support	76376
programs of the Community Service Division and Business Services	76377
Division.	76378
MINORITY BUSINESS ENTERPRISE LOAN	76379
The foregoing appropriation item 195646, Minority Business	76380
Enterprise Loan, shall be used for awards under the Minority	76381
Business Enterprise Loan Program and to cover operating expenses	76382
of the Minority Business Development Division. All repayments from	76383
the Minority Development Financing Advisory Board Loan Program	76384
shall be deposited in the state treasury to the credit of the	76385
Minority Business Enterprise Loan Fund (Fund 4W10).	76386
ADVANCED ENERGY LOAN PROGRAMS	76387
The foregoing appropriation item 195660, Advanced Energy Loan	76388
Programs, shall be used to provide financial assistance to	76389
customers for eligible advanced energy projects for residential,	76390
commercial, and industrial business, local government, educational	76391
institution, nonprofit, and agriculture customers. The	76392
appropriation item may be used to match federal grant funding and	76393
to pay for the program's administrative costs as provided in	76394
sections 4928.61 to 4928.63 of the Revised Code and rules adopted	76395
by the Director of Development.	76396
SPORTS EVENTS GRANTS	76397
The foregoing appropriation item 195496, Sports Events	76398
Grants, shall be used for grants as described in sections 122.12	76399
and 122.121 of the Revised Code.	76400

On July 1, 2022, or as soon as possible thereafter, the 76401
Director of Development shall certify to the Director of Budget 76402
and Management the amount of the unexpended, unencumbered balance 76403
of appropriation item 195496, Sports Events Grants, to be 76404
reappropriated in fiscal year 2023. The amount certified is hereby 76405
reappropriated to the appropriation item in fiscal year 2023 for 76406
the same purpose. 76407

MBD FINANCIAL ASSISTANCE FUND 76408

On July 1, 2021, or as soon as possible thereafter, the 76409
Director of Budget and Management may transfer \$20,000,000 cash 76410
from the State Small Business Credit Initiative Fund (Fund 3FJ0) 76411
to the MBD Financial Assistance Fund (Fund 5XH0), which is hereby 76412
created in the state treasury. All repayments from loans using 76413
Fund 5XH0 shall be credited to the fund. 76414

MINORITY BUSINESS MICROLOAN 76415

The foregoing appropriation item 195694, Micro-Enterprise 76416
Loan, shall be used to operate the Minority Business Microloan 76417
Program. 76418

WOMEN-OWNED BUSINESS LOAN 76419

The foregoing appropriation item 195632, Women-Owned Business 76420
Loan, shall be used to operate the Women-Owned Business Loan 76421
Program. 76422

ENTERTAINMENT VENUES 76423

The foregoing appropriation item 195544, Entertainment 76424
Venues, shall be used by the Department of Development to provide 76425
grants to entertainment venues impacted by the COVID-19 pandemic. 76426
Grants shall be awarded in amounts of \$10,000, \$20,000, and 76427
\$30,000. Awards shall be based on factors such as demonstrated 76428
loss of revenue due to canceled events or performances. 76429

BAR AND RESTAURANT ASSISTANCE 76430

The foregoing appropriation item 195677, Bar and Restaurant Assistance, shall be used by the Department of Development to provide grants to bars and restaurants that have been impacted by the COVID-19 pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, and \$30,000 and shall be awarded based on factors such as demonstrated loss of revenue and the number of employees eligible bars and restaurants employ.

LODGING INDUSTRY GRANTS

The foregoing appropriation item 195685, Lodging Industry Grants, shall be used by the Department of Development to provide grants for lodging industry businesses impacted by the COVID-19 pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, and \$30,000 and shall be awarded based on factors such as a demonstrated loss of revenue and occupancy rates.

NEW BUSINESS RELIEF GRANT

The foregoing appropriation item 195697, New Business Relief Grant, shall be used by the Department of Development to provide relief grants of \$10,000 for new businesses in this state opening after January 1, 2020.

RESIDENTIAL BROADBAND EXPANSION GRANTS

The foregoing appropriation item 195567, Residential Broadband Expansion Grants, shall be used for grants under the Ohio Residential Broadband Expansion Grant Program established in section 122.401 of the Revised Code.

Any unexpended and unencumbered portion of the foregoing appropriation item 195567, Residential Broadband Expansion Grants, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

MEAT PROCESSING INVESTMENT PROGRAM

The foregoing appropriation item 195408, Meat Processing

Investment Program, shall be used to make grants to meat 76461
processing plants for facility improvements and capacity 76462
expansion, including but not limited to equipment purchases or 76463
upgrades, training, and process improvements. 76464

COMMUNITY IMPROVEMENTS 76465

The foregoing appropriation item 195569, Community 76466
Improvements, shall be allocated to the City of Zanesville to 76467
support the financing of road slip repairs. 76468

VOLUME CAP ADMINISTRATION 76469

The foregoing appropriation item 195654, Volume Cap 76470
Administration, shall be used for expenses related to the 76471
administration of the Volume Cap Program. Revenues received by the 76472
Volume Cap Administration Fund (Fund 6170) shall consist of 76473
application fees, forfeited deposits, and interest earned from the 76474
custodial account held by the Treasurer of State. 76475

Section 259.40. SUPPORTIVE SERVICES FUND 76476

On July 1 of each year in the biennium ending June 30, 2023, 76477
or as soon as possible thereafter, respectively, the Director of 76478
Budget and Management may transfer up to \$2,000,000 from the State 76479
Special Projects Fund (Fund 4F20) to the Supportive Services Fund 76480
(Fund 1350). 76481

DEVELOPMENT SERVICES OPERATIONS 76482

The Director of Development may assess offices of the 76483
department for the cost of central service operations. An 76484
assessment shall contain the characteristics of administrative 76485
ease and uniform application. A division's payments shall be 76486
credited to the Supportive Services Fund (Fund 1350) using an 76487
intrastate transfer voucher. 76488

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 76489

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

Section 259.50. CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an amount not to exceed \$2,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

INNOVATION OHIO

The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.

RESEARCH AND DEVELOPMENT

The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

FACILITIES ESTABLISHMENT	76520
The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.	76521 76522 76523 76524
TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND	76525
Notwithstanding Chapter 166. of the Revised Code, on July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$20,000,000 cash from the Facilities Establishment Fund (Fund 7037) to the Rural Industrial Park Loan Fund (Fund 4Z60). The cash transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.	76526 76527 76528 76529 76530 76531
Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,500,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.	76532 76533 76534 76535 76536
Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$5,000,000 in cash in each fiscal year from Fund 7037 to the Minority Business Enterprise Loan Fund (Fund 4W10), subject to Controlling Board approval.	76537 76538 76539 76540 76541
Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,000,000 in cash in each fiscal year from Fund 7037 to the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.	76542 76543 76544 76545 76546
Section 259.60. THIRD FRONTIER OPERATING COSTS	76547
The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable -	76548 76549

Operating, shall be used for operating expenses incurred in 76550
administering projects pursuant to sections 184.10 to 184.20 of 76551
the Revised Code. Operating expenses paid from appropriation item 76552
195686 shall be limited to the administration of projects funded 76553
from the Third Frontier Research & Development Fund (Fund 7011) 76554
and operating expenses paid from appropriation item 195620 shall 76555
be limited to the administration of projects funded from the Third 76556
Frontier Research & Development Taxable Bond Project Fund (Fund 76557
7014). 76558

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 76559
PROJECTS 76560

The foregoing appropriation items 195687, Third Frontier 76561
Research & Development Projects, and 195692, Research & 76562
Development Taxable Bond Projects, shall be used to fund selected 76563
projects which may include internship programs. Eligible costs are 76564
those costs of research and development projects to which the 76565
proceeds of Fund 7011 and Fund 7014 are to be applied. 76566

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 76567

The Director of Budget and Management may approve written 76568
requests from the Director of Development for the transfer of 76569
appropriations between appropriation items 195687, Third Frontier 76570
Research & Development Projects, and 195692, Research & 76571
Development Taxable Bond Projects, based upon awards recommended 76572
by the Third Frontier Commission. 76573

In fiscal year 2023, the Director of Development may request 76574
that the Director of Budget and Management reappropriate any 76575
unexpended, unencumbered balances of the prior fiscal year's 76576
appropriation to the foregoing appropriation items 195687, Third 76577
Frontier Research & Development Projects, and 195692, Research & 76578
Development Taxable Bond Projects, for fiscal year 2023. The 76579
Director of Budget and Management may request additional 76580

information necessary for evaluating these requests, and the 76581
Director of Development shall provide the requested information to 76582
the Director of Budget and Management. Based on the information 76583
provided by the Director of Development, the Director of Budget 76584
and Management shall determine the amounts to be reappropriated, 76585
and those amounts are hereby reappropriated for fiscal year 2023. 76586

Section 259.70. HEAP WEATHERIZATION 76587

Up to twenty-five per cent of the federal funds deposited to 76588
the credit of the Home Energy Assistance Block Grant Fund (Fund 76589
3K90) may be expended from appropriation item 195614, HEAP 76590
Weatherization, to provide home weatherization services in the 76591
state as determined by the Director of Development. 76592

Section 259.80. OHIO INCUMBENT WORKFORCE JOB TRAINING FUND 76593

The foregoing appropriation item 195606, TechCred Program, 76594
shall be used for the TechCred Program under section 122.178 of 76595
the Revised Code. 76596

On July 1, 2021, or as soon as possible thereafter, the 76597
Director of Development, in consultation with the Treasurer of 76598
State, shall certify to the Director of Budget and Management the 76599
amount of bond proceeds collected under Chapter 3366. of the 76600
Revised Code in the semiannual period beginning January 1, 2021, 76601
and ending June 30, 2021. The Director of Budget and Management 76602
shall transfer an amount of cash equal to the certified amount 76603
from the fund designated by the Treasurer of State to receive the 76604
bond proceeds collected under Chapter 3366. of the Revised Code to 76605
the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0). 76606

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 76607

General Revenue Fund 76608

GRF 320411 Special Olympics \$ 100,000 \$ 100,000 76609

GRF	320412	Protective Services	\$	2,450,000	\$	2,600,000	76610
GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$	27,000,000	\$	27,000,000	76611
GRF	322421	Part C Early Intervention	\$	23,326,431	\$	23,326,431	76612
GRF	322422	Multi System Youth	\$	2,500,000	\$	4,000,000	76613
GRF	322508	Employment First Initiative	\$	2,700,000	\$	2,700,000	76614
GRF	322509	Community Supports and Rental Assistance	\$	1,800,000	\$	700,000	76615
GRF	322510	Best Buddies Ohio	\$	50,000	\$	50,000	76616
GRF	653321	Medicaid Program Support - State	\$	7,000,000	\$	7,000,000	76617
GRF	653407	Medicaid Services	\$	655,397,881	\$	745,826,590	76618
TOTAL GRF	General Revenue Fund		\$	722,324,312	\$	813,303,021	76619
Dedicated Purpose Fund Group							76620
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	76621
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	76622
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	76623
5EV0	653627	Medicaid Program Support	\$	2,500,000	\$	2,500,000	76624
5GE0	320606	Central Office Operating Expenses	\$	20,500,000	\$	20,500,000	76625
5GE0	653606	ICF/IID and Waiver Match	\$	60,100,000	\$	60,100,000	76626
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	76627
5S20	653622	Medicaid Administration &	\$	29,000,000	\$	30,000,000	76628

		Oversight				
5Z10	653624	County Board Waiver	\$	420,000,000	\$	482,000,000 76629
		Match				
TOTAL DPF		Dedicated Purpose Fund	\$	541,250,000	\$	604,250,000 76630
		Group				
		Internal Service Activity Fund Group				76631
1520	653609	DC and Residential	\$	11,000,000	\$	12,000,000 76632
		Facilities Operating				
		Services				
TOTAL ISA		Internal Service Activity	\$	11,000,000	\$	12,000,000 76633
		Fund Group				
		Federal Fund Group				76634
3250	322612	Community Social	\$	26,997,635	\$	26,997,635 76635
		Service Programs				
3A40	653654	Medicaid Services	\$	2,235,086,668	\$	2,269,126,558 76636
3A40	653655	Medicaid Support	\$	73,000,000	\$	76,000,000 76637
3A50	320613	Developmental	\$	3,200,000	\$	3,200,000 76638
		Disabilities Council				
TOTAL FED		Federal Fund Group	\$	2,338,284,303	\$	2,375,324,193 76639
TOTAL ALL BUDGET FUND GROUPS			\$	3,612,858,615	\$	3,804,877,214 76640

Section 261.20. SPECIAL OLYMPICS 76642

The foregoing appropriation item 320411, Special Olympics, 76643
shall be distributed to the Special Olympics of Ohio. 76644

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 76645

LEASE-RENTAL BOND PAYMENTS 76646

The foregoing appropriation item 320415, Developmental 76647
Disabilities Facilities Lease Rental Bond Payments, shall be used 76648
to meet all payments during the period from July 1, 2021, through 76649
June 30, 2023, by the Department of Developmental Disabilities 76650
pursuant to leases and agreements made under section 154.20 of the 76651

Revised Code. These appropriations are the source of funds pledged 76652
for bond service charges on related obligations issued under 76653
Chapter 154. of the Revised Code. 76654

Section 261.35. PART C EARLY INTERVENTION 76655

Of the foregoing appropriation item 322421, Part C Early 76656
Intervention, \$1,000,000 in each fiscal year shall be used to 76657
contract with the Cleveland Sight Center, the Cincinnati 76658
Association for the Blind and Visually Impaired, and the Sight 76659
Center of Northwest Ohio to provide early intervention special 76660
instruction services and family support to children under the age 76661
of three years old with blindness or low vision. 76662

Section 261.40. MULTI-SYSTEM YOUTH 76663

Of the foregoing appropriation item 322422, Multi-System 76664
Youth, a portion may be used to provide a subsidy to eligible 76665
county boards of developmental disabilities for the provision of 76666
respite services and other services and supports for youth with 76667
complex or multi-system needs to enable them to remain in their 76668
homes with their families or in their communities. The Director of 76669
Developmental Disabilities shall establish the total amount 76670
available for the subsidy, a formula for distributing the subsidy 76671
to eligible county boards, and the eligibility requirements county 76672
boards must satisfy to receive the subsidy. 76673

Section 261.50. EMPLOYMENT FIRST INITIATIVE 76674

The foregoing appropriation item 322508, Employment First 76675
Initiative, shall be used to increase employment opportunities for 76676
individuals with developmental disabilities through the Employment 76677
First Initiative in accordance with section 5123.022 of the 76678
Revised Code. 76679

Of the foregoing appropriation item, 322508, Employment First 76680

Initiative, the Director of Developmental Disabilities shall 76681
transfer, in each fiscal year, to the Opportunities for Ohioans 76682
with Disabilities Agency an amount agreed upon by the Director of 76683
Developmental Disabilities and the Executive Director of the 76684
Opportunities for Ohioans with Disabilities Agency. The transfer 76685
shall be made via an intrastate transfer voucher. The transferred 76686
funds shall be used to support the Employment First Initiative. 76687
The Opportunities for Ohioans with Disabilities Agency shall use 76688
the funds transferred as state matching funds to obtain available 76689
federal grant dollars for vocational rehabilitation services. Any 76690
federal match dollars received by the Opportunities for Ohioans 76691
with Disabilities Agency shall be used for the initiative. The 76692
Director of Developmental Disabilities and the Executive Director 76693
of the Opportunities for Ohioans with Disabilities Agency shall 76694
enter into an interagency agreement in accordance with section 76695
3304.181 of the Revised Code that will specify the 76696
responsibilities of each agency under the initiative. Under the 76697
interagency agreement, the Opportunities for Ohioans with 76698
Disabilities Agency shall retain responsibility for eligibility 76699
determination, order of selection, plan approval, plan amendment, 76700
and release of vendor payments. 76701

The remainder of appropriation item 322508, Employment First 76702
Initiative, shall be used to develop a long-term, sustainable 76703
system that places individuals with developmental disabilities in 76704
community employment, as defined in section 5123.022 of the 76705
Revised Code. 76706

Section 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 76707

The foregoing appropriation item 322509, Community Supports 76708
and Rental Assistance, may be used by the Director of 76709
Developmental Disabilities to provide funding to county boards of 76710
developmental disabilities for rental assistance to individuals 76711

with developmental disabilities receiving home and community-based 76712
services as defined in section 5123.01 of the Revised Code 76713
pursuant to section 5124.60 of the Revised Code or section 5124.69 76714
of the Revised Code and individuals with developmental 76715
disabilities who enroll in a Medicaid waiver component providing 76716
home and community-based services after receiving preadmission 76717
counseling pursuant to section 5124.68 of the Revised Code. The 76718
Director shall establish the methodology for determining the 76719
amount and distribution of such funding. 76720

Section 261.65. BEST BUDDIES OHIO 76721

The foregoing appropriation item 322510, Best Buddies Ohio, 76722
shall be provided to the Best Buddies Ohio program to support the 76723
delivery and expansion of inclusion services throughout Ohio 76724
colleges and communities. 76725

Section 261.70. MEDICAID SERVICES 76726

(A) As used in this section: 76727

(1) "Home and community-based services" has the same meaning 76728
as in section 5123.01 of the Revised Code. 76729

(2) "ICF/IID services" has the same meaning as in section 76730
5124.01 of the Revised Code. 76731

(B) Except as provided in section 5123.0416 of the Revised 76732
Code, the purposes for which the foregoing appropriation item 76733
653407, Medicaid Services, shall be used include the following: 76734

(1) Home and community-based services; 76735

(2) Implementation of the requirements of the agreement 76736
settling the consent decree in Sermak v. Manuel, Case No. 76737
C-2-80-220, United States District Court for the Southern District 76738
of Ohio, Eastern Division; 76739

(3) Implementation of the requirements of the agreement 76740

settling the consent decree in Martin v. Strickland, Case No. 76741
89-CV-00362, United States District Court for the Southern 76742
District of Ohio, Eastern Division; 76743

(4) ICF/IID services; and 76744

(5) Other programs as identified by the Director of 76745
Developmental Disabilities. 76746

Section 261.80. OPERATING AND SERVICES 76747

Of the foregoing appropriation item 320606, Operating and 76748
Services, \$100,000 in each fiscal year shall be provided to the 76749
Ohio Center for Autism and Low Incidence to establish a lifespan 76750
autism hub to support families and professionals. 76751

Section 261.90. COMMUNITY SOCIAL SERVICE PROGRAMS 76752

A portion of the foregoing appropriation item 322612, 76753
Community Social Service Programs, may be used by the Early 76754
Intervention Services Advisory Council for the following purposes: 76755

(A) In addition to other necessary and allowed uses of funds 76756
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 76757
Services Advisory Council established pursuant to section 76758
5123.0422 of the Revised Code, may, in its discretion, use 76759
budgeted funds to do all of the following: 76760

(1) Conduct forums and hearings; 76761

(2) Reimburse council members for reasonable and necessary 76762
expenses, including child care expenses for parent 76763
representatives, for attending council meetings and performing 76764
council duties; 76765

(3) Pay compensation to a council member if the member is not 76766
employed or must forfeit wages from other employment when 76767
performing official council business; 76768

(4) Hire staff; 76769

(5) Obtain the services of professional, technical, and 76770
clerical personnel as necessary to carry out the performance of 76771
its lawful functions. 76772

(B) Except as provided in division (A) of this section, 76773
council members shall serve without compensation or reimbursement. 76774

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES 76775

As used in this section, "home and community-based services" 76776
has the same meaning as in section 5123.01 of the Revised Code. 76777

The Director of Developmental Disabilities shall establish a 76778
methodology to be used in fiscal year 2022 and fiscal year 2023 to 76779
estimate the quarterly amount each county board of developmental 76780
disabilities is to pay of the nonfederal share of home and 76781
community-based services that section 5126.0510 of the Revised 76782
Code requires county boards to pay. Each quarter, the Director 76783
shall submit to a county board written notice of the amount the 76784
county board is to pay for that quarter. The notice shall specify 76785
when the payment is due. 76786

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 76787

If a county board of developmental disabilities does not 76788
fully pay any amount owed to the Department of Developmental 76789
Disabilities by the due date established by the Department, the 76790
Director of Developmental Disabilities may withhold the amount the 76791
county board did not pay from any amounts due to the county board. 76792
The Director may use any appropriation item or fund used by the 76793
Department to transfer cash to any other fund used by the 76794
Department in an amount equal to the amount owed the Department 76795
that the county board did not pay. Transfers under this section 76796
shall be made using an intrastate transfer voucher. 76797

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS 76798

(A) In fiscal year 2022 and fiscal year 2023, the Director of 76799
Developmental Disabilities may authorize the continuation or 76800
implementation of one or more innovative pilot projects that, in 76801
the judgment of the Director, are likely to assist in promoting 76802
the objectives of Chapter 5123. or 5126. of the Revised Code. 76803
Subject to division (B) of this section and notwithstanding any 76804
provision of Chapters 5123. and 5126. of the Revised Code and any 76805
rule adopted under either chapter, a pilot project authorized by 76806
the Director may be continued or implemented in a manner 76807
inconsistent with one or more provisions of either chapter or one 76808
or more rules adopted under either chapter. Before authorizing a 76809
pilot program, the Director shall consult with entities interested 76810
in the issue of developmental disabilities, including the Ohio 76811
Provider Resource Association, Ohio Association of County Boards 76812
of Developmental Disabilities, Ohio Health Care Association/Ohio 76813
Centers for Intellectual Disabilities, the Values and Faith 76814
Alliance, and ARC of Ohio. 76815

(B) The Director may not authorize a pilot project to be 76816
implemented in a manner that would cause the state to be out of 76817
compliance with any requirements for a program funded in whole or 76818
in part with federal funds. 76819

Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES 76820

(A) As used in this section, "ICF/IID," "ICF/IID services," 76821
and "Medicaid-certified capacity" have the same meanings as in 76822
section 5124.01 of the Revised Code. 76823

(B) The Director of Developmental Disabilities shall pay the 76824
nonfederal share of a claim for ICF/IID services using funds 76825
specified in division (C) of this section if all of the following 76826
apply: 76827

(1) Medicaid covers the ICF/IID services.	76828
(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:	76829 76830
(a) The Medicaid recipient is eligible for the ICF/IID services.	76831 76832
(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.	76833 76834 76835 76836
(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.	76837 76838 76839
(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.	76840 76841 76842
(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:	76843 76844 76845
(1) Funds available from appropriation item 653407, Medicaid Services, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;	76846 76847 76848 76849
(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 653407, Medicaid Services.	76850 76851 76852 76853 76854
Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES	76855 76856

- (A) As used in this section: 76857
- (1) "Converted facility" means an ICF/IID, or former ICF/IID, 76858
that converted some or all of its beds to providing home and 76859
community-based services under the IO Waiver pursuant to section 76860
5124.60 of the Revised Code. 76861
- (2) "Developmental center" and "ICF/IID" have the same 76862
meanings as in section 5124.01 of the Revised Code. 76863
- (3) "IO Waiver" means the Medicaid waiver component, as 76864
defined in section 5166.01 of the Revised Code, known as 76865
Individual Options. 76866
- (4) "Medicaid provider" has the same meaning as in section 76867
5164.01 of the Revised Code. 76868
- (5) "Public hospital" has the same meaning as in section 76869
5122.01 of the Revised Code. 76870
- (6) "Qualifying IO enrollee" means an IO Waiver enrollee to 76871
whom all of the following apply: 76872
- (a) The enrollee resided in a developmental center, converted 76873
facility, or public hospital immediately before enrolling in the 76874
IO Wavier. 76875
- (b) The enrollee did not receive before July 1, 2011, routine 76876
homemaker/personal care services from the Medicaid provider that 76877
is to be paid the Medicaid rate authorized by this section for 76878
providing such services to the enrollee during the period 76879
specified in division (C) of this section. 76880
- (c) The Director of Developmental Disabilities has determined 76881
that the enrollee's special circumstances (including the 76882
enrollee's diagnosis, service needs, or length of stay at the 76883
developmental center, converted facility, or public hospital) 76884
warrants paying the Medicaid rate authorized by this section. 76885
- (B) The total Medicaid payment rate for each fifteen minutes 76886

of routine homemaker/personal care services that a Medicaid 76887
provider provides to a qualifying IO enrollee during the period 76888
specified in division (C) of this section shall be fifty-two cents 76889
higher than the Medicaid payment rate in effect on the day the 76890
services are provided for each fifteen minutes of routine 76891
homemaker/personal care services that a Medicaid provider provides 76892
to an IO enrollee who is not a qualifying IO enrollee. 76893

(C) Division (B) of this section applies to the first twelve 76894
months, consecutive or otherwise, that a Medicaid provider, during 76895
the period beginning July 1, 2021, and ending July 1, 2023, 76896
provides routine homemaker/personal care services to a qualifying 76897
IO enrollee. 76898

(D) Of the foregoing appropriation items 653407, Medicaid 76899
Services, and 653654, Medicaid Services, portions shall be used to 76900
pay the Medicaid payment rate determined in accordance with this 76901
section for routine homemaker/personal care services provided to 76902
qualifying IO enrollees. 76903

Section 261.150. FISCAL YEAR 2022 and 2023 ICF/IID MEDICAID 76904
RATES FOR PEER GROUPS 1, 2, 3, 4, AND 5 76905

(A) As used in this section: 76906

(1) "Change of operator," "entering operator," "exiting 76907
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 76908
group 1," "peer group 2," "peer group 3," "peer group 4," "peer 76909
group 5," "provider," and "provider agreement" have the same 76910
meanings as in section 5124.01 of the Revised Code. 76911

(2) "Franchise permit fee" means the fee imposed by sections 76912
5168.60 to 5168.71 of the Revised Code. 76913

(B)(1) This section applies to each ICF/IID that is in peer 76914
group 1, peer group 2, peer group 3, peer group 4, or peer group 5 76915
and to which any of the following, as applicable to a fiscal year, 76916

applies: 76917

(a) In the context of determining an ICF/IID's total Medicaid 76918
payment rate for fiscal year 2022, any of the following is the 76919
case: 76920

(i) The provider of the ICF/IID has a valid Medicaid provider 76921
agreement for the ICF/IID on June 30, 2021, and a valid Medicaid 76922
provider agreement for the ICF/IID during fiscal year 2022. 76923

(ii) The ICF/IID undergoes a change of operator that takes 76924
effect during fiscal year 2022, the existing operator has a valid 76925
Medicaid provider agreement for the ICF/IID on the day immediately 76926
preceding the effective date of the change of operator, and the 76927
entering operator has a valid Medicaid provider agreement for the 76928
ICF/IID during fiscal year 2022. 76929

(iii) The ICF/IID is a new ICF/IID for which the provider 76930
obtains an initial provider agreement during fiscal year 2022. 76931

(b) In the context of determining an ICF/IID's total Medicaid 76932
payment rate for fiscal year 2023, any of the following is the 76933
case: 76934

(i) The provider of the ICF/IID has a valid Medicaid provider 76935
agreement for the ICF/IID on June 30, 2022, and a valid Medicaid 76936
provider agreement for the ICF/IID during fiscal year 2023. 76937

(ii) The ICF/IID undergoes a change of operator that takes 76938
effect during fiscal year 2023, the existing operator has a valid 76939
Medicaid provider agreement for the ICF/IID on the day immediately 76940
preceding the effective date of the change of operator, and the 76941
entering operator has a valid Medicaid provider agreement for the 76942
ICF/IID during fiscal year 2023. 76943

(iii) The ICF/IID is a new ICF/IID for which the provider 76944
obtains an initial provider agreement during fiscal year 2023. 76945

(2) Notwithstanding Chapter 5124. of the Revised Code, the 76946

Department of Developmental Disabilities shall follow this section 76947
in determining the rate to be paid for ICF/IID services provided 76948
during fiscal years 2022 and 2023 by ICFs/IID subject to this 76949
section. 76950

(C)(1) If the mean total per Medicaid day rate for all 76951
ICFs/IID to which the section applies, as determined under 76952
division (B)(1)(a) of this section, as of July 1, 2021, and 76953
weighted by May Medicaid days from calendar year 2021, is greater 76954
than \$357.89, the Department shall adjust, for fiscal year 2022, 76955
the total per Medicaid day rate for each ICF/IID to which this 76956
section applies by a percentage by which the mean total per 76957
Medicaid day rate is greater than \$357.89. 76958

(2) If the mean total per Medicaid day rate for all ICFs/IID 76959
to which the section applies, as determined under division 76960
(B)(1)(b) of this section, as of July 1, 2022, and weighted by May 76961
Medicaid days from calendar year 2022, is greater than \$365.05, 76962
the Department shall adjust, for fiscal year 2023, the total per 76963
Medicaid day rate for each ICF/IID to which this section applies 76964
by the percentage by which the mean total per Medicaid day rate is 76965
greater than \$365.05. 76966

(D) If the United States Centers for Medicare and Medicaid 76967
Services requires that the franchise permit fee be reduced or 76968
eliminated, the Department shall reduce the amount it pays ICF/IID 76969
providers under this section as necessary to reflect the loss to 76970
the state of the revenue and federal financial participation 76971
generated from the franchise permit fee. 76972

(E) Of the foregoing appropriation items 653407, Medicaid 76973
Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid 76974
Services, portions shall be used to pay the Medicaid payment rates 76975
determined in accordance with this section for ICF/IID services 76976
provided during fiscal years 2022 and 2023. 76977

Section 261.160. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 76978
TECHNOLOGY FIRST INITIATIVE 76979

Of the foregoing appropriation item 322509, Community 76980
Supports and Rental Assistance, up to \$1,100,000 in fiscal year 76981
2022 may be used to increase access and utilization of innovative 76982
technology for individuals with developmental disabilities in 76983
accordance with the Technology First Initiative established in 76984
section 5123.025 of the Revised Code. Not less than \$100,000 in 76985
fiscal year 2022 from this earmark shall be distributed to 76986
Creative Housing, Inc. to be used to provide or increase access to 76987
technology for individuals with developmental disabilities. An 76988
amount equal to the unexpended, unencumbered balance of this 76989
earmark at the end of fiscal year 2022 is hereby reappropriated to 76990
appropriation item 322509, Community Supports and Rental 76991
Assistance, for the same purpose for fiscal year 2023. 76992

Section 261.170. PAYMENT RATE FOR DD-ADMINISTERED WAIVER 76993
SERVICES 76994

(A) As used in this section: 76995

(1) "Adult day services" means nonresidential services 76996
including adult day support, career planning, group employment 76997
support, individual employment support, nonmedical transportation, 76998
and vocational habilitation. 76999

(2) "DD-administered waiver" means a Medicaid waiver 77000
component, as defined in section 5166.01 of the Revised Code, that 77001
is administered by the Department of Developmental Disabilities. 77002

(3) "Residential services" means the following services: 77003

(a) Homemaker/personal care services; 77004

(b) Informal, community, or residential respite services; 77005

(c) On-site/on-call services; 77006

	(d) Shared living services;				77007	
	(e) Transportation services.				77008	
	(B) For fiscal year 2022, the Medicaid payment rate for adult				77009	
	day services and residential services provided under a				77010	
	DD-administered waiver shall equal the rates for the services in				77011	
	effect on June 30, 2021, increased by two per cent.				77012	
	(C) For fiscal year 2023, the Medicaid payment rate for adult				77013	
	day services and residential services provided under a				77014	
	DD-administered waiver shall equal the rates for the services in				77015	
	effect on June 30, 2022, increased by two per cent.				77016	
	Section 265.10. EDU DEPARTMENT OF EDUCATION				77017	
	General Revenue Fund				77018	
GRF 200321	Operating Expenses	\$	15,140,623	\$	15,140,623	77019
GRF 200408	Early Childhood	\$	68,116,789	\$	68,116,789	77020
	Education					
GRF 200420	Information Technology	\$	3,680,482	\$	3,680,482	77021
	Development and					
	Support					
GRF 200422	School Management	\$	2,337,711	\$	2,337,711	77022
	Assistance					
GRF 200424	Policy Analysis	\$	450,950	\$	450,950	77023
GRF 200426	Ohio Educational	\$	15,107,422	\$	15,107,422	77024
	Computer Network					
GRF 200427	Academic Standards	\$	3,883,525	\$	3,883,525	77025
GRF 200437	Student Assessment	\$	56,282,168	\$	56,282,168	77026
GRF 200439	Accountability/Report	\$	7,168,977	\$	7,197,050	77027
	Cards					
GRF 200442	Child Care Licensing	\$	2,127,153	\$	2,127,153	77028
GRF 200446	Education Management	\$	8,174,415	\$	8,174,415	77029
	Information System					

GRF 200448	Educator Preparation	\$	2,207,740	\$	2,207,740	77030
GRF 200455	Community Schools and Choice Programs	\$	4,412,546	\$	4,412,546	77031
GRF 200457	STEM Initiatives	\$	320,000	\$	0	77032
GRF 200465	Education Technology Resources	\$	4,881,854	\$	4,881,854	77033
GRF 200502	Pupil Transportation	\$	536,660,589	\$	541,660,589	77034
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	77035
GRF 200511	Auxiliary Services	\$	156,744,175	\$	158,591,274	77036
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	70,813,735	\$	71,647,683	77037
GRF 200540	Special Education Enhancements	\$	180,850,000	\$	185,850,000	77038
GRF 200545	Career-Technical Education Enhancements	\$	9,650,892	\$	9,650,892	77039
GRF 200550	Foundation Funding - All Students	\$	6,948,998,712	\$	7,090,348,712	77040
GRF 200566	Literacy Improvement	\$	1,052,172	\$	1,052,172	77041
GRF 200572	Adult Education Programs	\$	9,752,210	\$	9,752,210	77042
GRF 200574	Half-Mill Maintenance Equalization	\$	17,464,102	\$	15,238,834	77043
GRF 200576	Adaptive Sports Program	\$	250,000	\$	250,000	77044
GRF 200597	Program and Project Support	\$	3,800,000	\$	3,800,000	77045
GRF 657401	Medicaid in Schools	\$	297,978	\$	297,978	77046
TOTAL GRF	General Revenue Fund	\$	8,139,590,420	\$	8,291,104,272	77047
	Dedicated Purpose Fund Group					77048
4520 200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000	77049
4L20 200681	Teacher Certification	\$	14,000,000	\$	14,000,000	77050

		and Licensure					
5980	200659	Auxiliary Services	\$	1,300,000	\$	1,300,000	77051
		Reimbursement					
5H30	200687	School District	\$	2,000,000	\$	2,000,000	77052
		Solvency Assistance					
5KX0	200691	Ohio School	\$	1,250,000	\$	1,250,000	77053
		Sponsorship Program					
5MM0	200677	Child Nutrition	\$	550,000	\$	550,000	77054
		Refunds					
5U20	200685	National Education	\$	175,000	\$	175,000	77055
		Statistics					
5VS0	200604	Foundation Funding -	\$	661,000,000	\$	842,000,000	77056
		All Students					
6200	200615	Educational	\$	600,000	\$	600,000	77057
		Improvement Grants					
TOTAL DPF		Dedicated Purpose Fund	\$	681,875,000	\$	862,875,000	77058
		Group					
		Internal Service Activity Fund Group					77059
1380	200606	Information	\$	8,289,074	\$	8,537,746	77060
		Technology					
		Development and					
		Support					
4R70	200695	Indirect Operational	\$	7,856,766	\$	7,856,766	77061
		Support					
4V70	200633	Interagency Program	\$	5,000,000	\$	5,000,000	77062
		Support					
TOTAL ISA		Internal Service Activity	\$	21,145,840	\$	21,394,512	77063
		Fund Group					
		State Lottery Fund Group					77064
7017	200612	Foundation Funding -	\$	1,243,200,000	\$	1,221,500,000	77065
		All Students					
7017	200614	Accelerate Great	\$	1,500,000	\$	1,500,000	77066

		Schools				
7017	200616	Literacy Improvement	\$	500,000	\$	500,000 77067
7017	200631	Quality Community	\$	54,000,000	\$	54,000,000 77068
		Schools Support				
7017	200684	Community School	\$	62,500,000	\$	62,500,000 77069
		Facilities				
TOTAL SLF		State Lottery Fund Group	\$	1,361,700,000	\$	1,340,000,000 77070
		Federal Fund Group				77071
3670	200607	School Food Services	\$	12,254,397	\$	12,611,321 77072
3700	200624	Education of	\$	2,000,000	\$	2,000,000 77073
		Exceptional Children				
3AF0	657601	Schools Medicaid	\$	295,500	\$	295,500 77074
		Administrative Claims				
3AN0	200671	School Improvement	\$	17,000,000	\$	0 77075
		Grants				
3C50	200661	Early Childhood	\$	14,000,000	\$	14,000,000 77076
		Education				
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000 77077
3EJ0	200622	Homeless Children	\$	3,600,000	\$	3,600,000 77078
		Education				
3FE0	200669	Striving Readers	\$	2,000,000	\$	0 77079
3GE0	200674	Summer Food Service	\$	60,000,000	\$	30,000,000 77080
		Program				
3GG0	200676	Fresh Fruit and	\$	5,145,074	\$	5,145,074 77081
		Vegetable Program				
3HF0	200649	Federal Education	\$	7,056,327	\$	7,056,327 77082
		Grants				
3HI0	200634	Student Support and	\$	40,042,720	\$	40,042,720 77083
		Academic Enrichment				
3HL0	200678	Comprehensive	\$	14,630,000	\$	14,630,000 77084
		Literacy State				
		Development Program				
3L60	200617	Federal School Lunch	\$	430,837,000	\$	430,837,000 77085

3L70	200618	Federal School Breakfast	\$ 163,350,081	\$ 163,350,081	77086
3L80	200619	Child/Adult Food Programs	\$ 113,328,580	\$ 113,328,580	77087
3L90	200621	Career-Technical Education Basic Grant	\$ 46,000,000	\$ 46,000,000	77088
3M00	200623	ESEA Title 1A	\$ 600,000,000	\$ 600,000,000	77089
3M20	200680	Individuals with Disabilities Education Act	\$ 490,000,000	\$ 500,000,000	77090
3T40	200613	Public Charter Schools	\$ 4,500,000	\$ 4,500,000	77091
3Y20	200688	21st Century Community Learning Centers	\$ 43,000,000	\$ 43,000,000	77092
3Y60	200635	Improving Teacher Quality	\$ 77,000,000	\$ 77,000,000	77093
3Y70	200689	English Language Acquisition	\$ 11,000,000	\$ 11,000,000	77094
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,600,000	\$ 3,600,000	77095
3Z20	200690	State Assessments	\$ 12,000,000	\$ 12,000,000	77096
3Z30	200645	Consolidated Federal Grant Administration	\$ 10,900,000	\$ 10,900,000	77097
TOTAL FED		Federal Fund Group	\$ 2,186,239,679	\$ 2,147,596,603	77098
TOTAL ALL BUDGET FUND GROUPS			\$12,390,550,939	\$12,662,970,387	77099

Section 265.20. OPERATING EXPENSES 77101

A portion of the foregoing appropriation item 200321,
Operating Expenses, shall be used by the Department of Education
to provide matching funds related to career-technical education
under 20 U.S.C. 2321. 77102
77103
77104
77105

EARLY CHILDHOOD EDUCATION 77106

The Department of Education shall distribute the foregoing 77107
appropriation item 200408, Early Childhood Education, to pay the 77108
costs of early childhood education programs. The Department shall 77109
distribute such funds directly to qualifying providers. 77110

(A) As used in this section: 77111

(1) "Provider" means a city, local, exempted village, or 77112
joint vocational school district; an educational service center; a 77113
community school established under Chapter 3314. of the Revised 77114
Code that is sponsored by an exemplary sponsor; notwithstanding 77115
anything to the contrary in Chapter 3326. of the Revised Code, a 77116
STEM school that is established under that chapter; a chartered 77117
nonpublic school; an early childhood education child care provider 77118
licensed under Chapter 5104. of the Revised Code; or a combination 77119
of entities described in this paragraph. 77120

(2) In the case of a city, local, or exempted village school 77121
district or early childhood education child care provider licensed 77122
under Chapter 5104. of the Revised Code, "new eligible provider" 77123
means a provider that did not receive state funding for Early 77124
Childhood Education in the previous fiscal year or demonstrates a 77125
need for early childhood programs as defined in division (D) of 77126
this section. 77127

(3) In the case of a community school, "new eligible 77128
provider" means either of the following: 77129

(a) A community school established under Chapter 3314. of the 77130
Revised Code that is sponsored by a sponsor rated "exemplary" in 77131
accordance with section 3314.016 of the Revised Code that offers a 77132
child care program in accordance with sections 3301.50 to 3301.59 77133
of the Revised Code that did not receive state funding for Early 77134
Childhood Education in the previous fiscal year; 77135

(b) A community school established under Chapter 3314. of the 77136
Revised Code that satisfies all of the following criteria: 77137

(i) It has received, on its most recent report card, either 77138
of the following: 77139

(I) If the school offers any of grade levels four through 77140
twelve, a grade of "C" or better for the overall value-added 77141
progress dimension under division (C)(1)(e) of section 3302.03 of 77142
the Revised Code and for the performance index score under 77143
division (C)(1)(b) of section 3302.03 of the Revised Code; 77144

(II) If the school does not offer a grade level higher than 77145
three, a grade of "C" or better for making progress in improving 77146
literacy in grades kindergarten through three under division 77147
(C)(1)(g) of section 3302.03 of the Revised Code. 77148

(ii) It offers a child care program in accordance with 77149
sections 3301.50 to 3301.59 of the Revised Code. 77150

(iii) It did not receive state funding for Early Childhood 77151
Education in the previous fiscal year. 77152

(4)(a) "Eligible child" means a child who is at least four 77153
years of age, is not of the age to be eligible for kindergarten, 77154
and whose family earns not more than two hundred per cent of the 77155
federal poverty guidelines as defined in division (A)(3) of 77156
section 5101.46 of the Revised Code. Children with an 77157
Individualized Education Program and where the Early Childhood 77158
Education program is the least restrictive environment may be 77159
enrolled on their fourth birthday. 77160

(b) If, on the first day of October of each fiscal year, a 77161
provider has remaining award funds after enrolling eligible 77162
children under division (A)(4)(a) of this section, the provider 77163
may seek approval from the Department to consider a child who is 77164
at least three years of age, is not of age to be eligible for 77165
kindergarten, and whose family earns not more than two hundred per 77166
cent of the federal poverty guidelines as an eligible child. Upon 77167
approval from the Department, the provider may use the remaining 77168

award funds to serve such three-year-old children as eligible 77169
children. 77170

(5) "Early learning program standards" means early learning 77171
program standards for school readiness developed by the Department 77172
to assess the operation of early learning and development 77173
programs. 77174

(6) "Early learning and development programs" has the same 77175
meaning as in section 5104.29 of the Revised Code. 77176

(B) In each fiscal year, up to two per cent of the total 77177
appropriation may be used by the Department for program support 77178
and technical assistance. The Department shall distribute the 77179
remainder of the appropriation in each fiscal year to serve 77180
eligible children. 77181

(C) The Department shall provide an annual report to the 77182
Governor, the Speaker of the House of Representatives, and the 77183
President of the Senate and post the report to the Department's 77184
web site, regarding early childhood education programs operated 77185
under this section and the early learning program standards. 77186

(D) After setting aside the amounts to make payments due from 77187
the previous fiscal year, in fiscal year 2022, the Department 77188
shall distribute funds first to recipients of funds for early 77189
childhood education programs under Section 265.20 of H.B. 166 of 77190
the 133rd General Assembly in the previous fiscal year and the 77191
balance to new eligible providers of early childhood education 77192
programs or to existing providers to serve more eligible children 77193
pursuant to division (E) of this section or for purposes of 77194
program expansion, improvement, or special projects to promote 77195
quality and innovation. 77196

After setting aside the amounts to make payments due from the 77197
previous fiscal year, in fiscal year 2023, the Department shall 77198
distribute funds first to providers of early childhood education 77199

programs under this section in the previous fiscal year and the 77200
balance to new eligible providers or to existing providers to 77201
serve more eligible children as outlined under division (E) of 77202
this section or for purposes of program expansion, improvement, or 77203
special projects to promote quality and innovation. 77204

(E)(1) The Department shall distribute any new or remaining 77205
funding to existing providers of early childhood education 77206
programs or any new eligible providers in an effort to invest in 77207
high quality early childhood programs where there is a need as 77208
determined by the Department. The Department shall distribute the 77209
new or remaining funds to existing providers of early childhood 77210
education programs or any new eligible providers to serve 77211
additional eligible children based on community economic 77212
disadvantage, limited access to high quality preschool or 77213
childcare services, and demonstration of high quality preschool 77214
services as determined by the Department using new metrics 77215
developed pursuant to Ohio's Race to the Top—Early Learning 77216
Challenge Grant, awarded to the Department in December 2011. 77217

(2) Awards under divisions (D) and (E) of this section shall 77218
be distributed on a per-pupil basis, and in accordance with 77219
division (I) of this section. The Department may adjust the 77220
per-pupil amount so that the per-pupil amount multiplied by the 77221
number of eligible children enrolled and receiving services on the 77222
first day of December or the business day closest to that date 77223
equals the amount allocated under this section. 77224

(F) Costs for developing and administering an early childhood 77225
education program may not exceed fifteen per cent of the total 77226
approved costs of the program. 77227

All providers shall maintain such fiscal control and 77228
accounting procedures as may be necessary to ensure the 77229
disbursement of, and accounting for, these funds. The control of 77230
funds provided in this program, and title to property obtained, 77231

shall be under the authority of the approved provider for purposes 77232
provided in the program unless, as described in division (K) of 77233
this section, the program waives its right for funding or a 77234
program's funding is eliminated or reduced due to its inability to 77235
meet financial or early learning program standards. The approved 77236
provider shall administer and use such property and funds for the 77237
purposes specified. 77238

(G) The Department may examine a provider's financial and 77239
program records. If the financial practices of the program are not 77240
in accordance with standard accounting principles or do not meet 77241
financial standards outlined under division (F) of this section, 77242
or if the program fails to substantially meet the early learning 77243
program standards, or exhibits below average performance as 77244
measured against the standards, the early childhood education 77245
program shall propose and implement a corrective action plan that 77246
has been approved by the Department. The approved corrective 77247
action plan shall be signed by the chief executive officer and the 77248
executive of the official governing body of the provider. The 77249
corrective action plan shall include a schedule for monitoring by 77250
the Department. Such monitoring may include monthly reports, 77251
inspections, a timeline for correction of deficiencies, and 77252
technical assistance to be provided by the Department or obtained 77253
by the early childhood education program. The Department may 77254
withhold funding pending corrective action. If an early childhood 77255
education program fails to satisfactorily complete a corrective 77256
action plan, the Department may deny expansion funding to the 77257
program or withdraw all or part of the funding to the program and 77258
establish a new eligible provider through a selection process 77259
established by the Department. 77260

(H) Per-pupil funding for programs subject to this section 77261
shall be sufficient to provide eligible children with services for 77262
a standard early childhood schedule which shall be defined in this 77263

section as a minimum of twelve and one-half hours per school week 77264
as defined in section 3313.62 of the Revised Code for the minimum 77265
school year as defined in sections 3313.48, 3313.481, and 3313.482 77266
of the Revised Code. Nothing in this section shall be construed to 77267
prohibit program providers from utilizing other funds to serve 77268
eligible children in programs that exceed the twelve and one-half 77269
hours per week or that exceed the minimum school year. For any 77270
provider for which a standard early childhood education schedule 77271
creates a hardship or for which the provider shows evidence that 77272
the provider is working in collaboration with a preschool special 77273
education program, the provider may submit a waiver to the 77274
Department requesting an alternate schedule. If the Department 77275
approves a waiver for an alternate schedule that provides services 77276
for less time than the standard early childhood education 77277
schedule, the Department may reduce the provider's annual 77278
allocation proportionately. Under no circumstances shall an annual 77279
allocation be increased because of the approval of an alternate 77280
schedule. 77281

(I) Each provider shall develop a sliding fee scale based on 77282
family incomes and shall charge families who earn more than two 77283
hundred per cent of the federal poverty guidelines, as defined in 77284
division (A)(3) of section 5101.46 of the Revised Code, for the 77285
early childhood education program. 77286

The Department shall conduct an annual survey of each 77287
provider to determine whether the provider charges families 77288
tuition or fees, the amount families are charged relative to 77289
family income levels, and the number of families and students 77290
charged tuition and fees for the early childhood program. 77291

(J) If an early childhood education program voluntarily 77292
waives its right for funding, or has its funding eliminated for 77293
not meeting financial standards or the early learning program 77294
standards, the provider shall transfer control of title to 77295

property, equipment, and remaining supplies obtained through the 77296
program to providers designated by the Department and return any 77297
unexpended funds to the Department along with any reports 77298
prescribed by the Department. The funding made available from a 77299
program that waives its right for funding or has its funding 77300
eliminated or reduced may be used by the Department for new grant 77301
awards or expansion grants. The Department may award new grants or 77302
expansion grants to eligible providers who apply. The eligible 77303
providers who apply must do so in accordance with the selection 77304
process established by the Department. 77305

(K) Eligible expenditures for the Early Childhood Education 77306
Program shall be claimed each fiscal year to help meet the state's 77307
TANF maintenance of effort requirement. The Superintendent of 77308
Public Instruction and the Director of Job and Family Services 77309
shall enter into an interagency agreement to carry out the 77310
requirements under this division, which shall include developing 77311
reporting guidelines for these expenditures. 77312

(L)(1) The Department of Education and the Department of Job 77313
and Family Services shall continue to work toward establishing the 77314
following in common between early childhood education programs and 77315
publicly funded child care: 77316

(a) An application; 77317

(b) Program eligibility; 77318

(c) Funding; 77319

(d) An attendance policy; 77320

(e) An attendance tracking system. 77321

(2) In accordance with section 5104.34 of the Revised Code, 77322
eligible families may receive publicly funded child care beyond 77323
the standard early childhood schedule defined in division (I) of 77324
this section. 77325

(3) All providers, agencies, and school districts 77326
participating in the early childhood education program or 77327
providing care to eligible families beyond the standard early 77328
childhood schedule shall follow the common policies established 77329
under this division. 77330

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 77331
SUPPORT 77332

The foregoing appropriation item 200420, Information 77333
Technology Development and Support, shall be used to support the 77334
development and implementation of information technology solutions 77335
designed to improve the performance and services of the Department 77336
of Education. Funds may be used for personnel, maintenance, and 77337
equipment costs related to the development and implementation of 77338
these technical system projects. Implementation of these systems 77339
shall allow the Department to provide greater levels of assistance 77340
to school districts and to provide more timely information to the 77341
public, including school districts, administrators, and 77342
legislators. Funds may also be used to support data-driven 77343
decision-making and differentiated instruction, as well as to 77344
communicate academic content standards and curriculum models to 77345
schools through web-based applications. 77346

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 77347

The foregoing appropriation item 200422, School Management 77348
Assistance, shall be used by the Department of Education to 77349
provide fiscal technical assistance and inservice education for 77350
school district management personnel and to administer, monitor, 77351
and implement the fiscal caution, fiscal watch, and fiscal 77352
emergency provisions under Chapter 3316. of the Revised Code. 77353

Section 265.60. POLICY ANALYSIS 77354

The foregoing appropriation item 200424, Policy Analysis, 77355
shall be used by the Department of Education to support a system 77356
of administrative and statistical education information to be used 77357
for policy analysis. Staff supported by this appropriation shall 77358
administer the development of reports, analyses, and briefings 77359
regarding current trends in education practice, efficient and 77360
effective use of resources, and evaluation of programs to improve 77361
education results. A portion of these funds shall be used to 77362
maintain a longitudinal database to support the assessment of the 77363
impact of policies and programs on Ohio's education and workforce 77364
development systems. The research efforts supported by this 77365
appropriation item shall be used to supply information and 77366
analysis of data to and in consultation with the General Assembly 77367
and other state policymakers, including the Office of Budget and 77368
Management and the Legislative Service Commission. 77369

A portion of the foregoing appropriation item, 200424, Policy 77370
Analysis, may be used by the Department to support the development 77371
and implementation of an evidence-based clearinghouse to support 77372
school improvement strategies as part of the Every Student 77373
Succeeds Act. 77374

The Department may use funding from this appropriation item 77375
to purchase or contract for the development of software systems or 77376
contract for policy studies that will assist in the provision and 77377
analysis of policy-related information. Funding from this 77378
appropriation item also may be used to monitor and enhance quality 77379
assurance for research-based policy analysis and program 77380
evaluation to enhance the effective use of education information 77381
to inform education policymakers. 77382

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 77383

The foregoing appropriation item 200426, Ohio Educational 77384
Computer Network, shall be used by the Department of Education to 77385

maintain a system of information technology throughout Ohio and to 77386
provide technical assistance for such a system. 77387

Of the foregoing appropriation item 200426, Ohio Educational 77388
Computer Network, up to \$9,686,658 in each fiscal year shall be 77389
used by the Department to support connection of all public school 77390
buildings and participating chartered nonpublic schools to the 77391
state's education network, to each other, and to the Internet. In 77392
each fiscal year, the Department shall use these funds to assist 77393
information technology centers or school districts with the 77394
operational costs associated with this connectivity. The 77395
Department shall develop a formula and guidelines for the 77396
distribution of these funds to information technology centers or 77397
individual school districts. As used in this section, "public 77398
school building" means a school building of any city, local, 77399
exempted village, or joint vocational school district, any 77400
community school established under Chapter 3314. of the Revised 77401
Code, any college preparatory boarding school established under 77402
Chapter 3328. of the Revised Code, any STEM school established 77403
under Chapter 3326. of the Revised Code, any educational service 77404
center building used for instructional purposes, the Ohio School 77405
for the Deaf and the Ohio School for the Blind, high schools 77406
chartered by the Ohio Department of Youth Services, or high 77407
schools operated by Ohio Department of Rehabilitation and 77408
Corrections' Ohio Central School System. 77409

Of the foregoing appropriation item 200426, Ohio Educational 77410
Computer Network, up to \$4,843,329 in each fiscal year shall be 77411
used, through a formula and guidelines devised by the Department, 77412
to support the activities of designated information technology 77413
centers, as defined by State Board of Education rules, to provide 77414
school districts and chartered nonpublic schools with 77415
computer-based student and teacher instructional and 77416
administrative information services, including approved 77417

computerized financial accounting, to ensure the effective 77418
operation of local automated administrative and instructional 77419
systems, and to monitor and support the quality of data submitted 77420
to the Department. 77421

The remainder of appropriation item 200426, Ohio Educational 77422
Computer Network, shall be used to support the work of the 77423
development, maintenance, and operation of a network of uniform 77424
and compatible computer-based information systems as well as the 77425
teacher student linkage/roster verification process and systems to 77426
support electronic sharing of student records and transcripts 77427
between entities. This technical assistance shall include, but not 77428
be restricted to, development and maintenance of adequate computer 77429
software systems to support network activities. In order to 77430
improve the efficiency of network activities, the Department and 77431
information technology centers may jointly purchase equipment, 77432
materials, and services from funds provided under this 77433
appropriation for use by the network and, when considered 77434
practical by the Department, may utilize the services of 77435
appropriate state purchasing agencies. 77436

Section 265.80. ACADEMIC STANDARDS 77437

The foregoing appropriation item 200427, Academic Standards, 77438
shall be used by the Department of Education to develop and 77439
communicate to school districts academic content standards and 77440
curriculum models and to develop professional development programs 77441
and other tools on the new content standards and model curriculum. 77442
The Department shall use a portion of these funds in partnership 77443
with educational service centers, consistent with requirements of 77444
section 3312.01 of the Revised Code, in the development and 77445
delivery of professional development programs supported under this 77446
section. 77447

Section 265.90. STUDENT ASSESSMENT 77448

Of the foregoing appropriation item 200437, Student 77449
Assessment, up to \$2,760,000 in each fiscal year may be used to 77450
support the state's early learning assessment work and the 77451
assessments required under section 3301.0715 of the Revised Code. 77452

Of the foregoing appropriation item 200437, Student 77453
Assessment, up to \$543,168 in each fiscal year shall be used to 77454
reimburse a portion of the costs associated with Advanced 77455
Placement and College-Level Examination Program tests for 77456
low-income students. 77457

The remainder of appropriation item 200437, Student 77458
Assessment, shall be used to develop, field test, print, 77459
distribute, score, report results, and support other associated 77460
costs for the tests required under sections 3301.0710, 3301.0711, 77461
and 3301.0712 of the Revised Code and for similar purposes as 77462
required by section 3301.27 of the Revised Code. The funds may 77463
also be used to update and develop diagnostic assessments 77464
administered under sections 3301.079, 3301.0715, and 3313.608 of 77465
the Revised Code. 77466

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 77467
ASSESSMENT 77468

In fiscal year 2022 and fiscal year 2023, if the 77469
Superintendent of Public Instruction determines that additional 77470
funds are needed to fully fund the requirements of sections 77471
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 77472
and this act for assessments of student performance, the 77473
Superintendent may recommend to the Director of Budget and 77474
Management the reallocation of unexpended and unencumbered General 77475
Revenue Fund appropriations within the Department of Education to 77476
appropriation item 200437, Student Assessment. If the Director 77477
determines that such a reallocation is required, the Director may 77478

transfer unexpended and unencumbered appropriations within the 77479
Department of Education as necessary to appropriation item 200437, 77480
Student Assessment. 77481

Section 265.100. ACCOUNTABILITY/REPORT CARDS 77482

Of the foregoing appropriation item 200439, 77483
Accountability/Report Cards, a portion in each fiscal year shall 77484
be used to train district and regional specialists and district 77485
educators in the use of the value-added progress dimension and in 77486
the use of data as it relates to improving student achievement. 77487
This training may include teacher and administrator professional 77488
development in the use of data to improve instruction and student 77489
learning, and teacher and administrator training in understanding 77490
teacher value-added reports and how they can be used as a 77491
component in measuring teacher and administrator effectiveness. A 77492
portion of this funding shall be provided to educational service 77493
centers to support training and professional development under 77494
this section consistent with section 3312.01 of the Revised Code. 77495

The remainder of appropriation item 200439, 77496
Accountability/Report Cards, shall be used by the Department of 77497
Education to incorporate a statewide value-added progress 77498
dimension into performance ratings for school districts and for 77499
the development of an accountability system that includes the 77500
preparation and distribution of school report cards, funding and 77501
expenditure accountability reports under sections 3302.03 and 77502
3302.031 of the Revised Code, the development and maintenance of 77503
teacher value-added reports, the teacher student linkage/roster 77504
verification process, and the performance management section of 77505
the Department's web site required by section 3302.26 of the 77506
Revised Code. 77507

CHILD CARE LICENSING 77508

The foregoing appropriation item 200442, Child Care 77509

Licensing, shall be used by the Department of Education to license 77510
and to inspect preschool and school-age child care programs under 77511
sections 3301.52 to 3301.59 of the Revised Code. 77512

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 77513

The foregoing appropriation item 200446, Education Management 77514
Information System, shall be used by the Department of Education 77515
to improve the Education Management Information System (EMIS). 77516

Of the foregoing appropriation item 200446, Education 77517
Management Information System, up to \$400,000 in each fiscal year 77518
shall be used to support grants to information technology centers 77519
to provide professional development opportunities to district and 77520
school personnel related to the EMIS, with a focus placed on data 77521
submission and data quality. 77522

Of the foregoing appropriation item 200446, Education 77523
Management Information System, up to \$725,000 in each fiscal year 77524
shall be distributed to designated information technology centers 77525
for costs relating to processing, storing, and transferring data 77526
for the effective operation of the EMIS. These costs may include, 77527
but are not limited to, personnel, hardware, software development, 77528
communications connectivity, professional development, and support 77529
services. 77530

The remainder of appropriation item 200446, Education 77531
Management Information System, shall be used to develop and 77532
support the data definitions and standards outlined in the EMIS 77533
guidelines adopted under section 3301.0714 of the Revised Code, to 77534
implement recommendations of the EMIS Advisory Council and the 77535
Superintendent of Public Instruction, to enhance data quality 77536
assurance practices, and to support responsibilities related to 77537
the school report cards prescribed by section 3302.03 of the 77538
Revised Code and value-added progress dimension calculations. 77539

Section 265.120. EDUCATOR PREPARATION 77540

(A) Of the foregoing appropriation item 200448, Educator 77541
Preparation, up to \$339,783 in each fiscal year may be used by the 77542
Department of Education to monitor and support Ohio's State System 77543
of Support, as defined by the Every Student Succeeds Act. 77544

(B) Of the foregoing appropriation item 200448, Educator 77545
Preparation, up to \$67,957 in each fiscal year may be used by the 77546
Department to support the Educator Standards Board under section 77547
3319.61 of the Revised Code and reforms under sections 3302.042, 77548
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 77549
Revised Code. 77550

(C) Of the foregoing appropriation item 200448, Educator 77551
Preparation, \$1,000,000 in each fiscal year shall be distributed 77552
to Teach For America to increase recruitment of potential corps 77553
members, to train and develop first-year and second-year teachers 77554
in the Teach for America program in Ohio, and to support the 77555
ongoing development and impact of Teach for America alumni working 77556
in Ohio. 77557

(D) Of the foregoing appropriation item 200448, Educator 77558
Preparation, \$200,000 in each fiscal year shall be used to support 77559
training for selected school staff through the FASTER Saves Lives 77560
Program for the purpose of stopping active shooters and treating 77561
casualties. 77562

(E) Of the foregoing appropriation item 200448, Educator 77563
Preparation, up to \$500,000 in each fiscal year shall be used to 77564
support the SmartOhio Financial Literacy Program at the University 77565
of Cincinnati. 77566

(F) Of the foregoing appropriation item 200448, Educator 77567
Preparation, \$100,000 in each fiscal year shall be distributed to 77568
The Childhood League Center to provide intensive early 77569

intervention and educational services in Franklin County, to 77570
support the Play and Language for Autistic Youngsters (PLAY) 77571
Project in underserved counties, and to provide services and 77572
training for providers and families. 77573

(G) Notwithstanding any provision of law to the contrary, 77574
awards under this section may be used by recipients for 77575
award-related expenses incurred for a period not to exceed two 77576
years from the date of the award according to guidelines 77577
established by the Department of Education. 77578

(H) Awards under division (H) of Section 265.120 of H.B. 166 77579
of the 133rd General Assembly may be used by recipients for 77580
award-related expenses incurred through June 30, 2023. 77581

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 77582

The foregoing appropriation item 200455, Community Schools 77583
and Choice Programs, may be used by the Department of Education 77584
for operation of the school choice programs. 77585

Of the foregoing appropriation item 200455, Community Schools 77586
and Choice Programs, a portion in each fiscal year may be used by 77587
the Department for developing and conducting training sessions for 77588
community schools and sponsors and prospective sponsors of 77589
community schools as prescribed in division (A)(1) of section 77590
3314.015 of the Revised Code, and other schools participating in 77591
school choice programs. 77592

Section 265.135. STEM INITIATIVES 77593

The foregoing appropriation item 200457, STEM Initiatives, 77594
shall be distributed to the Educational Service Center of the 77595
Western Reserve for a pilot project that supports innovative STEM 77596
initiatives for middle school students in Ashtabula, Cuyahoga, 77597
Geauga, Lake, Portage, and Trumbull counties affiliated with the 77598
Alliance for Working Together. These initiatives shall provide 77599

middle school students with early access to programming, 77600
engineering design, and problem-solving skills, the goal of which 77601
is to build a strong regional pipeline of future manufacturing 77602
workers who can fill high-paying, sustainable positions in the 77603
automated manufacturing industry. Not later than July 31, 2022, 77604
the Educational Service Center of the Western Reserve shall submit 77605
a report that describes the progress of the pilot project, 77606
including the number of students participating, to the standing 77607
committees of the House of Representatives and the Senate that are 77608
primarily responsible for considering economic development issues. 77609

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 77610

Of the foregoing appropriation item 200465, Education 77611
Technology Resources, up to \$2,500,000 in each fiscal year shall 77612
be used for the Union Catalog and InfoOhio Network and to support 77613
the provision of electronic resources with priority given to 77614
resources that support the teaching of state academic content 77615
standards in all public schools. Consideration shall be given by 77616
the Department of Education to coordinating the allocation of 77617
these moneys with the efforts of Libraries Connect Ohio, whose 77618
members include OhioLINK, the Ohio Public Information Network, and 77619
the State Library of Ohio. 77620

Of the foregoing appropriation item 200465, Education 77621
Technology Resources, up to \$1,778,879 in each fiscal year shall 77622
be used by the Department to provide grants to educational 77623
television stations working with partner education technology 77624
centers to provide Ohio public schools with instructional 77625
resources and services, with priority given to resources and 77626
services aligned with state academic content standards. Such 77627
resources and services shall be based upon the advice and approval 77628
of the Department, based on a formula developed in consultation 77629
with Ohio's educational television stations and educational 77630

technology centers. 77631

The remainder of the foregoing appropriation item 200465, 77632
Education Technology Resources, may be used to support training, 77633
technical support, guidance, and assistance with compliance 77634
reporting to school districts and public libraries applying for 77635
federal E-Rate funds; for oversight and guidance of school 77636
district technology plans; for support to district technology 77637
personnel; and for support of the development, maintenance, and 77638
operation of a network of uniform and compatible computer-based 77639
information and instructional systems. 77640

Section 265.150. PUPIL TRANSPORTATION 77641

Of the foregoing appropriation item 200502, Pupil 77642
Transportation, up to \$838,930 in each fiscal year may be used by 77643
the Department of Education for training prospective and 77644
experienced school bus drivers in accordance with training 77645
programs prescribed by the Department. A portion of these funds 77646
may also be used to pay for costs associated with the enrollment 77647
of bus drivers in the retained applicant fingerprint database. 77648

Of the foregoing appropriation item 200502, Pupil 77649
Transportation, up to \$70,000,000 in fiscal year 2022 and up to 77650
\$75,000,000 in fiscal year 2023 may be used by the Department for 77651
special education transportation reimbursements to school 77652
districts and county DD boards for transportation operating costs 77653
as provided in divisions (C) and (F) of section 3317.024 of the 77654
Revised Code, in accordance with the section of this act entitled 77655
"OPERATING FUNDING FOR FISCAL YEARS 2022 and 2023." If this amount 77656
is not sufficient, the Department shall prorate the payment 77657
amounts so that the aggregate amount allocated in this paragraph 77658
is not exceeded. 77659

The remainder of the foregoing appropriation item 200502, 77660
Pupil Transportation, shall be used to distribute the amounts 77661

calculated for transportation aid under the section of this act 77662
entitled "FUNDING FOR STUDENT TRANSPORTATION." 77663

PAYMENTS IN LIEU OF TRANSPORTATION 77664

For purposes of division (D) of section 3327.02 of the 77665
Revised Code, if a parent, guardian, or other person in charge of 77666
a pupil accepts an offer from a school district of payment in lieu 77667
of providing transportation for the pupil, the school district 77668
shall pay that parent, guardian, or other person an amount equal 77669
to fifty per cent of the cost of providing transportation, as 77670
determined by the board or governing authority under division 77671
(A)(3) of section 3327.02 of the Revised Code, and not more than 77672
\$2,500. Payment may be prorated if the time period involved is 77673
only a part of the school year. 77674

Section 265.160. SCHOOL LUNCH MATCH 77675

The foregoing appropriation item 200505, School Lunch Match, 77676
shall be used to provide matching funds to obtain federal funds 77677
for the school lunch program. 77678

Any remaining appropriation after providing matching funds 77679
for the school lunch program may be used to partially reimburse 77680
school buildings within school districts that are required to have 77681
a school breakfast program under section 3313.813 of the Revised 77682
Code, at a rate decided by the Department. 77683

Section 265.170. AUXILIARY SERVICES 77684

Of the foregoing appropriation item 200511, Auxiliary 77685
Services, up to \$2,600,000 in each fiscal year may be used for 77686
payment of the College Credit Plus Program for nonpublic secondary 77687
school participants. The Department of Education shall distribute 77688
these funds according to rule 3333-1-65.8 of the Administrative 77689
Code, adopted by the Department of Higher Education pursuant to 77690
division (A) of section 3365.071 of the Revised Code. 77691

The remainder of the foregoing appropriation item 200511, 77692
Auxiliary Services, shall be used by the Department for the 77693
purpose of implementing sections 3317.06 and 3317.062 of the 77694
Revised Code. 77695

Notwithstanding any provision of the law to the contrary, any 77696
chartered nonpublic school may elect to receive auxiliary services 77697
payments under division (E)(2) of section 3317.024 of the Revised 77698
Code for the 2021-2022 and 2022-2023 school years. To elect to 77699
receive funds under division (E)(2) of section 3317.024 of the 77700
Revised Code, a chartered nonpublic school shall, not later than 77701
July 31, 2021, notify the Department of Education and the school 77702
district in which the school is located of the election and submit 77703
to the Department an affidavit certifying that the school shall 77704
expend the funds in the manner outlined in section 3317.062 of the 77705
Revised Code. A chartered nonpublic school that elects to receive 77706
direct payment may designate an organization that oversees one or 77707
more nonpublic schools to receive those funds on its behalf for 77708
the 2021-2022 and 2022-2023 school years by notifying the 77709
Department of the organization's name not later than October 1, 77710
2021. 77711

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 77712

The foregoing appropriation item 200532, Nonpublic 77713
Administrative Cost Reimbursement, shall be used by the Department 77714
of Education for the purpose of implementing section 3317.063 of 77715
the Revised Code. Payments made by the Department for this purpose 77716
shall not exceed four hundred seventy-five dollars per student for 77717
each school year. 77718

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 77719

Of the foregoing appropriation item 200540, Special Education 77720
Enhancements, up to \$37,000,000 in each fiscal year shall be used 77721

to fund special education and related services at county boards of 77722
developmental disabilities for eligible students under section 77723
3317.20 of the Revised Code, in accordance with the section of 77724
this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2022 and 77725
2023," and at institutions for eligible students under section 77726
3317.201 of the Revised Code. If necessary, the Department of 77727
Education shall proportionately reduce the amount calculated for 77728
each county board of developmental disabilities and institution so 77729
as not to exceed the amount appropriated in each fiscal year. 77730

Of the foregoing appropriation item 200540, Special Education 77731
Enhancements, up to \$1,350,000 in each fiscal year shall be used 77732
for parent mentoring programs. 77733

Of the foregoing appropriation item 200540, Special Education 77734
Enhancements, up to \$3,000,000 in each fiscal year may be used for 77735
school psychology interns. 77736

Of the foregoing appropriation item 200540, Special Education 77737
Enhancements, the Department shall transfer \$3,500,000 in each 77738
fiscal year to the Opportunities for Ohioans with Disabilities 77739
Agency. The transfer shall be made via an intrastate transfer 77740
voucher. The transferred funds shall be used by the Opportunities 77741
for Ohioans with Disabilities Agency as state matching funds to 77742
draw down available federal funding for vocational rehabilitation 77743
services. Total project funding shall be used to hire dedicated 77744
vocational rehabilitation counselors who shall work directly with 77745
school districts to provide transition services for students with 77746
disabilities. Services shall include vocational rehabilitation 77747
services such as person-centered career planning, summer work 77748
experiences, job placement, and retention services for mutually 77749
eligible students with disabilities. 77750

The Superintendent of Public Instruction and the Executive 77751
Director of the Opportunities for Ohioans with Disabilities Agency 77752
shall enter into an interagency agreement that shall specify the 77753

responsibilities of each agency under the program. Under the 77754
interagency agreement, the Opportunities for Ohioans with 77755
Disabilities Agency shall retain responsibility for all 77756
nondelegable functions, including eligibility and order of 77757
selection determination, individualized plan for employment (IPE) 77758
approval, IPE amendments, case closure, and release of vendor 77759
payments. 77760

Of the foregoing appropriation item 200540, Special Education 77761
Enhancements, up to \$2,000,000 in each fiscal year shall be used 77762
by the Department of Education to build capacity to deliver a 77763
regional system of training, support, coordination, and direct 77764
service for secondary transition services for students with 77765
disabilities beginning at fourteen years of age. These special 77766
education enhancements shall support all students with 77767
disabilities, regardless of partner agency eligibility 77768
requirements, to provide stand-alone direct secondary transition 77769
services by school districts. Secondary transition services shall 77770
include, but not be limited to, job exploration counseling, 77771
work-based learning experiences, counseling on opportunities for 77772
enrollment in comprehensive transition or post-secondary 77773
educational programs at institutions of higher education, 77774
workplace readiness training to develop occupational skills, 77775
social skills and independent living skills, and instruction in 77776
self-advocacy. Regional training shall support the expansion of 77777
transition to work endorsement opportunities for middle school and 77778
secondary level special education intervention specialists in 77779
order to develop the necessary skills and competencies to meet the 77780
secondary transition needs of students with disabilities beginning 77781
at fourteen years of age. 77782

The remainder of appropriation item 200540, Special Education 77783
Enhancements, shall be distributed by the Department of Education 77784
to school districts and institutions, as defined in section 77785

3323.091 of the Revised Code, for preschool special education 77786
funding under section 3317.0213 of the Revised Code, in accordance 77787
with the section of this act entitled "OPERATING FUNDING FOR 77788
FISCAL YEARS 2022 and 2023." 77789

The Department may reimburse school districts and 77790
institutions for services provided by instructional assistants, 77791
related services, as defined in rule 3301-51-11 of the 77792
Administrative Code, physical therapy services provided by a 77793
licensed physical therapist or physical therapist assistant under 77794
the supervision of a licensed physical therapist, as required 77795
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 77796
Administrative Code, and occupational therapy services provided by 77797
a licensed occupational therapist or occupational therapy 77798
assistant under the supervision of a licensed occupational 77799
therapist, as required under Chapter 4755. of the Revised Code and 77800
Chapter 4755-7 of the Administrative Code. Nothing in this section 77801
authorizes occupational therapy assistants or physical therapist 77802
assistants to generate or manage their own caseloads. 77803

The Department shall require school districts, educational 77804
service centers, county DD boards, and institutions serving 77805
preschool children with disabilities to adhere to Ohio's early 77806
learning program standards, and document child progress using 77807
research-based indicators prescribed by the Department and report 77808
results annually. The reporting dates and method shall be 77809
determined by the Department. 77810

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 77811

Of the foregoing appropriation item 200545, Career-Technical 77812
Education Enhancements, up to \$2,563,568 in each fiscal year shall 77813
be used to fund secondary career-technical education at 77814
institutions, the Ohio School for the Deaf, and the Ohio State 77815
School for the Blind using a grant-based methodology, 77816

notwithstanding section 3317.05 of the Revised Code. 77817

Of the foregoing appropriation item 200545, Career-Technical 77818
Education Enhancements, up to \$2,686,474 in each fiscal year shall 77819
be used by the Department of Education to fund competitive grants 77820
to tech prep regional centers that expand the number of students 77821
with access to career-technical education. These grant funds shall 77822
be used to directly support career services provided to students 77823
enrolled in school districts, including joint vocational school 77824
districts, and affiliated higher education institutions. This 77825
support may include the purchase of equipment. 77826

Of the foregoing appropriation item 200545, Career-Technical 77827
Education Enhancements, up to \$3,000,850 in each fiscal year shall 77828
be used by the Department to support existing High Schools That 77829
Work (HSTW) sites, develop and support new sites, fund technical 77830
assistance, and support regional centers and middle school 77831
programs. The purpose of HSTW is to combine challenging academic 77832
courses and modern career-technical studies to raise the academic 77833
achievement of students. HSTW provides intensive technical 77834
assistance, focused staff development, targeted assessment 77835
services, and ongoing communications and networking opportunities. 77836

Of the foregoing appropriation item 200545, Career-Technical 77837
Education Enhancements, up to \$600,000 in each fiscal year shall 77838
be used by the Department to enable students in agricultural 77839
programs to enroll in a fifth quarter of instruction based on the 77840
agricultural education model of delivering work-based learning 77841
through supervised agricultural experience. The Department shall 77842
determine eligibility criteria and the reporting process for the 77843
Agriculture 5th Quarter Project and shall fund as many programs as 77844
possible given the set-aside. The eligibility criteria developed 77845
by the Department shall allow these funds to support supervised 77846
agricultural experience that occurs anytime outside of the regular 77847
school day. 77848

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 3317.0223 of the Revised Code in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2022 AND 2023."

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 \$43,000,000 in fiscal year 2022 and up to \$44,500,000 in fiscal year 2023 shall be reserved to fund the state reimbursement of educational service centers under the section of this act entitled "EDUCATIONAL SERVICE CENTERS FUNDING."

Of the foregoing appropriation item 200550, Foundation 77880
Funding - All Students, up to \$3,500,000 in each fiscal year shall 77881
be distributed to educational service centers for School 77882
Improvement Initiatives and for the provision of technical 77883
assistance to schools and districts consistent with requirements 77884
of section 3312.01 of the Revised Code. The Department may 77885
distribute these funds through a competitive grant process. 77886

Of the foregoing appropriation item 200550, Foundation 77887
Funding - All Students, up to \$7,000,000 in each fiscal year shall 77888
be reserved for payments under the section of this act entitled 77889
"POWER PLANT VALUATION ADJUSTMENT." If this amount is not 77890
sufficient, the Superintendent of Public Instruction may 77891
reallocate excess funds for other purposes supported by this 77892
appropriation item in order to fully pay the amounts required by 77893
that section, provided that the aggregate amount appropriated in 77894
appropriation item 200550, Foundation Funding - All Students, is 77895
not exceeded. 77896

Of the foregoing appropriation item 200550, Foundation 77897
Funding - All Students, up to \$2,000,000 in each fiscal year shall 77898
be used to support the administration of school choice programs. 77899

Of the foregoing appropriation item 200550, Foundation 77900
Funding - All Students, up to \$3,000,000 in each fiscal year may 77901
be used for payment of the College Credit Plus Program for 77902
students instructed at home pursuant to section 3321.04 of the 77903
Revised Code. 77904

Of the foregoing appropriation item 200550, Foundation 77905
Funding - All Students, an amount shall be available in each 77906
fiscal year to be paid to joint vocational school districts in 77907
accordance with the sections of this act entitled "FUNDING FOR 77908
JOINT VOCATIONAL SCHOOL DISTRICTS and "FORMULA TRANSITION 77909
SUPPLEMENT. " " 77910

Of the foregoing appropriation item 200550, Foundation 77911
Funding - All Students, up to \$700,000 in each fiscal year shall 77912
be used by the Department for a program to pay for educational 77913
services for youth who have been assigned by a juvenile court or 77914
other authorized agency to any of the facilities described in 77915
division (A) of the section of this act entitled "PRIVATE 77916
TREATMENT FACILITY PROJECT." 77917

Of the foregoing appropriation item 200550, Foundation 77918
Funding - All Students, a portion may be used to pay 77919
college-preparatory boarding schools the per pupil boarding amount 77920
pursuant to section 3328.34 of the Revised Code. 77921

Of the foregoing appropriation item 200550, Foundation 77922
Funding - All Students, up to \$1,760,000 in each fiscal year may 77923
be used by the Department for duties and activities related to the 77924
establishment of academic distress commissions under section 77925
3302.10 of the Revised Code, to provide support and assistance to 77926
academic distress commissions to further their duties under 77927
Chapter 3302. of the Revised Code, and to provide technical 77928
assistance and tools to support districts subject to academic 77929
distress commissions. 77930

Of the foregoing appropriation item 200550, Foundation 77931
Funding - All Students, up to \$1,500,000 in each fiscal year shall 77932
be distributed to the Ohio STEM Learning Network to support the 77933
expansion of free STEM programming aligned to Ohio's STEM 77934
priorities, to create regional STEM supports targeting underserved 77935
student populations, and to support the Ohio STEM Committee's STEM 77936
school designation process. 77937

Of the foregoing appropriation item 200550, Foundation 77938
Funding - All Students, up to \$2,500,000 in each fiscal year shall 77939
be used to make supplemental payments under Section 5 of H.B. 123 77940
of the 133rd General Assembly, as amended by this act. If the 77941
amount appropriated is insufficient, the Department shall prorate 77942

the payments so that the aggregate amount appropriated in this 77943
section is not exceeded. 77944

The remainder of the foregoing appropriation item 200550, 77945
Foundation Funding - All Students, shall be used in conjunction 77946
with appropriation items 200604, Foundation Funding - All 77947
Students, and 200612, Foundation Funding - All Students, to 77948
distribute the amounts calculated for formula aid under the 77949
sections of this act entitled "FUNDING FOR CITY, LOCAL, AND 77950
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 77951
STATE SCHOLARSHIP PROGRAMS," "GAP AID FOR CITY, LOCAL, AND 77952
EXEMPTED VILLAGE SCHOOL DISTRICTS," "FORMULA TRANSITION 77953
SUPPLEMENT," and "CAP RELIEF FOR SCHOOL DISTRICTS WITH ENROLLMENT 77954
GROWTH," and division (B) of section 3313.979 of Revised Code, as 77955
amended by this act. 77956

Appropriation items 200502, Pupil Transportation, 200540, 77957
Special Education Enhancements, and 200550, Foundation Funding - 77958
All Students, other than specific set-asides, are collectively 77959
used in each fiscal year to pay state formula aid obligations for 77960
school districts, community schools, STEM schools, college 77961
preparatory boarding schools, and joint vocational school 77962
districts under this act. The first priority of these 77963
appropriation items, with the exception of specific set-asides, is 77964
to fund state formula aid obligations. It may be necessary to 77965
reallocate funds among these appropriation items or use excess 77966
funds from other General Revenue Fund appropriation items in the 77967
Department of Education's budget, including appropriation item 77968
200903, Property Tax Reimbursement - Education, in each fiscal 77969
year in order to meet state formula aid obligations. If it is 77970
determined that it is necessary to transfer funds among these 77971
appropriation items or to transfer funds from other General 77972
Revenue Fund appropriations in the Department's budget to meet 77973
state formula aid obligations, the Superintendent of Public 77974

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 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 in this act are effective. Upon the effective date of changes made to Title XXXIII in this act, funds shall be calculated as an annual amount.

Section 265.215. OPERATING FUNDING FOR FISCAL YEARS 2022 AND 2023

(A) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, the Department of Education shall make no payments under that chapter for fiscal years 2022 and 2023 except as prescribed in this section and the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS," "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," and "FUNDING FOR STUDENT TRANSPORTATION."

(B) Each school district, community school established under Chapter 3314. of the Revised Code, science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, and educational service center shall report student enrollment data as prescribed by section 3314.08, 3317.03, or 3326.32 of the Revised Code, as applicable, which data the Department shall use to make payments under Chapter 3317. of the Revised Code and the sections of this act entitled "FUNDING

FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY 78006
AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS," "FUNDING FOR 78007
JOINT VOCATIONAL SCHOOL DISTRICTS," and "FUNDING FOR STUDENT 78008
TRANSPORTATION," as applicable. 78009

(C) The tax commissioner shall report data regarding tax 78010
valuation and receipts for school districts as prescribed by 78011
sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.0210, 78012
3317.0211, and 3317.08 of the Revised Code, which data the 78013
Department shall use to make payments under Chapter 3317. of the 78014
Revised Code and the sections of this act entitled "FUNDING FOR 78015
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND 78016
STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS," "FUNDING FOR JOINT 78017
VOCATIONAL SCHOOL DISTRICTS," and "FUNDING FOR STUDENT 78018
TRANSPORTATION," as applicable. 78019

(D) Unless otherwise specified by another provision of law, 78020
in addition to the payments prescribed by the sections of this act 78021
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 78022
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 78023
PROGRAMS," "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," and 78024
"FUNDING FOR STUDENT TRANSPORTATION," the Department shall 78025
continue to make payments or adjustments for each of fiscal years 78026
2022 and 2023 under the following provisions of Chapter 3317. of 78027
the Revised Code: 78028

(1) All payments or adjustments under section 3317.023 of the 78029
Revised Code; 78030

(2) All payments or adjustments under section 3317.024 of the 78031
Revised Code; 78032

(3) Preschool special education payments under section 78033
3317.0213 of the Revised Code; 78034

(4) The threshold cost reimbursement under section 3317.0214 78035
of the Revised Code; 78036

(5) Payments under sections 3317.06, 3317.062, 3317.063, and 3317.064 of the Revised Code; 78037
78038

(6) The threshold cost reimbursement under division (B) of section 3317.16 of the Revised Code and excess cost reimbursements under division (C) of that section. No other payments shall be made under that section. 78039
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(7) Adjustments under section 3317.18 of the Revised Code; 78043

(8) Payments to cooperative education school districts under section 3317.19 of the Revised Code; 78044
78045

(9) Payments to county boards of developmental disabilities under section 3317.20 of the Revised Code; 78046
78047

(10) Payments to state institutions for special education funding under section 3317.201 of the Revised Code. 78048
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(E)(1) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2022 and 2023 authorized under this section for which the "state share index" is a factor, the Department shall use the state share index recalculated for each district in accordance with division (B)(1) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS." 78050
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(2) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2022 and 2023 authorized under this section for which the "state share percentage" is a factor, the Department shall use the state share percentage recalculated for each district in accordance with division (B)(1) of the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 78059
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(F)(1) Except as provided in division (F)(2) of this section, 78066

and unless otherwise specified in this act, for fiscal years 2022 78067
and 2023, when calculating payments under Chapter 3317. of the 78068
Revised Code as authorized under this section, and for purposes of 78069
section 3315.18 of the Revised Code and any other provision of law 78070
with respect to education financing: 78071

(a) The "formula amount" equals the base cost per pupil 78072
calculated under section 3317.011 of the Revised Code as enacted 78073
by this act. 78074

(b) The special education threshold cost for fiscal years 78075
2022 and 2023 is \$27,375 for students in categories two through 78076
five special education ADM and \$32,850 for students in category 78077
six special education ADM. 78078

(2) For fiscal years 2022 and 2023, for purposes of sections 78079
3313.98, 3313.981, 3317.20, and 3365.01 of the Revised Code and 78080
division (H) of section 3317.023 of the Revised Code: 78081

(a) The "formula amount" shall equal the following: 78082

(i) For fiscal year 2022, \$6,065; 78083

(ii) For fiscal year 2023, the amount specified in division 78084
(F)(1)(a) of this section. 78085

(b) The special education catastrophic cost threshold for 78086
fiscal years 2022 and 2023 is \$27,375 for students in categories 78087
two through five special education ADM and \$32,850 for students in 78088
category six special education ADM. 78089

(G) For fiscal years 2022 and 2023, funds for the special 78090
education cost supplement pool shall be withheld from school 78091
districts, community schools, and STEM schools in accordance with 78092
section 3317.0223 of the Revised Code as enacted by this act, with 78093
the following adjustments to the provisions of that section: 78094

(1) Funds shall be withheld from the amounts paid to city, 78095
local, exempted village, and joint vocational school districts, 78096

community schools, and STEM schools under the sections of this act 78097
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 78098
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 78099
PROGRAMS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 78100
rather than funds paid to the districts and schools under sections 78101
3317.022 and 3317.16 of the Revised Code as amended by this act. 78102

(2) A district's "state share index" or "state share 78103
percentage" shall be the state share index or state share 78104
percentage specified in division (E) of this section. 78105

(3) A district's category one, category two, category three, 78106
category four, category five, and category six special education 78107
ADMs shall be the district's category one, category two, category 78108
three, category four, category five, and category six special 78109
education ADMs, as those terms are defined in section 3317.02 of 78110
the Revised Code as amended by this act, calculated using the 78111
student enrollment data for fiscal year 2019 that was reported to 78112
the Department by the district as prescribed by section 3317.03 of 78113
the Revised Code as it existed for reporting student enrollment 78114
data for fiscal year 2019. 78115

(H) This section does not affect the provisions of sections 78116
3317.011, 3317.0219, 3317.0220, 3317.0221, 3317.0223, 3317.031, 78117
3317.032, 3317.033, 3317.034, 3317.035, 3317.036, 3317.061, 78118
3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.10, 3317.12, 78119
3317.13, 3317.14, 3317.141, 3317.15, 3317.161, 3317.162, 3317.163, 78120
3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.30, 3317.40, 78121
3317.50, and 3317.51 of the Revised Code. 78122

Section 265.220. FUNDING FOR CITY, LOCAL, AND EXEMPTED 78123
VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE 78124
SCHOLARSHIP PROGRAMS 78125

(A)(1) Subject to Section 265.227 of this act, for fiscal 78126
year 2022, the Department of Education shall pay each city, local, 78127

and exempted village school district an amount equal to the sum of 78128
the following: 78129

(a) The following sum: 78130
(0.50 X the district's recalculated foundation funding for fiscal 78131
year 2019, as calculated under division (B) of this section and as 78132
further adjusted under the section of this act entitled "TEMPORARY 78133
TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 78134
DISTRICTS") + (0.50 X the district's recalculated foundation 78135
funding for fiscal year 2021 as calculated under division (C) of 78136
this section) 78137

(b) Career awareness and exploration funds calculated as 78138
follows: 78139
\$2.50 X the district's enrolled ADM for fiscal year 2020, as that 78140
term is defined in section 3317.02 of the Revised Code as amended 78141
by this act, calculated using the student enrollment data for 78142
fiscal year 2020 that was reported to the Department by the 78143
district as prescribed by section 3317.03 of the Revised Code as 78144
that section existed for reporting student enrollment data for 78145
fiscal year 2020 78146

(c) A career-technical education lab program supplement 78147
calculated as follows: 78148
\$225 X the full-time equivalency of the district's categories one 78149
through five career-technical ADM for fiscal year 2020, as that 78150
term is defined in section 3317.02 of the Revised Code as amended 78151
by this act, calculated using the student enrollment data for 78152
fiscal year 2020 that was reported to the Department by the 78153
district as prescribed by section 3317.03 of the Revised Code as 78154
that section existed for reporting student enrollment data for 78155
fiscal year 2020, that is equivalent to the amount of time the 78156
district's career-technical education students participate in lab 78157
programs, as determined by the Department 78158

(2) Subject to Section 265.227 of this act, for fiscal year 78159

2023, the Department shall pay each city, local, and exempted village school district an amount equal to the sum of the following:

(a) The district's recalculated foundation funding for fiscal year 2019 as calculated under division (B) of this section and as further adjusted under the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS;"

(b) Career awareness and exploration funds calculated as follows:

\$5 X the district's enrolled ADM for fiscal year 2020, as that term is defined in section 3317.02 of the Revised Code as amended by this act, calculated using the student enrollment data for fiscal year 2020 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as that section existed for reporting student enrollment data for fiscal year 2020

(c) A career-technical education lab program supplement calculated as follows:

\$1,050 X the full-time equivalency of the district's categories one through five career-technical ADM for fiscal year 2020, as that term is defined in section 3317.02 of the Revised Code as amended by this act, calculated using the student enrollment data for fiscal year 2020 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as that section existed for reporting student enrollment data for fiscal year 2020, that is equivalent to the amount of time the district's career-technical education students participate in lab programs, as determined by the Department

(B) For purposes of divisions (A)(1)(a) and (A)(2)(a) of this section, the Department shall calculate each city, local, and exempted village school district's "recalculated foundation

funding for fiscal year 2019" as follows: 78192

(1) Recalculate the district's state share index for fiscal 78193
year 2019 in accordance with section 3317.017 of the Revised Code 78194
as amended by this act using the student enrollment data for 78195
fiscal year 2019 that was reported to the Department by the 78196
district as prescribed by section 3317.03 of the Revised Code as 78197
it existed for reporting student enrollment data for fiscal year 78198
2019; 78199

(2) Recalculate the district's payments for fiscal year 2019 78200
under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), 78201
(12), (13), and (14) of section 3317.022 of the Revised Code as 78202
amended by this act in accordance with sections 3317.02, 78203
3317.0215, 3317.0216, 3317.0217, 3317.0218, 3317.03, and 3317.051 78204
of the Revised Code as amended by this act using the student 78205
enrollment data for fiscal year 2019 that was reported to the 78206
Department by the district as prescribed by section 3317.03 of the 78207
Revised Code as it existed for reporting student enrollment data 78208
for fiscal year 2019, with the following adjustments: 78209

(a) Replace the district's state share index for fiscal year 78210
2019 with the district's recalculated state share index for fiscal 78211
year 2019 determined under division (B)(1) of this section; 78212

(b) Replace the formula amount for fiscal year 2019 with the 78213
base cost per pupil calculated under section 3317.011 of the 78214
Revised Code. 78215

(C) For purposes of division (A)(1)(a) of this section, the 78216
Department shall calculate each city, local, and exempted village 78217
school district's "recalculated foundation funding for fiscal year 78218
2021" as follows: 78219

(1) Determine the amount calculated for the district for 78220
fiscal year 2021 under division (A)(1) of Section 265.220 of H.B. 78221
166 of the 133rd General Assembly after any adjustments required 78222

under Section 265.227 of H.B. 166 of the 133rd General Assembly 78223
and prior to any funding reductions authorized by Executive Order 78224
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 78225
issued on January 22, 2021; 78226

(2) Compute the district's recalculated foundation funding 78227
for fiscal year 2021 by subtracting all of the following from the 78228
amount determined under division (C)(1) of this section: 78229

(a) The payments deducted from the district and paid to a 78230
community school established under Chapter 3314. of the Revised 78231
Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), 78232
(d), (e), (f), and (g) of section 3314.08 of the Revised Code as 78233
those divisions existed for deductions and payments for fiscal 78234
year 2021 in accordance with division (A) of Section 265.230 of 78235
H.B. 166 of the 133rd General Assembly, prior to any funding 78236
reductions authorized by Executive Order 2020-19D, issued on May 78237
7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; 78238

(b) The payments deducted from the district and paid to a 78239
science, technology, engineering, and mathematics school 78240
established under Chapter 3326. of the Revised Code for fiscal 78241
year 2021 under divisions (A), (B), (C), (D), (E), (F), and (G) of 78242
section 3326.33 of the Revised Code as those divisions existed for 78243
deductions and payments for fiscal year 2021 in accordance with 78244
division (A) of Section 265.235 of H.B. 166 of the 133rd General 78245
Assembly, prior to any funding reductions authorized by Executive 78246
Order 2020-19D, issued on May 7, 2020, and Executive Order 78247
2021-01D, issued on January 22, 2021; 78248

(c) The payments deducted from the district for fiscal year 78249
2021 under division (C) of section 3310.08 of the Revised Code as 78250
that division existed for deductions for fiscal year 2021, 78251
division (C)(2) of section 3310.41 of the Revised Code as that 78252
division existed for deductions for fiscal year 2021, and section 78253
3310.55 of the Revised Code as that division existed for 78254

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.

(D)(1) For each of fiscal years 2022 and 2023, the Department shall pay the community and STEM school unit in the manner prescribed by division (A) of section 3317.022 of the Revised Code as amended by this act in accordance with section 3317.02 of the Revised Code as amended by this act, except that, for each of those fiscal years:

(a) The "formula amount" shall equal the following:

(i) For fiscal year 2022, \$6,065;

(ii) For fiscal year 2023, the amount specified in division (F)(1)(a) of the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2022 AND 2023."

(b) For purposes of division (A)(2)(b)(i) of section 3317.022 of the Revised Code as amended by this act, the per-pupil amount of targeted assistance funds calculated for a student's resident district shall equal the per-pupil amount of the district's recalculated foundation funding for fiscal year 2019, as calculated under division (B) of this section, that is calculated under division (A)(2)(a) of section 3317.022 of the Revised Code as amended by this act in accordance with section 3317.0217 of the Revised Code as amended by this act.

(c) For purposes of division (A)(5)(b) of section 3317.022 of the Revised Code as amended by this act, the economically disadvantaged index of the city, local, or exempted village school district in which a student resides shall equal the economically

disadvantaged index used to calculate the district's economically 78286
disadvantaged funds under division (A)(5)(a) of section 3317.022 78287
of the Revised Code as amended by this act for purposes of the 78288
district's recalculated foundation funding for fiscal year 2019, 78289
as calculated under division (B) of this section. 78290

(2) For each of fiscal years 2022 and 2023, the Department 78291
shall distribute the funds paid to the community and STEM school 78292
unit under division (D)(1) of this section in accordance with 78293
division (G) of section 3317.022 of the Revised Code as amended by 78294
this act. 78295

(E) For each of fiscal years 2022 and 2023, the Department of 78296
Education shall pay the educational choice scholarship unit in the 78297
manner prescribed by division (A) of section 3317.022 of the 78298
Revised Code as amended by this act in accordance with sections 78299
3317.02 and 3317.03 of the Revised Code as amended by this act and 78300
shall distribute the funds paid to that unit in accordance with 78301
division (H) of section 3317.022 of the Revised Code as amended by 78302
this act. 78303

(F) For each of fiscal years 2022 and 2023, the Department 78304
shall pay the pilot project scholarship unit in the manner 78305
prescribed by division (A) of section 3317.022 of the Revised Code 78306
as amended by this act in accordance with sections 3317.02 and 78307
3317.03 of the Revised Code as amended by this act and shall 78308
distribute the funds paid to that unit in accordance with division 78309
(I) of section 3317.022 of the Revised Code as amended by this 78310
act. 78311

(G) For each of fiscal years 2022 and 2023, the Department of 78312
Education shall pay the autism scholarship unit in the manner 78313
prescribed by division (A) of section 3317.022 of the Revised Code 78314
as amended by this act in accordance with sections 3317.02 and 78315
3317.03 of the Revised Code as amended by this act and shall 78316
distribute the funds paid to that unit in accordance with division 78317

(J) of section 3317.022 of the Revised Code as amended by this 78318
act. 78319

(H)(1) For each of fiscal years 2022 and 2023, the Department 78320
of Education shall pay the Jon Peterson special needs scholarship 78321
unit in the manner prescribed by division (A) of section 3317.022 78322
of the Revised Code as amended by this act in accordance with 78323
sections 3317.02 and 3317.03 of the Revised Code as amended by 78324
this act except that, for each of those fiscal years, the "formula 78325
amount" shall equal the following: 78326

(a) For fiscal year 2022, \$6,065; 78327

(b) For fiscal year 2023, the amount specified in division 78328
(F)(1)(a) of the section of this act entitled "OPERATING FUNDING 78329
FOR FISCAL YEARS 2022 AND 2023." 78330

(2) The Department shall distribute the funds paid to the Jon 78331
Peterson special needs scholarship unit in accordance with 78332
division (K) of section 3317.022 of the Revised Code as amended by 78333
this act. 78334

Section 265.223. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 78335
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 78336

(A) As used in this section: 78337

(1) A "qualifying district" is a city, local, or exempted 78338
village school district that satisfies either of the following 78339
conditions: 78340

(a) The district's average daily membership described in 78341
division (A)(1)(a)(i) of this section is less than ninety per cent 78342
of its average daily membership described in division 78343
(A)(1)(a)(ii) of this section. 78344

(i) The district's total ADM for fiscal year 2019, as that 78345
term is defined in section 3317.02 of the Revised Code as amended 78346
by this act, calculated using the student enrollment data for 78347

fiscal year 2019 that was reported to the Department by the 78348
district as prescribed by section 3317.03 of the Revised Code as 78349
that section existed for reporting student enrollment data for 78350
fiscal year 2019; 78351

(ii) The district's total ADM for fiscal year 2019, as that 78352
term was defined in section 3317.02 of the Revised Code prior to 78353
the amendments to that section by this act, calculated using the 78354
student enrollment data for fiscal year 2019 that was reported to 78355
the Department by the district as prescribed by section 3317.03 of 78356
the Revised Code as that section existed for reporting student 78357
enrollment data for fiscal year 2019. 78358

(b) The district's average daily membership for fiscal year 78359
2020 is at least one hundred two per cent of the district's 78360
average daily membership described in division (A)(1)(a)(i) of 78361
this section. 78362

For purposes of division (A)(1)(b) of this section, a 78363
"district's average daily membership for fiscal year 2020" means 78364
the district's total ADM for fiscal year 2020, as that term is 78365
defined in section 3317.02 of the Revised Code as amended by this 78366
act, calculated using the student enrollment data for fiscal year 78367
2020 that was reported to the Department by the district as 78368
prescribed by section 3317.03 of the Revised Code as that section 78369
existed for reporting student enrollment data for fiscal year 78370
2020. 78371

(2) A city, local, or exempted village school district's 78372
"recalculated foundation funding for fiscal year 2019" means the 78373
amount calculated for that district under division (B) of the 78374
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 78375
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 78376
STATE SCHOLARSHIP PROGRAMS." 78377

(3) A city, local, or exempted village school district's 78378

"recalculated transportation funding for fiscal year 2019" means 78379
the amount calculated for that district under division (B) of the 78380
section of this act entitled "FUNDING FOR STUDENT TRANSPORTATION." 78381

(B) For purposes of divisions (A)(1)(a) and (A)(2)(a) of the 78382
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 78383
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 78384
STATE SCHOLARSHIP PROGRAMS," the Department of Education shall 78385
adjust each city, local, and exempted village school district's 78386
recalculated foundation funding for fiscal year 2019 in accordance 78387
with divisions (C), (D), and (E) of this section. 78388

(C) The Department shall add to a district's recalculated 78389
foundation funding for fiscal year 2019 an amount of temporary 78390
transitional aid calculated according to the following formula: 78391

(The district's transitional aid guarantee base X the district's 78392
transitional aid guarantee base percentage) - the district's 78393
foundation funding for the guarantee 78394

If the computation made under this division results in a 78395
negative number, the district's temporary transitional aid shall 78396
be zero. 78397

(1) As used in division (C) of this section, and subject to 78398
division (C)(4) of this section, a district's "transitional aid 78399
guarantee base" means the amount calculated by the Department as 78400
follows: 78401

(a) Compute the sum of the following: 78402

(i) The district's payments for fiscal year 2019 under 78403
divisions (A)(1), (2), (3), (4), (5), (6), (7), (10), (11), and 78404
(12) of section 3317.022 of the Revised Code as those divisions 78405
existed for payments for fiscal year 2019; 78406

(ii) The district's payments for fiscal year 2019 under 78407
section 3317.0212 of the Revised Code as that section existed for 78408
payments for fiscal year 2019; 78409

(iii) Any temporary transitional aid paid to the district for 78410
fiscal year 2019 under division (A)(1) of Section 265.220 of H.B. 78411
49 of the 132nd General Assembly. 78412

(b) Subtract from the amount computed in division (C)(1)(a) 78413
of this section the sum of the following: 78414

(i) Any reductions to the district's foundation funding for 78415
fiscal year 2019 under division (B)(1) of Section 265.220 of H.B. 78416
49 of the 132nd General Assembly; 78417

(ii) The payments deducted from the district and paid to a 78418
community school for fiscal year 2019 under divisions (C)(1)(a), 78419
(b), (c), (d), (e), and (f) of section 3314.08 of the Revised Code 78420
and division (D) of section 3314.091 of the Revised Code as those 78421
divisions existed for deductions and payments for fiscal year 78422
2019; 78423

(iii) The payments deducted from the district and paid to a 78424
science, technology, engineering, and mathematics school for 78425
fiscal year 2019 under divisions (A), (B), (C), (D), (E), and (F) 78426
of section 3326.33 of the Revised Code as those divisions existed 78427
for deductions and payments for fiscal year 2019; 78428

(iv) The payments deducted from the district for fiscal year 78429
2019 under division (C) of section 3310.08 of the Revised Code as 78430
that division existed for deductions for fiscal year 2019, 78431
division (C)(2) of section 3310.41 of the Revised Code as that 78432
division existed for deductions for fiscal year 2019, section 78433
3310.55 of the Revised Code as that section existed for deductions 78434
for fiscal year 2019 and, in the case of a pilot project school 78435
district as defined in section 3313.975 of the Revised Code, the 78436
funds deducted from the district for fiscal year 2019 under 78437
Section 265.210 of H.B. 49 of the 132nd General Assembly to 78438
operate the pilot project scholarship program for fiscal year 2019 78439
under sections 3313.974 to 3313.979 of the Revised Code. 78440

(2) As used in division (C) of this section, a district's "transitional aid guarantee base percentage" means the percentage computed by the Department as follows:

(a) Calculate the district's total ADM percentage change in accordance with the following formula:

(The district's total ADM for fiscal year 2018, as that term is defined in section 3317.02 of the Revised Code as amended by this act, using the student enrollment data for fiscal year 2018 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as that section existed for reporting student enrollment data for fiscal year 2018 / the district's total ADM for fiscal year 2016, as that term is defined in section 3317.02 of the Revised Code as amended by this act, using the student enrollment data for fiscal year 2016 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as that section existed for reporting student enrollment data for fiscal year 2016) - 1

(b) Determine the district's transitional aid guarantee base percentage as follows:

(i) If the district's total ADM percentage change calculated in division (C)(2)(a) of this section equals a decrease of ten per cent or more, then the district's transitional aid guarantee base percentage shall be equal to ninety-five per cent.

(ii) If the district's total ADM percentage change calculated in division (C)(2)(a) of this section equals a decrease of less than ten per cent but more than five per cent, then the district's transitional aid guarantee base percentage shall be equal to the district's total ADM percentage change calculated in division (C)(2)(a) of this section plus one hundred five per cent.

(iii) If the district's total ADM percentage change calculated in division (C)(2)(a) of this section equals a decrease

of five per cent or less, no change, or an increase of any amount, 78472
then the district's transitional aid guarantee base percentage 78473
shall be equal to one hundred per cent. 78474

(3) As used in division (C) of this section, a district's 78475
"foundation funding for the guarantee" means the amount calculated 78476
by the Department as follows: 78477

[(The district's recalculated foundation funding for fiscal year 78478
2019 + the district's recalculated transportation funding for 78479
fiscal year 2019) - the amount of the district's recalculated 78480
foundation funding for fiscal year 2019 that is calculated under 78481
divisions (A)(8) and (9) of section 3317.022 of the Revised Code 78482
as amended by this act] 78483

(4) The Department shall adjust, as necessary, the 78484
transitional aid guarantee base of any local school district that 78485
participates in the establishment of a joint vocational school 78486
district that begins receiving payments under section 3317.16 of 78487
the Revised Code for fiscal year 2022 or fiscal year 2023 but does 78488
not receive payments for the prior fiscal year. The Department 78489
shall adjust any such local school district's guarantee base 78490
according to the amounts received by the district in the prior 78491
fiscal year for career-technical education students who attend the 78492
newly established joint vocational school district. 78493

(D) Notwithstanding anything to the contrary in this section 78494
or the section of this act entitled "FUNDING FOR CITY, LOCAL, AND 78495
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 78496
STATE SCHOLARSHIP PROGRAMS," the Department shall ensure that no 78497
district's foundation funding subject to the limitation is greater 78498
than the district's limitation base multiplier times the 78499
district's limitation base. 78500

(1) As used in division (D) of this section, a district's 78501
"foundation funding subject to the limitation" means the amount 78502
calculated by the Department as follows: 78503

[(The district's recalculated foundation funding for fiscal year 78504
2019 + the district's recalculated transportation funding for 78505
fiscal year 2019) - the amount of the district's recalculated 78506
foundation funding for fiscal year 2019 that is calculated under 78507
divisions (A)(8), (9), (13), and (14) of section 3317.022 of the 78508
Revised Code as amended by this act] + the amount calculated for 78509
the district under division (C) of this section 78510

(2) As used in division (D) of this section, a district's 78511
"limitation base multiplier" means the greater of the following: 78512

(a) If the district is a qualifying district, 1.15; 78513

(b) If the district is not a qualifying district, 1.10. 78514

(3) As used in division (D) of this section, and subject to 78515
division (D)(4) of this section, a district's "limitation base" 78516
means the amount calculated by the Department as follows: 78517

(a) Compute the sum of the following: 78518

(i) The district's payments for fiscal year 2018 under 78519
divisions (A)(1), (2), (3), (4), (5), (6), (7), and (10) of 78520
section 3317.022 of the Revised Code as those divisions existed 78521
for payments for fiscal year 2018; 78522

(ii) The district's payments for fiscal year 2018 under 78523
section 3317.0212 of the Revised Code as that section existed for 78524
payments for fiscal year 2018; 78525

(iii) Any temporary transitional aid paid to the district for 78526
fiscal year 2018 under division (A)(1) of Section 265.220 of H.B. 78527
49 of the 132nd General Assembly; 78528

(iv) The cap offset amount paid to the district for fiscal 78529
year 2018 under the section of H.B. 49 of the 132nd General 78530
Assembly entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED 78531
VILLAGE SCHOOL DISTRICTS;" 78532

(v) The amount paid to the district, if any, for fiscal year 78533

2018 under division (B) of Section 4 of S.B. 8 of the 132nd General Assembly. 78534
78535

(b) Subtract from the amount computed in division (D)(3)(a) of this section the sum of the following: 78536
78537

(i) Any reductions to the district's foundation funding for fiscal year 2018 under division (B)(1) of Section 265.220 of H.B. 49 of the 132nd General Assembly; 78538
78539
78540

(ii) The payments deducted from the district and paid to a community school for fiscal year 2018 under divisions (C)(1)(a), (b), (c), (d), (e), and (f) 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 2018; 78541
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(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2018 under divisions (A), (B), (C), (D), (E), and (F) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2018; 78547
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(iv) The payments deducted from the district for fiscal year 2018 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2018, division (C)(2) of section 3310.41 of the Revised Code as that division existed for deductions for fiscal year 2018, section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2018 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 2018 under Section 265.210 of H.B. 49 of the 132nd General Assembly to operate the pilot project scholarship program for fiscal year 2019 under sections 3313.974 to 3313.979 of the Revised Code. 78552
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(4) The Department shall adjust, as necessary, the limitation 78564

base of any local school district that participates in the 78565
establishment of a joint vocational school district that begins 78566
receiving payments under section 3317.16 of the Revised Code for 78567
fiscal year 2022 or fiscal year 2023 but does not receive such 78568
payments for the prior fiscal year. The Department shall adjust 78569
any such local school district's limitation base according to the 78570
amounts received by the district in the prior fiscal year for 78571
career-technical education students who attend the newly 78572
established joint vocational school district. 78573

(5) The Department shall reduce a district's recalculated 78574
foundation funding for fiscal year 2019 that is calculated under 78575
divisions (A)(1), (2), (4), (5), (6), (7), and (12) of section 78576
3317.022 of the Revised Code as amended by this act 78577
proportionately as necessary in order to comply with division (D) 78578
of this section. If those amounts are insufficient, the Department 78579
shall proportionately reduce a district's recalculated foundation 78580
funding for fiscal year 2019 that is calculated under division 78581
(A)(3) of section 3317.022 of the Revised Code and a district's 78582
recalculated transportation funding for fiscal year 2019 that is 78583
calculated under divisions (E), (F), and (G) of section 3317.0212 78584
of the Revised Code as amended by this act in order to comply with 78585
division (D) of this section. 78586

(6)(a) For purposes of division (D)(6) of this section, 78587
"eligible school district" shall have the same meaning as in 78588
division (F)(1) of section 3317.017 of the Revised Code. 78589

(b) Notwithstanding any provision of law to the contrary, an 78590
eligible school district shall not be allocated a sum of 78591
recalculated foundation funding for fiscal year 2019 and 78592
recalculated transportation funding for fiscal year 2019 that is 78593
greater than the greater of the amounts described in divisions 78594
(D)(6)(b)(i) and (ii) of this section: 78595

(i) The amount calculated for the district under division (D) 78596

of this section;	78597
(ii) The lesser of the amounts described in divisions	78598
(D)(6)(b)(ii)(I) and (II) of this section:	78599
(I) The district's foundation funding subject to the	78600
limitation;	78601
(II) The district's limitation base plus the district's taxes	78602
charged and payable against all property on the tax list of real	78603
and public utility property for tax year 2016 minus the district's	78604
taxes charged and payable against all property on the tax list of	78605
real and public utility property for tax year 2017.	78606
(E) The Department shall add to a district's recalculated	78607
foundation funding for fiscal year 2019 an amount of temporary	78608
transitional career-technical education aid calculated as follows:	78609
(1) Determine the district's payments for fiscal year 2019	78610
under divisions (A)(8) and (9) of section 3317.022 of the Revised	78611
Code as those divisions existed for payments for fiscal year 2019;	78612
(2) Subtract all of the following from the amount determined	78613
under division (E)(1) of this section:	78614
(a) The amount of the district's recalculated foundation	78615
funding for fiscal year 2019 that is calculated under divisions	78616
(A)(8) and (9) of section 3317.022 of the Revised Code as amended	78617
by this act;	78618
(b) The payments deducted from the district and paid to a	78619
community school established under Chapter 3314. of the Revised	78620
Code for fiscal year 2019 under division (C)(1)(g) of section	78621
3314.08 of the Revised Code as that division existed for	78622
deductions and payments for fiscal year 2019;	78623
(c) The payments deducted from the district and paid to a	78624
science, technology, engineering, and mathematics school	78625
established under Chapter 3326. of the Revised Code for fiscal	78626

year 2019 under division (G) of section 3326.33 of the Revised Code as that division existed for deductions and payments for fiscal year 2019.

If the computation made under this division results in a negative number, the district's temporary transitional career-technical education aid shall be zero.

Section 265.225. FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS

(A)(1) Subject to Section 265.227 of this act, for fiscal year 2022, the Department shall pay each joint vocational school district an amount equal to the sum of the following:

(a) The following product:

(0.50 X the district's recalculated foundation funding for fiscal year 2019, as calculated under division (B) of this section and as further adjusted under the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS") + (0.50 X the district's recalculated foundation funding for fiscal year 2021 as calculated under division (C) of this section)

(b) Career awareness and exploration funds calculated as follows:

\$2.50 X the district's enrolled ADM for fiscal year 2020, as that term is defined in section 3317.02 of the Revised Code as amended by this act, calculated using the student enrollment data for fiscal year 2020 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as that section existed for reporting student enrollment data for fiscal year 2020

(c) A career-technical education lab program supplement calculated as follows:

\$225 X the full-time equivalency of the district's categories one

through five career-technical ADM for fiscal year 2020, as that 78657
term is defined in section 3317.02 of the Revised Code as amended 78658
by this act, calculated using the student enrollment data for 78659
fiscal year 2020 that was reported to the Department by the 78660
district as prescribed by section 3317.03 of the Revised Code as 78661
that section existed for reporting student enrollment data for 78662
fiscal year 2020, that is equivalent to the amount of time the 78663
district's career-technical education students participate in lab 78664
programs, as determined by the Department 78665

(2) Subject to Section 265.227 of this act, for fiscal year 78666
2023, the Department shall pay each joint vocational school 78667
district an amount equal to the sum of the following: 78668

(a) The district's recalculated foundation funding for fiscal 78669
year 2019 as calculated under division (B) of this section and as 78670
further adjusted under the section of this act entitled "TEMPORARY 78671
TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS;" 78672

(b) Career awareness and exploration funds calculated as 78673
follows: 78674

\$5 X the district's enrolled ADM for fiscal year 2020, as that 78675
term is defined in section 3317.02 of the Revised Code as amended 78676
by this act, calculated using the student enrollment data for 78677
fiscal year 2020 that was reported to the Department by the 78678
district as prescribed by section 3317.03 of the Revised Code as 78679
that section existed for reporting student enrollment data for 78680
fiscal year 2020 78681

(c) A career-technical education lab program supplement 78682
calculated as follows: 78683

\$1,050 X the full-time equivalency of the district's categories 78684
one through five career-technical ADM for fiscal year 2020, as 78685
that term is defined in section 3317.02 of the Revised Code as 78686
amended by this act, calculated using the student enrollment data 78687
for fiscal year 2020 that was reported to the Department by the 78688

district as prescribed by section 3317.03 of the Revised Code as 78689
that section existed for reporting student enrollment data for 78690
fiscal year 2020, that is equivalent to the amount of time the 78691
district's career-technical education students participate in lab 78692
programs, as determined by the Department 78693

(B) For purposes of divisions (A)(1)(a) and (A)(2)(a) of this 78694
section, the Department shall calculate each joint vocational 78695
school district's "recalculated foundation funding for fiscal year 78696
2019" as follows: 78697

(1) Recalculate the district's state share percentage for 78698
fiscal year 2019 in accordance with division (G)(3) of section 78699
3317.16 of the Revised Code as amended by this act using the 78700
student enrollment data for fiscal year 2019 that was reported to 78701
the Department by the district as prescribed by section 3317.03 of 78702
the Revised Code as it existed for reporting student enrollment 78703
data for fiscal year 2019, with the formula amount equal to the 78704
base cost per pupil calculated under section 3317.011 of the 78705
Revised Code. 78706

(2) Recalculate the district's payments for fiscal year 2019 78707
under divisions (A)(1), (2), (3), (4), (5), (6), and (9) of 78708
section 3317.16 of the Revised Code as amended by this act in 78709
accordance with sections 3317.02 and 3317.03 of the Revised Code 78710
as amended by this act using the student enrollment data for 78711
fiscal year 2019 that was reported to the Department by the 78712
district as prescribed by section 3317.03 of the Revised Code as 78713
it existed for reporting student enrollment data for fiscal year 78714
2019, with the following adjustments: 78715

(a) Replace the district's state share percentage for fiscal 78716
year 2019 with the district's recalculated state share percentage 78717
for fiscal year 2019 determined under division (B)(1) of this 78718
section; 78719

(b) Replace the formula amount for fiscal year 2019 with the 78720

base cost per pupil calculated under section 3317.011 of the Revised Code. 78721
78722

(C) For purposes of division (A)(1)(a) of this section, each joint vocational school district's "recalculated foundation funding for fiscal year 2021" shall equal the amount calculated for the district 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 and prior to any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021. 78723
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Section 265.226. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS 78732
78733

(A) As used in this section, a joint vocational school district's "recalculated foundation funding for fiscal year 2019" means the amount calculated for that district under division (B) of the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 78734
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(B) For purposes of division (A) of Section 7 of this act, the Department of Education shall adjust each joint vocational school district's recalculated foundation funding for fiscal year 2019 in accordance with division (C) of this section. 78739
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(C) The Department shall add to a district's recalculated foundation funding for fiscal year 2019 an amount of temporary transitional aid calculated according to the following formula: 78743
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(The district's transitional aid guarantee base X the district's transitional aid guarantee base percentage) - the district's foundation funding for the guarantee 78746
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78748

If the computation made under this division results in a negative number, the district's temporary transitional aid shall 78749
78750

be zero. 78751

(1) As used in division (C) of this section, and subject to 78752
division (C)(4) of this section, a district's "transitional aid 78753
guarantee base" means the amount calculated by the Department as 78754
follows: 78755

(a) Compute the sum of the following: 78756

(i) The district's payments for fiscal year 2019 under 78757
divisions (A)(1), (2), (3), (4), and (7) of section 3317.16 of the 78758
Revised Code as those divisions existed for payments for fiscal 78759
year 2019; 78760

(ii) Any temporary transitional aid paid to the district for 78761
fiscal year 2019 under division (A)(1) of Section 265.230 of H.B. 78762
49 of the 132nd General Assembly; 78763

(b) Subtract from the amount computed in division (C)(1)(a) 78764
of this section any reductions to a district's foundation funding 78765
for fiscal year 2019 under division (B)(1) of Section 265.230 of 78766
H.B. 49 of the 132nd General Assembly. 78767

(2) As used in division (C) of this section, a district's 78768
"transitional aid guarantee base percentage" means the percentage 78769
computed by the Department as follows: 78770

(a) Calculate the district's formula ADM percentage change in 78771
accordance with the following formula: 78772

(The district's formula ADM for fiscal year 2018, as that term is 78773
defined in section 3317.02 of the Revised Code as amended by this 78774
act, using the student enrollment data for fiscal year 2018 that 78775
was reported to the Department by the district as prescribed by 78776
section 3317.03 of the Revised Code as that section existed for 78777
reporting student enrollment data for fiscal year 2018 / the 78778
district's formula ADM for fiscal year 2016, as that term is 78779
defined in section 3317.02 of the Revised Code as amended by this 78780

act, using the student enrollment data for fiscal year 2016 that 78781
was reported to the Department by the district as prescribed by 78782
section 3317.03 of the Revised Code as that section existed for 78783
reporting student enrollment data for fiscal year 2016) - 1 78784

(b) Determine the district's transitional aid guarantee base 78785
percentage as follows: 78786

(i) If the district's formula ADM percentage change 78787
calculated in division (C)(2)(a) of this section equals a decrease 78788
of ten per cent or more, then the district's transitional aid 78789
guarantee base percentage shall be equal to ninety-five per cent. 78790

(ii) If the district's formula ADM percentage change 78791
calculated in division (C)(2)(a) of this section equals a decrease 78792
of less than ten per cent but more than five per cent, then the 78793
district's transitional aid guarantee base percentage shall be 78794
equal to the district's formula ADM percentage change calculated 78795
in division (C)(2)(a) of this section plus one hundred five per 78796
cent. 78797

(iii) If the district's formula ADM percentage change 78798
calculated in division (C)(2)(a) of this section equals a decrease 78799
of five per cent or less, no change, or an increase of any amount, 78800
then the district's transitional aid guarantee base percentage 78801
shall be equal to one hundred per cent. 78802

(3) As used in division (C) of this section, a district's 78803
"foundation funding for the guarantee" means the amount calculated 78804
by the Department as follows: 78805

(The district's recalculated foundation funding for fiscal year 78806
2019 - the amount of the district's recalculated foundation 78807
funding for fiscal year 2019 that is calculated under divisions 78808
(A)(5) and (6) of section 3317.16 of the Revised Code as amended 78809
by this act) 78810

(4) The Department shall establish, as necessary, the 78811

transitional aid guarantee base of any joint vocational school 78812
district that begins receiving payments under section 3317.16 of 78813
the Revised Code for fiscal year 2022 or fiscal year 2023 but does 78814
not receive such payments for the prior fiscal year. The 78815
Department shall establish any such joint vocational school 78816
district's guarantee base as an amount equal to the absolute value 78817
of the sum of the associated adjustments of any local school 78818
district's guarantee bases under division (C)(4) of the section of 78819
this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 78820
EXEMPTED VILLAGE SCHOOL DISTRICTS." 78821

Section 265.227. If a city, local, or exempted village school 78822
district provided career-technical education pursuant to division 78823
(A)(1) of section 3313.90 of the Revised Code in fiscal year 2019 78824
but the district entered into an agreement pursuant to division 78825
(A)(2) of section 3313.90 of the Revised Code with a joint 78826
vocational school district to provide that career-technical 78827
education beginning in fiscal year 2020, the Department of 78828
Education shall adjust the amounts paid to those districts for 78829
fiscal years 2022 and 2023 under the section of this act entitled 78830
"FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, 78831
COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS" and 78832
the section of this act entitled "FUNDING FOR JOINT VOCATIONAL 78833
SCHOOL DISTRICTS" to account for the decrease in students served 78834
by the city, local, or exempted village school district and the 78835
increase in students served by the joint vocational school 78836
district. This adjustment shall be equal to the following amount: 78837
(The amount paid to the city, local, or exempted village school 78838
district under divisions (A)(8) and (9) of section 3317.022 of the 78839
Revised Code for fiscal year 2019 as those divisions existed for 78840
payments for fiscal year 2019 + the amount paid to the city, 78841
local, or exempted village school district under division (C) of 78842
Section 265.220 of H.B. 49 of the 132nd General Assembly for 78843

fiscal year 2019) - (the amount deducted from the district under 78844
division (C)(1)(g) of section 3314.08 of the Revised Code and 78845
division (G) of section 3326.33 of the Revised Code for fiscal 78846
year 2019 as those divisions existed for deductions for fiscal 78847
year 2019) 78848

In doing so, the Department shall not, however, increase the 78849
aggregate amount of foundation aid paid under the section of this 78850
act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 78851
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 78852
PROGRAMS" and the section of this act entitled "FUNDING FOR JOINT 78853
VOCATIONAL SCHOOL DISTRICTS." 78854

Section 265.229. FUNDING FOR STUDENT TRANSPORTATION 78855

(A)(1) For fiscal year 2022, the Department of Education 78856
shall pay each city, local, and exempted village school district 78857
an amount for student transportation equal to the following sum: 78858
(0.50 X the district's recalculated transportation funding for 78859
fiscal year 2019, as calculated under division (B) of this 78860
section) + (0.50 X the district's recalculated transportation 78861
funding for fiscal year 2021 as calculated under division (C) of 78862
this section) 78863

(2) For fiscal year 2023, the Department shall pay each city, 78864
local, and exempted village school district an amount equal to the 78865
district's recalculated transportation funding for fiscal year 78866
2019 as calculated under division (B) of this section. 78867

(B) For purposes of division (A) of this section, the 78868
Department shall calculate each city, local, and exempted village 78869
school district's "recalculated transportation funding for fiscal 78870
year 2019" by recalculating the district's payments for fiscal 78871
year 2019 under section 3317.0212 of the Revised Code as amended 78872
by this act in accordance with sections 3317.02 and 3317.03 of the 78873
Revised Code as amended by this act using the data for fiscal year 78874

2019 that was reported to the Department by the district as 78875
prescribed by sections 3317.0212 and 3317.03 of the Revised Code 78876
as it existed for reporting data for fiscal year 2019 and 78877
replacing the district's state share index for fiscal year 2019 78878
with the district's recalculated state share index for fiscal year 78879
2019 determined under division (B)(1) of the section of this act 78880
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 78881
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 78882
PROGRAMS." 78883

(C) For purposes of division (A) of this section, the 78884
Department shall calculate each city, local, and exempted village 78885
school district's "recalculated transportation funding for fiscal 78886
year 2021" as follows: 78887

(1) Determine the amount calculated for the district for 78888
fiscal year 2021 under division (A)(2) of Section 265.225 of H.B. 78889
166 of the 133rd General Assembly after any adjustments required 78890
under Section 265.227 of H.B. 166 of the 133rd General Assembly 78891
and prior to any funding reductions authorized by Executive Order 78892
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 78893
issued on January 22, 2021; 78894

(2) Compute the district's recalculated transportation 78895
funding for fiscal year 2021 by subtracting from the amount 78896
determined under division (C)(1) of this section the payments 78897
deducts from the district and paid to a community school 78898
established under Chapter 3314. of the Revised Code for fiscal 78899
year 2021 under division (D) of section 3314.091 of the Revised 78900
Code as that division existed for deductions and payments for 78901
fiscal year 2021 in accordance with division (A) of Section 78902
265.230 of H.B. 166 of the 133rd General Assembly. 78903

(D) For each of fiscal years 2022 and 2023, the Department 78904
shall pay each community school in the manner prescribed by 78905
division (H) of section 3317.0212 of the Revised Code as amended 78906

by this act in accordance with section 3314.091 of the Revised Code as amended by this act, except that, for each of those fiscal years:

(1) For purposes of division (H)(1)(a)(i) of section 3317.0212 of the Revised Code as amended by this act, the total amount calculated for the school district in which a child is entitled to attend school for student transportation other than transportation of children with disabilities shall equal the amount of the district's recalculated transportation funding for fiscal year 2019 as calculated under division (B) of this section.

(2) For purposes of division (H)(1)(a)(ii) of section 3317.0212 of the Revised Code as amended by this act, the number of students included in the transportation ADM of the school district in which a child is entitled to attend school shall equal the district's transportation ADM for fiscal year 2019.

(3) For purposes of division (H)(1)(b) of section 3317.0212 of the Revised Code as amended by this act, the amount so calculated on a per-rider basis that otherwise would be computed for and paid to the school district in which a student is entitled to attend school by the method of transportation the district would have used shall equal the amount of the district's recalculated transportation funding for fiscal year 2019 that is calculated on a per-rider basis under division (B) of this section for the method of transportation the district would have used.

Section 265.231. GAP AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS

(A) As used in this section:

(1) A city, local, or exempted village school district's "enrolled ADM for fiscal year 2019" means the district's enrolled ADM, as that term is defined in section 3317.02 of the Revised

Code as amended by this act, calculated using the student 78937
enrollment data for fiscal year 2019 that was reported to the 78938
Department by the district as prescribed by section 3317.03 of the 78939
Revised Code as it existed for reporting student enrollment data 78940
for fiscal year 2019. 78941

(2) A city, local, or exempted village school district's 78942
"recalculated foundation funding for fiscal year 2019" means the 78943
amount calculated for that district under division (B) of the 78944
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 78945
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 78946
STATE SCHOLARSHIP PROGRAMS." 78947

(3) A city, local, or exempted village school district's 78948
"recalculated transportation funding for fiscal year 2019" means 78949
the amount calculated for that district under division (B) of the 78950
section of this act entitled "FUNDING FOR STUDENT TRANSPORTATION." 78951

(B) For each of fiscal years 2022 and 2023, the Department of 78952
Education shall pay gap aid to each city, local, and exempted 78953
village school district in accordance with section 3317.0222 of 78954
the Revised Code, except that, for each of those fiscal years: 78955

(1) When determining a district's "local tax revenue" as that 78956
term is defined in division (A) of section 3317.0222 of the 78957
Revised Code, the Department shall use data for tax year 2017 for 78958
purposes of division (A)(1) of that section and data for fiscal 78959
year 2018 for purposes of division (A)(2) of that section. 78960

(2) For purposes of divisions (B)(1), (2), and (4) of section 78961
3317.0222 of the Revised Code, the Department shall use the 78962
district's recalculated state share index for fiscal year 2019 78963
determined under division (B)(1) of the section of this act 78964
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 78965
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 78966
PROGRAMS." 78967

(3) For purposes of divisions (B)(2)(a) to (g) of section 3317.0222 of the Revised Code, the Department shall use the portion of the district's recalculated foundation funding for fiscal year 2019 that is calculated under divisions (A)(1), (3), (6), (8), (9), (13), or (14) of section 3317.022 of the Revised Code as amended by this act, as applicable.

(4) For purposes of division (B)(2)(h) of section 3317.0222 of the Revised Code, the Department shall use the district's enrolled ADM for fiscal year 2019 for grades kindergarten through three.

(5) For purposes of division (B)(4) of section 3317.0222 of the Revised Code, the Department shall use the portion of the district's recalculated transportation funding for fiscal year 2019 that is calculated under division (E) of section 3317.0212 of the Revised Code as amended by this act.

(6) For purposes of division (B)(6) of section 3317.0222 of the Revised Code, the Department shall use the sum of the temporary transitional aid calculated for the district under division (C) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and the temporary transitional career-technical education aid calculated for the district under division (E) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

Section 265.233. 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 as calculated

under division (A)(2) of this section) - (the sum of the 78998
district's payments for the fiscal year for which the supplement 78999
is calculated under division (A) of the section of this act 79000
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 79001
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 79002
PROGRAMS," division (A) of the section of this act entitled 79003
"FUNDING FOR STUDENT TRANSPORTATION," the section of this act 79004
entitled "GAP AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 79005
DISTRICTS," and section 3317.0219 of the Revised Code as amended 79006
by this act) 79007

If the computation made under division (A)(1) of this section 79008
for a fiscal year results in a negative number, the district's 79009
formula transition supplement for that fiscal year shall be zero. 79010

(2) For purposes of division (A)(1) of this section, a city, 79011
local, or exempted village school district's "funding base for 79012
fiscal year 2021" means the amount calculated as follows: 79013

(a) Compute the sum of the following: 79014

(i) The amount calculated for the district for fiscal year 79015
2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 79016
133rd General Assembly after any adjustments required under 79017
Section 265.227 of H.B. 166 of the 133rd General Assembly and 79018
after any funding reductions authorized by Executive Order 79019
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 79020
issued on January 22, 2021; 79021

(ii) The amount calculated for the district for fiscal year 79022
2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 79023
133rd General Assembly after any funding reductions authorized by 79024
Executive Order 2020-19D, issued on May 7, 2020, and Executive 79025
Order 2021-01D, issued on January 22, 2021; 79026

(iii) The amount calculated for the district for fiscal year 79027
2021 under division (B) of Section 265.220 of H.B. 166 of the 79028

133rd General Assembly; 79029

(iv) The district's payments for fiscal year 2021 under 79030
section 3317.0219 of the Revised Code as that section existed for 79031
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 79032
the 133rd General Assembly. 79033

(b) Subtract from the amount calculated in division (A)(2)(a) 79034
of this section the sum of the following: 79035

(i) The payments deducted from the district and paid to a 79036
community school established under Chapter 3314. of the Revised 79037
Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), 79038
(d), (e), (f), and (g) of section 3314.08 of the Revised Code and 79039
division (D) of section 3314.091 of the Revised Code, as those 79040
divisions existed for deductions and payments for fiscal year 79041
2021, in accordance with division (A) of Section 265.230 of H.B. 79042
166 of the 133rd General Assembly, after any funding reductions 79043
authorized by Executive Order 2020-19D, issued on May 7, 2020, and 79044
Executive Order 2021-01D, issued on January 22, 2021; 79045

(ii) The payments deducted from the district and paid to a 79046
science, technology, engineering, and mathematics school 79047
established under Chapter 3326. of the Revised Code for fiscal 79048
year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) 79049
of section 3326.33 of the Revised Code as those divisions existed 79050
for deductions and payments for fiscal year 2021, in accordance 79051
with division (A) of Section 265.235 of H.B. 166 of the 133rd 79052
General Assembly, after any funding reductions authorized by 79053
Executive Order 2020-19D, issued on May 7, 2020, and Executive 79054
Order 2021-01D, issued on January 22, 2021; 79055

(iii) The payments deducted from the district for fiscal year 79056
2021 under division (C) of section 3310.08 of the Revised Code as 79057
that division existed for deductions for fiscal year 2021, 79058
division (C)(2) of section 3310.41 of the Revised Code, as that 79059

division existed for deductions for fiscal year 2021, and section 79060
3310.55 of the Revised Code, as that section existed for 79061
deductions for fiscal year 2021; 79062

(iv) In the case of a pilot project school district as 79063
defined in section 3313.975 of the Revised Code, the funds 79064
deducted from the district for fiscal year 2021 under Section 79065
265.210 of H.B. 166 of the 133rd General Assembly to operate the 79066
pilot project scholarship program for fiscal year 2021 under 79067
sections 3313.974 to 3313.979 of the Revised Code. 79068

(B)(1) For fiscal years 2022 and 2023, the Department shall 79069
pay a formula transition supplement to each joint vocational 79070
school district according to the following formula: 79071

(The district's funding base for fiscal year 2021 as calculated 79072
under division (B)(2) of this section) - (the sum of the 79073
district's payments for the fiscal year for which the supplement 79074
is calculated under division (A) of the section of this act 79075
entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS" and 79076
section 3317.163 of the Revised Code as amended by this act) 79077

If the computation made under division (B)(1) of this section 79078
for a fiscal year results in a negative number, the district's 79079
formula transition supplement for that fiscal year shall be zero. 79080

(2) For purposes of division (B)(1) of this section, a joint 79081
vocational school district's "funding base for fiscal year 2021" 79082
means the sum of the following: 79083

(a) The district's payments for fiscal year 2021 under 79084
Section 265.225 of H.B. 166 of the 133rd General Assembly after 79085
any adjustments required under Section 265.227 of H.B. 166 of the 79086
133rd General Assembly; 79087

(b) The district's payments for fiscal year 2021 under 79088
section 3317.163 of the Revised Code as that section existed for 79089
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 79090

the 133rd General Assembly. 79091

(C)(1) For fiscal years 2022 and 2023, the Department shall 79092
pay a formula transition supplement to each community school 79093
established under Chapter 3314. of the Revised Code according to 79094
the following formula: 79095

{[The school's funding base for fiscal year 2021 as calculated 79096
under division (C)(2) of this section / the number of students 79097
enrolled in the school for fiscal year 2021] - [(the sum of the 79098
school's payments for the fiscal year for which the supplement is 79099
calculated under division (D) of the section of this act entitled 79100
"FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS,
COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS," 79102
division (D) of the section of this act entitled "FUNDING FOR 79103
STUDENT TRANSPORTATION," and section 3317.0220 of the Revised Code 79104
as enacted by this act) / the number of students enrolled in the 79105
school for the fiscal year for which the supplement is 79106
calculated]} X the number of students enrolled in the school for 79107
the fiscal year for which the supplement is calculated 79108

If the computation made under division (C)(1) of this section 79109
for a fiscal year results in a negative number, the school's 79110
formula transition supplement for that fiscal year shall be zero. 79111

(2) For purposes of division (C)(1) of this section, a 79112
community school's "funding base for fiscal year 2021" means the 79113
sum of the following: 79114

(a) The amount calculated for the school for fiscal year 2021 79115
under division (C)(1) of section 3314.08 of the Revised Code as 79116
that section existed for payments for fiscal year 2021, after any 79117
funding reductions authorized by Executive Order 2020-19D, issued 79118
on May 7, 2020, and Executive Order 2021-01D, issued on January 79119
22, 2021; 79120

(b) The amount calculated for the school for fiscal year 2021 79121

under section 3314.085 of the Revised Code as that section existed 79122
for payments for fiscal year 2021; 79123

(c) The amount calculated for the school for fiscal year 2021 79124
under division (D)(1) of section 3314.091 of the Revised Code as 79125
that section existed for payments for fiscal year 2021; 79126

(d) The amount calculated for the school for fiscal year 2021 79127
under section 3314.088 of the Revised Code as that section existed 79128
for payments for fiscal year 2021. 79129

(D)(1) For fiscal years 2022 and 2023, the Department shall 79130
pay a formula transition supplement to each science, technology, 79131
engineering, and mathematics school established under Chapter 79132
3326. of the Revised Code according to the following formula: 79133

{[The school's funding base for fiscal year 2021 as calculated 79134
under division (D)(2) of this section / the number of students 79135
enrolled in the school for fiscal year 2021] - [(the sum of the 79136
school's payments for the fiscal year for which the supplement is 79137
calculated under division (D) of the section of this act entitled 79138
"FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, 79139
COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS" and 79140
section 3317.0221 of the Revised Code as enacted by this act) / 79141
the number of students enrolled in the school for the fiscal year 79142
for which the supplement is calculated]} X the number of students 79143
enrolled in the school for the fiscal year for which the 79144
supplement is calculated 79145

If the computation made under division (D)(1) of this section 79146
for a fiscal year results in a negative number, the school's 79147
formula transition supplement for that fiscal year shall be zero. 79148

(2) For purposes of division (D)(1) of this section, a 79149
science, technology, engineering, and mathematics school's 79150
"funding base for fiscal year 2021" means the sum of the 79151
following: 79152

(a) The amount calculated for the school for fiscal year 2021 79153
under section 3326.33 of the Revised Code as that section existed 79154
for payments for fiscal year 2021, after any funding reductions 79155
authorized by Executive Order 2020-19D, issued on May 7, 2020, and 79156
Executive Order 2021-01D, issued on January 22, 2021; 79157

(b) The amount calculated for the school for fiscal year 2021 79158
under section 3326.41 of the Revised Code as that section existed 79159
for payments for fiscal year 2021; 79160

(c) The amount calculated for the school for fiscal year 2021 79161
under section 3326.42 of the Revised Code as that section existed 79162
for payments for fiscal year 2021. 79163

Section 265.235. CAP RELIEF FOR SCHOOL DISTRICTS WITH 79164
ENROLLMENT GROWTH 79165

(A) As used in this section: 79166

(1) "Eligible district" means a city, local, or exempted 79167
village school district that satisfies both of the following: 79168

(a) The district's recalculated foundation funding for fiscal 79169
year 2019 and recalculated transportation funding for fiscal year 79170
2019 is adjusted under division (D) of the section of this act 79171
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 79172
VILLAGE SCHOOL DISTRICTS;" 79173

(b) The district's average daily membership for fiscal year 79174
2020, as that term is defined in division (A)(1)(b) of the section 79175
of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 79176
AND EXEMPTED VILLAGE SCHOOL DISTRICTS," is greater than one 79177
hundred per cent of the district's average daily membership 79178
described in division (A)(1)(a)(i) of the section of this act 79179
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 79180
VILLAGE SCHOOL DISTRICTS." 79181

(2) A city, local, or exempted village school district's 79182

"enrolled ADM for fiscal year 2019" means the district's enrolled ADM, as that term is defined in section 3317.02 of the Revised Code as amended by this act, calculated using the student enrollment data for fiscal year 2019 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as it existed for reporting student enrollment data for fiscal year 2019.

(3) "Foundation funding subject to the limitation" has the same meaning as in division (D)(1) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(4) A city, local, or exempted village school district's "recalculated foundation funding for fiscal year 2019" means the amount calculated for that district under division (B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS."

(5) A city, local, or exempted village school district's "recalculated transportation funding for fiscal year 2019" means the amount calculated for that district under division (B) of the section of this act entitled "FUNDING FOR STUDENT TRANSPORTATION."

(B)(1) Subject to division (B)(2) of this section, for each of fiscal years 2022 and 2023, the Department of Education shall pay each eligible district an amount equal to the following product:

$(\$225, \text{ for fiscal year 2022, or } \$425, \text{ for fiscal year 2023}) \times \text{the district's enrolled ADM for fiscal year 2019} \times [(\text{the district's foundation funding subject to the limitation} - \text{the district's foundation funding subject to the limitation as adjusted under division (D) of this section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL$

DISTRICTS") / the district's foundation funding subject to the 79214
limitation] 79215

(2) At no time shall an eligible district receive a payment 79216
under this section that is greater than the following difference: 79217
(The district's foundation funding subject to the limitation - the 79218
district's foundation funding subject to the limitation as 79219
adjusted under division (D) of the section of this act entitled 79220
"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 79221
SCHOOL DISTRICTS") 79222

Section 265.237. POWER PLANT VALUATION ADJUSTMENT 79223

(A) As used in this section: 79224

(1) "Recalculated foundation funding for fiscal year 2019" 79225
for a city, local, or exempted village school district means the 79226
amount calculated for that district under division (B) of the 79227
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 79228
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 79229
STATE SCHOLARSHIP PROGRAMS." 79230

(2) "Recalculated foundation funding for fiscal year 2019" 79231
for a joint vocational school district means the amount calculated 79232
for the district under division (B) of the section of this act 79233
entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 79234

(3) "Recalculated transportation funding for fiscal year 79235
2019" for a city, local, or exempted village school district means 79236
the amount calculated for that district under division (B) of the 79237
section of this act entitled "FUNDING FOR STUDENT TRANSPORTATION." 79238

(B)(1) On or before May 15, 2022, the Tax Commissioner shall 79239
determine all of the following for each city, local, exempted 79240
village, and joint vocational school district that has at least 79241
one power plant located within its territory: 79242

(a) Whether the taxable value of all utility tangible 79243

personal property subject to taxation by the district in tax year 79244
2021 was less than the taxable value of such property during tax 79245
year 2017; 79246

(b) Whether the taxable value of all utility tangible 79247
personal property subject to taxation by the district in tax year 79248
2021 was less than the taxable value of such property during tax 79249
year 2020. 79250

(2) If the decrease determined under division (B)(1)(a) or 79251
(b) of this section exceeds ten per cent, the Tax Commissioner 79252
shall certify all of the following to the Department of Education 79253
and the Office of Budget and Management: 79254

(a) The district's total taxable value for tax year 2021; 79255

(b) The change in taxes charged and payable on the district's 79256
total taxable value for tax year 2017 and tax year 2021; 79257

(c) The taxable value of the utility tangible personal 79258
property decrease, which shall be considered a change in 79259
valuation; 79260

(d) The change in taxes charged and payable on such change in 79261
taxable value calculated in the same manner as in division (A)(3) 79262
of section 3317.021 of the Revised Code. 79263

(3) Upon receipt of a certification under division (B)(2) of 79264
this section, the Department of Education shall replace the 79265
three-year average valuations that were used in computing the 79266
district's recalculated foundation funding and, if applicable, 79267
recalculated transportation funding for fiscal year 2019 with the 79268
taxable value certified under division (B)(2)(a) of this section 79269
and shall recompute the district's recalculated foundation funding 79270
and, if applicable, recalculated transportation funding for fiscal 79271
year 2019 without applying any funding limitations enacted by the 79272
General Assembly to the computation. The Department shall pay to 79273
the district an amount equal to the greater of the following: 79274

(a) The lesser of the following:	79275
(i) The positive difference between the district's recalculated foundation funding and, if applicable, recalculated transportation funding for fiscal year 2019 prior to the recomputation under division (B)(3) of this section and the district's recomputed recalculated foundation funding and, if applicable, recalculated transportation funding for fiscal year 2019;	79276 79277 79278 79279 79280 79281 79282
(ii) The absolute value of the amount certified under division (B)(2)(b) of this section.	79283 79284
(b) The absolute value of the amount certified under division (B)(2)(b) of this section X 0.50.	79285 79286
(C)(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:	79287 79288 79289 79290
(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;	79291 79292 79293 79294
(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.	79295 79296 79297 79298
(2) If the decrease determined under division (C)(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:	79299 79300 79301 79302
(a) The district's total taxable value for tax year 2022;	79303
(b) The change in taxes charged and payable on the district's	79304

total taxable value for tax year 2017 and tax year 2022; 79305

(c) The taxable value of the utility tangible personal 79306
property decrease, which shall be considered a change in 79307
valuation; 79308

(d) The change in taxes charged and payable on such change in 79309
taxable value calculated in the same manner as in division (A)(3) 79310
of section 3317.021 of the Revised Code. 79311

(3) Upon receipt of a certification under division (C)(2) of 79312
this section, the Department of Education shall replace the 79313
three-year average valuations that were used in computing the 79314
district's recalculated foundation funding and, if applicable, 79315
recalculated transportation funding for fiscal year 2019 with the 79316
taxable value certified under division (C)(2)(a) of this section 79317
and shall recompute the district's recalculated foundation funding 79318
and, if applicable, recalculated transportation funding for fiscal 79319
year 2019 without applying any funding limitations enacted by the 79320
General Assembly to the computation. The Department shall pay to 79321
the district an amount equal to the greater of the following: 79322

(a) The lesser of the following: 79323

(i) The positive difference between the district's 79324
recalculated foundation funding and, if applicable, recalculated 79325
transportation funding for fiscal year 2019 prior to the 79326
recomputation under division (C)(3) of this section and the 79327
district's recomputed recalculated foundation funding and, if 79328
applicable, recalculated transportation funding for fiscal year 79329
2019; 79330

(ii) The absolute value of the amount certified under 79331
division (C)(2)(b) of this section. 79332

(b) The absolute value of the amount certified under division 79333
(C)(2)(b) of this section X 0.50. 79334

(D) The Department of Education shall make payments under 79335
division (B)(3) of this section between June 1, 2022, and June 30, 79336
2022, and the Department shall make payments under division (C)(3) 79337
of this section between June 1, 2023, and June 30, 2023. 79338

Section 265.240. LITERACY IMPROVEMENT 79339

The foregoing appropriation item 200566, Literacy 79340
Improvement, shall be used by the Department of Education to 79341
support early literacy activities to align state, local, and 79342
federal efforts in order to bolster all students' reading success. 79343
Funds shall be distributed to educational service centers to 79344
establish and support regional literacy professional development 79345
teams consistent with section 3312.01 of the Revised Code. A 79346
portion of the funds may be used by the Department for program 79347
administration, monitoring, technical assistance, support, 79348
research, and evaluation. 79349

Section 265.250. ADULT EDUCATION PROGRAMS 79350

Of the foregoing appropriation item 200572, Adult Education 79351
Programs, up to \$6,900,000 in each fiscal year shall be used to 79352
make payments under sections 3314.38, 3317.23, 3317.24, and 79353
3345.86 of the Revised Code. 79354

A portion of the foregoing appropriation item 200572, Adult 79355
Education Programs, shall be used in each fiscal year to make 79356
payments to institutions participating in the Adult Diploma Pilot 79357
Program under section 3313.902 of the Revised Code and to pay 79358
career-technical planning districts for the amounts reimbursed to 79359
students, as prescribed in this section. If funds are insufficient 79360
to make payments for the Adult Diploma Pilot Program, upon the 79361
request of the Superintendent of Public Instruction, the Director 79362
of Budget and Management may transfer appropriation from 79363
appropriation item 200550, Foundation Funding, to appropriation 79364

item 200572, Adult Education Programs, subject to an available 79365
balance in appropriation item 200550 and Controlling Board 79366
approval. Any appropriation so transferred shall be used to make 79367
payments to institutions participating in the Adult Diploma Pilot 79368
Program pursuant to section 3313.902 of the Revised Code. 79369

Each career-technical planning district shall reimburse 79370
individuals taking a nationally recognized high school equivalency 79371
examination approved by the Department of Education for the first 79372
time for application fees, examination fees, or both, in excess of 79373
\$40, up to a maximum reimbursement per individual of \$80. Each 79374
career-technical planning district shall designate a site or sites 79375
where individuals may register and take an approved examination. 79376
For each individual who registers for an approved examination, the 79377
career-technical planning district shall make available and offer 79378
career counseling services, including information on adult 79379
education programs that are available. A portion of the 79380
appropriation item may be used to reimburse the Department of 79381
Youth Services and the Department of Rehabilitation and Correction 79382
for individuals in these facilities who have taken an approved 79383
examination for the first time. The amounts reimbursed shall not 79384
exceed the per-individual amounts reimbursed to other individuals 79385
under this section for an approved examination. 79386

Notwithstanding any provision of law to the contrary, the 79387
unexpended balance of appropriations for payments under sections 79388
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 79389
Code at the end of each fiscal year may be encumbered by the 79390
Department of Education and remain available for payment for a 79391
period not to exceed two years from the end of each fiscal year in 79392
which the funds were originally appropriated, in accordance with 79393
guidelines established by the Superintendent of Public 79394
Instruction. 79395

A portion of the foregoing appropriation item 200572, Adult 79396

Education Programs, may be used for program administration, 79397
technical assistance, support, research, and evaluation of adult 79398
education programs, including high school equivalency examinations 79399
approved by the Department of Education. 79400

Section 265.260. HALF-MILL MAINTENANCE EQUALIZATION 79401

The foregoing appropriation item 200574, Half-Mill 79402
Maintenance Equalization, shall be used to make payments pursuant 79403
to section 3318.18 of the Revised Code. 79404

ADAPTIVE SPORTS PROGRAM 79405

The foregoing appropriation item 200576, Adaptive Sports 79406
Program, shall be used by the Department of Education, in 79407
collaboration with the Adaptive Sports Program of Ohio, to fund 79408
adaptive sports programs in school districts across the state. 79409

Section 265.275. PROGRAM AND PROJECT SUPPORT 79410

Of the foregoing appropriation item 200597, Program and 79411
Project Support, \$1,100,000 in each fiscal year shall be used to 79412
support the Supporting Partnerships to Assure Ready Kids (SPARK) 79413
program in Ohio. 79414

Of the foregoing appropriation item 200597, Program and 79415
Project Support, \$1,000,000 in each fiscal year shall be 79416
distributed to Ohio Adolescent Health Centers to support risk 79417
avoidance education initiatives. 79418

Of the foregoing appropriation item 200597, Program and 79419
Project Support, \$750,000 in each fiscal year shall be used to 79420
support the expansion of the CarePortal technology platform in 79421
Ohio through partnerships with social workers and K-12 schools to 79422
connect vulnerable children and families with churches, 79423
organizations, and individuals in their community. 79424

Of the foregoing appropriation item 200597, Program and 79425

Project Support, \$375,000 in each fiscal year shall be distributed 79426
to the Cleveland Museum of Natural History to support its 79427
STEM-based educational programming. 79428

Of the foregoing appropriation item 200597, Program and 79429
Project Support, \$300,000 in each fiscal year shall be distributed 79430
to the Cincinnati Zoo and Botanical Garden to support the zoo's 79431
educational programming and scholarships for economically 79432
disadvantaged students. 79433

Of the foregoing appropriation item 200597, Program and 79434
Project Support, \$125,000 in each fiscal year shall be distributed 79435
to the South-Western City School District to provide additional 79436
operating support for the South-Western Career Academy to hire a 79437
director and instructors. 79438

Of the foregoing appropriation item 200597, Program and 79439
Project Support, \$100,000 in each fiscal year shall be distributed 79440
to the Cincinnati Museum Center to support its STEM-based 79441
educational programming. 79442

Of the foregoing appropriation item 200597, Program and 79443
Project Support, \$50,000 in each fiscal year shall be distributed 79444
to the Ohio Valley Youth Network to support its Sycamore Youth 79445
Center Education Enrichment and Life Skills After School Program. 79446

Section 265.280. MEDICAID IN SCHOOLS PROGRAM 79447

The foregoing appropriation item, 657401, Medicaid in Schools 79448
Program, shall be used by the Department of Education to support 79449
the Medicaid in Schools Program. 79450

Section 265.300. TEACHER CERTIFICATION AND LICENSURE 79451

The foregoing appropriation item 200681, Teacher 79452
Certification and Licensure, shall be used by the Department of 79453
Education to administer and support teacher certification and 79454

licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing appropriation may also be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Superintendent of Public Instruction. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2022 and 2023. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director shall notify the members of the Controlling Board of any such transfers.

(C) If the cash balance of the School District Solvency Assistance Fund (Fund 5H30) is insufficient to pay solvency assistance in fiscal years 2022 and 2023, at the request of the Superintendent of Public Instruction, and with the approval of the Controlling Board, the Director of Budget and Management may transfer cash from the Lottery Profits Education Reserve Fund (Fund 7018) to Fund 5H30 to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary nature that they are unable to pay from existing resources under section 3316.20 of the Revised Code. Such transfers are hereby appropriated to appropriation item 200670, School District Solvency Assistance - Lottery. Any required reimbursements from school districts for solvency assistance granted from appropriation item 200670, School District Solvency Assistance - Lottery, shall be made to Fund 7018.

Section 265.323. FOUNDATION FUNDING AND STUDENT WELLNESS AND SUCCESS

(A)(1) Of the foregoing appropriation item 200604, Foundation Funding - All Students, \$350,000,000 in fiscal year 2022 and \$300,000,000 in fiscal year 2023 shall be used to distribute the amounts calculated for student wellness and success funds under sections 3317.0219, 3317.0220, 3317.0221, and 3317.163 of the Revised Code.

(2) Notwithstanding section 3317.0219 of the Revised Code, when calculating payments for a city, local, or exempted village school district for fiscal year 2022 under that section, the Department of Education shall use the district's enrolled ADM, as that term is defined in section 3317.0219 of the Revised Code, for fiscal year 2022.

Notwithstanding sections 3317.0220, 3317.0221, and 3317.163

of the Revised Code, when calculating payments for a joint 79517
vocational school district, community school, or STEM school for 79518
fiscal year 2022, the Department shall use the number of students 79519
enrolled in the school for fiscal year 2022 on a full-time 79520
equivalency basis. Additionally, notwithstanding those sections, 79521
for the purpose of calculating student wellness and success 79522
enhancement funds for a joint vocational school district, 79523
community school, or STEM school for fiscal year 2022 under 79524
division (D) of section 3317.0220 of the Revised Code, division 79525
(C) of section 3317.0221 of the Revised Code, or division (C) of 79526
section 3317.163 of the Revised Code, the Department shall use the 79527
enrolled ADM of students' resident districts for fiscal year 2022. 79528

(3) If a district or school spends student wellness and 79529
success funds it received for fiscal year 2020 or fiscal year 2021 79530
on or after the date on which the amendments to section 3317.26 of 79531
the Revised Code by this act take effect, those funds shall be 79532
spent in accordance with that section as amended. 79533

(4) For fiscal years 2022 and 2023, the Department shall 79534
distribute any funds remaining in the amounts allocated under 79535
division (A)(1) of this section through a methodology determined 79536
by the Department in consultation with the Office of Budget and 79537
Management not later than the twenty-eighth day of February of 79538
that fiscal year. 79539

(B) The remainder of the foregoing appropriation item 200604, 79540
Foundation Funding - All Students, shall be used in conjunction 79541
with appropriation items 200550, Foundation Funding - All 79542
Students, and 200612, Foundation Funding - All Students, to 79543
distribute the amounts calculated for formula aid under the 79544
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 79545
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 79546
STATE SCHOLARSHIP PROGRAMS." 79547

Section 265.330. LOTTERY PROFITS EDUCATION FUND 79548

The foregoing appropriation item 200612, Foundation Funding - 79549
All Students, shall be used in conjunction with appropriation 79550
items 200550, Foundation Funding - All Students, and 200604, 79551
Foundation Funding - All Students, to distribute the amounts 79552
calculated for formula aid under the section of the act entitled 79553
"FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, 79554
COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS." 79555

The Department of Education, with the approval of the 79556
Director of Budget and Management, shall determine the monthly 79557
distribution schedules of appropriation item 200550, Foundation 79558
Funding - All Students, and appropriation item 200612, Foundation 79559
Funding - All Students. If adjustments to the monthly distribution 79560
schedule are necessary, the Department shall make such adjustments 79561
with the approval of the Director. 79562

Section 265.333. ACCELERATE GREAT SCHOOLS 79563

The foregoing appropriation item 200614, Accelerate Great 79564
Schools, shall be used to support the Accelerate Great Schools 79565
public-private partnership. 79566

LITERACY IMPROVEMENTS 79567

The foregoing appropriation item 200616, Literacy 79568
Improvement, shall be used to expand the Model Demonstration 79569
Project for Early Identification of Students with Dyslexia Grant. 79570
Under the expansion, the Superintendent of Public Instruction 79571
shall award grants to city, local, and exempted village school 79572
districts, community schools, STEM schools, or chartered nonpublic 79573
schools to support additional pilot programs to address the 79574
literacy needs of students in preschool through first grade. 79575
School districts or schools wishing to participate shall apply to 79576
the Superintendent of Public Instruction. The Superintendent shall 79577

select school districts and schools to participate according to 79578
criteria determined by the Superintendent. Participating school 79579
districts and schools shall receive professional learning and 79580
support for teachers and principals to improve their ability to 79581
provide instruction for children with dyslexia. Participating 79582
school districts and schools shall collaborate with the Department 79583
of Education to identify professional learning opportunities 79584
aligned to the science of reading. The Department may use up to 79585
ten per cent of the amount appropriated in each fiscal year for 79586
program administration and for support of districts and schools in 79587
identifying and serving students with dyslexia. 79588

As used in this section, "Model Demonstration Project for 79589
Early Identification of Students with Dyslexia Grant" means the 79590
grant awarded to Ohio by the U.S. Department of Education in 79591
October 2019 to improve the literacy of students with, or at risk 79592
for, dyslexia. 79593

Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT 79594

(A) The foregoing appropriation item 200631, Quality 79595
Community Schools Support, shall be used for the Quality Community 79596
School Support Program. Under the program, the Department of 79597
Education shall pay each community school established under 79598
Chapter 3314. of the Revised Code and designated as a Community 79599
School of Quality under this section an amount up to \$1,750 in 79600
each fiscal year for each pupil identified as economically 79601
disadvantaged and up to \$1,000 in each fiscal year for each pupil 79602
that is not identified as economically disadvantaged. The payment 79603
for the current fiscal year shall be calculated using the final 79604
adjusted full-time equivalent number of students enrolled in a 79605
community school for the prior fiscal year, except that if a 79606
school is in its first year of operation the payment for the 79607
current fiscal year shall be calculated using the adjusted 79608

full-time equivalent number of students enrolled in the school for 79609
the current fiscal year as of the date the payment is made, as 79610
reported by the school under section 3314.08 of the Revised Code. 79611
The Department shall make the payment to each Community School of 79612
Quality not later than January 31 of each fiscal year. If the 79613
amount appropriated is not sufficient, the Department shall 79614
prorate the amounts so that the aggregate amount appropriated is 79615
not exceeded. 79616

(B) To be designated as a Community School of Quality, a 79617
community school shall satisfy at least one of the following 79618
conditions: 79619

(1) The community school meets all of the following criteria: 79620

(a) The school's sponsor was rated "exemplary" or "effective" 79621
on the sponsor's most recent evaluation conducted under section 79622
3314.016 of the Revised Code. 79623

(b) The school received a higher performance index score than 79624
the school district in which the school is located on the two most 79625
recent report cards issued for the school under section 3302.03 of 79626
the Revised Code. 79627

(c) The school received an overall grade of "A" or "B" for 79628
the value-added progress dimension on the most recent report card 79629
issued for the school under section 3302.03 of the Revised Code or 79630
is a school described under division (A)(4) of section 3314.35 of 79631
the Revised Code and did not receive a grade for the value-added 79632
progress dimension on the most recent report card. 79633

(d) At least fifty per cent of the students enrolled in the 79634
school are economically disadvantaged, as determined by the 79635
Department. 79636

(2) The community school meets all of the following criteria: 79637

(a) The school's sponsor was rated "exemplary" or "effective" 79638

on the sponsor's most recent evaluation conducted under section 79639
3314.016 of the Revised Code. 79640

(b) The school is in its first year of operation or the 79641
school opened as a kindergarten school and has added one grade per 79642
year and has been in operation for less than four school years. 79643

(c) The school is replicating an operational and 79644
instructional model used by a community school described in 79645
division (B)(1) of this section. 79646

(d) If the school has an operator, the operator received a 79647
"C" or better on its most recent performance report published 79648
under section 3314.031 of the Revised Code. 79649

(3) The community school meets all of the following criteria: 79650

(a) The school's sponsor was rated "exemplary" or "effective" 79651
on the sponsor's most recent evaluation conducted under section 79652
3314.016 of the Revised Code. 79653

(b) The school contracts with an operator that operates 79654
schools in other states and meets at least one of the following 79655
criteria: 79656

(i) Has operated a school that received a grant funded 79657
through the federal Charter School Program established under 20 79658
U.S.C. 7221 within the five years prior to the date of application 79659
or received funding from the Charter School Growth Fund; 79660

(ii) Meets all of the following criteria: 79661

(I) One of the operator's schools in another state performed 79662
better than the school district in which the school is located, as 79663
determined by the Department. 79664

(II) At least fifty per cent of the total number of students 79665
enrolled in all of the operator's schools are economically 79666
disadvantaged, as determined by the Department. 79667

(III) The operator is in good standing in all states where it 79668

operates schools, as determined by the Department. 79669

(IV) The Department has determined that the operator does not 79670
have any financial viability issues that would prevent it from 79671
effectively operating a community school in Ohio. 79672

(c) The school is in its first year of operation. 79673

(C) A school designated as a Community School of Quality 79674
under division (B) of this section shall maintain that designation 79675
for the two fiscal years following the fiscal year in which the 79676
school was initially designated as a Community School of Quality. 79677

(D) A school designated a Community School of Quality may 79678
renew its designation each year that it satisfies the criteria 79679
under division (B)(1) of this section. The school shall maintain 79680
that designation for the two fiscal years following each fiscal 79681
year in which the criteria under division (B)(1) of this section 79682
are satisfied. This division applies to schools designated as a 79683
Community School of Quality based on the report cards issued in 79684
accordance with sections 3302.03 and 3314.012 of the Revised Code 79685
for the 2017-2018 and 2018-2019 school years. 79686

Section 265.340. COMMUNITY SCHOOL FACILITIES 79687

The foregoing appropriation item 200684, Community School 79688
Facilities, shall be used to pay each community school established 79689
under Chapter 3314. of the Revised Code and each STEM school 79690
established under Chapter 3326. of the Revised Code an amount 79691
equal to \$25 in each fiscal year for each full-time equivalent 79692
pupil in an internet- or computer-based community school and \$750 79693
in each fiscal year for each full-time equivalent pupil in all 79694
other community or STEM schools for assistance with the cost 79695
associated with facilities. If the amount appropriated is not 79696
sufficient, the Department shall prorate the amounts so that the 79697
aggregate amount appropriated is not exceeded. 79698

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND 79699

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund. 79700
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(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management shall transfer \$12,500,000 cash in fiscal year 2022 and \$45,000,000 cash in fiscal year 2023 from Fund 7018 to the Lottery Profits Education Fund (Fund 7017). The Director may transfer additional cash from Fund 7018 to Fund 7017 in fiscal year 2022 and fiscal year 2023. 79704
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(C) On July 15, 2021, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,260,200,000 in fiscal year 2021. 79710
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(D) On July 15, 2022, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,234,000,000 in fiscal year 2022. 79715
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(E) Notwithstanding any provision of law to the contrary, in fiscal year 2022 and fiscal year 2023, the Director of Budget and Management shall transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018. 79720
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Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING 79725

(A) As used in this section: 79726

(1) "High-performing educational service center" means an 79727

educational service center designated as such pursuant to rule 79728
3301-105-01 of the Administrative Code. 79729

(2) An educational service center's "student count" means the 79730
sum of the total student counts of all the school districts with 79731
which the educational service center has entered into an agreement 79732
under section 3313.843 of the Revised Code as reported on the 79733
report cards issued for each district under section 3302.03 of the 79734
Revised Code for the 2019-2020 school year. 79735

(B) The Department of Education shall pay the governing board 79736
of each educational service center state funds equal to its 79737
student count times the following amounts: 79738

(1) For each high-performing educational service center, \$28 79739
for fiscal year 2022, or \$29 for fiscal year 2023; 79740

(2) For each other educational service center, \$26 for fiscal 79741
year 2022, or \$27 for fiscal year 2023. 79742

(C) If the amount earmarked for the state reimbursement of 79743
educational service centers in appropriation item 200550, 79744
Foundation Funding, is not sufficient, the Department shall 79745
prorate the payment amounts so that the appropriation is not 79746
exceeded. 79747

(D) Notwithstanding any provision of law to the contrary, a 79748
school district that has not entered into an agreement for 79749
services with an educational service center as of June 30, 2021, 79750
shall be prohibited from entering into such an agreement during 79751
the period from July 1, 2021, through June 30, 2023. 79752

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 79753
ASSESSMENT OF EDUCATION PROGRESS 79754

The General Assembly intends for the Superintendent of Public 79755
Instruction to provide for school district participation in the 79756
administration of the National Assessment of Education Progress in 79757

accordance with section 3301.27 of the Revised Code. Each school 79758
and school district selected for participation by the 79759
Superintendent shall participate. 79760

Section 265.400. EARMARK ACCOUNTABILITY 79761

At the request of the Superintendent of Public Instruction, 79762
any entity that receives a budget earmark under the Department of 79763
Education shall submit annually to the chairpersons of the 79764
committees of the House of Representatives and the Senate 79765
primarily concerned with education and education funding and to 79766
the Department a report that includes a description of the 79767
services supported by the funds, a description of the results 79768
achieved by those services, an analysis of the effectiveness of 79769
the program, and an opinion as to the program's applicability to 79770
other school districts. For an earmarked entity that received 79771
state funds from an earmark in the prior fiscal year, no funds 79772
shall be provided by the Department to an earmarked entity for a 79773
fiscal year until its report for the prior fiscal year has been 79774
submitted. 79775

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 79776

A community school established under Chapter 3314. of the 79777
Revised Code that was open for operation as a community school as 79778
of May 1, 2005, may operate from or in any home, as defined in 79779
section 3313.64 of the Revised Code, located in the state, 79780
regardless of when the community school's operations from or in a 79781
particular home began. 79782

Section 265.420. USE OF VOLUNTEERS 79783

The Department of Education may utilize the services of 79784
volunteers to accomplish any of the purposes of the Department. 79785
The Superintendent of Public Instruction shall approve for what 79786

purposes volunteers may be used and for these purposes may 79787
recruit, train, and oversee the services of volunteers. The 79788
Superintendent may reimburse volunteers for necessary and 79789
appropriate expenses in accordance with state guidelines and may 79790
designate volunteers as state employees for the purpose of motor 79791
vehicle accident liability insurance under section 9.83 of the 79792
Revised Code, for immunity under section 9.86 of the Revised Code, 79793
and for indemnification from liability incurred in the performance 79794
of their duties under section 9.87 of the Revised Code. 79795

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 79796
REIMBURSEMENTS 79797

(A) Except as expressly required under a court judgment not 79798
subject to further appeals, or a settlement agreement with a 79799
school district executed on or before June 1, 2009, in the case of 79800
a school district for which the formula ADM for fiscal year 2005, 79801
as reported for that fiscal year under division (A) of section 79802
3317.03 of the Revised Code, was reduced based on enrollment 79803
reports for community schools, made under section 3314.08 of the 79804
Revised Code, regarding students entitled to attend school in the 79805
district, which reduction of formula ADM resulted in a reduction 79806
of foundation funding or transitional aid funding for fiscal year 79807
2005, 2006, or 2007, no school district, except a district named 79808
in the court's judgment or the settlement agreement, shall have a 79809
legal claim for reimbursement of the amount of such reduction in 79810
foundation funding or transitional aid funding, and the state 79811
shall not have liability for reimbursement of the amount of such 79812
reduction in foundation funding or transitional aid funding. 79813

(B) As used in this section: 79814

(1) "Community school" means a community school established 79815
under Chapter 3314. of the Revised Code. 79816

(2) "Entitled to attend school" means entitled to attend 79817

school in a school district under section 3313.64 or 3313.65 of 79818
the Revised Code. 79819

(3) "Foundation funding" means payments calculated for the 79820
respective fiscal year under Chapter 3317. of the Revised Code. 79821

(4) "Transitional aid funding" means payments calculated for 79822
the respective fiscal year under Section 41.37 of H.B. 95 of the 79823
125th General Assembly, as subsequently amended; Section 206.09.39 79824
of H.B. 66 of the 126th General Assembly, as subsequently amended; 79825
and Section 269.30.80 of H.B. 119 of the 127th General Assembly. 79826

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 79827

In collaboration with the County Family and Children First 79828
Council, a city, local, or exempted village school district, 79829
community school, STEM school, joint vocational school district, 79830
educational service center, or county board of developmental 79831
disabilities that receives allocations from the Department of 79832
Education from appropriation item 200550, Foundation Funding - All 79833
Students, or appropriation item 200540, Special Education 79834
Enhancements, may transfer portions of those allocations to a 79835
flexible funding pool authorized by the section of this act 79836
entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 79837
Allocations used for maintenance of effort or for federal or state 79838
funding matching requirements shall not be transferred unless the 79839
allocation may still be used to meet such requirements. 79840

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 79841

(A) As used in this section: 79842

(1) The following are "participating residential treatment 79843
centers": 79844

(a) Private residential treatment facilities that have 79845
entered into a contract with the Department of Youth Services to 79846

provide services to children placed at the facility by the 79847
Department and which, in fiscal year 2022 or fiscal year 2023 or 79848
both, the Department pays through appropriation item 470401, 79849
RECLAIM Ohio; 79850

(b) Abraxas, in Shelby; 79851

(c) Paint Creek, in Bainbridge; 79852

(d) F.I.R.S.T., in Mansfield. 79853

(2) "Education program" means an elementary or secondary 79854
education program or a special education program and related 79855
services. 79856

(3) "Served child" means any child receiving an education 79857
program pursuant to division (B) of this section. 79858

(4) "School district responsible for tuition" means a city, 79859
exempted village, or local school district that, if tuition 79860
payment for a child by a school district is required under law 79861
that existed in fiscal year 1998, is the school district required 79862
to pay that tuition. 79863

(5) "Residential child" means a child who resides in a 79864
participating residential treatment center and who is receiving an 79865
educational program under division (B) of this section. 79866

(B) A youth who is a resident of the state and has been 79867
assigned by a juvenile court or other authorized agency to a 79868
residential treatment facility specified in division (A) of this 79869
section shall be enrolled in an approved educational program 79870
located in or near the facility. Approval of the educational 79871
program shall be contingent upon compliance with the criteria 79872
established for such programs by the Department of Education. The 79873
educational program shall be provided by a school district or 79874
educational service center, or by the residential facility itself. 79875
Maximum flexibility shall be given to the residential treatment 79876

facility to determine the provider. In the event that a voluntary 79877
agreement cannot be reached and the residential facility does not 79878
choose to provide the educational program, the educational service 79879
center in the county in which the facility is located shall 79880
provide the educational program at the treatment center to 79881
children under twenty-two years of age residing in the treatment 79882
center. 79883

(C) Any school district responsible for tuition for a 79884
residential child shall, notwithstanding any conflicting provision 79885
of the Revised Code regarding tuition payment, pay tuition for the 79886
child for fiscal year 2022 and fiscal year 2023 to the education 79887
program provider and in the amount specified in this division. If 79888
there is no school district responsible for tuition for a 79889
residential child and if the participating residential treatment 79890
center to which the child is assigned is located in the city,
exempted village, or local school district that, if the child were 79891
not a resident of that treatment center, would be the school 79892
district where the child is entitled to attend school under 79893
sections 3313.64 and 3313.65 of the Revised Code, that school 79894
district, notwithstanding any conflicting provision of the Revised 79895
Code, shall pay tuition for the child for fiscal year 2022 and 79896
fiscal year 2023 under this division unless that school district 79897
is providing the educational program to the child under division 79898
(B) of this section. 79899
79900

A tuition payment under this division shall be made to the 79901
school district, educational service center, or residential 79902
treatment facility providing the educational program to the child. 79903

The amount of tuition paid shall be: 79904

(1) The amount of tuition determined for the district under 79905
division (A) of section 3317.08 of the Revised Code; 79906

(2) In addition, for any student receiving special education 79907

pursuant to an individualized education program as defined in 79908
section 3323.01 of the Revised Code, a payment for excess costs. 79909
This payment shall equal the actual cost to the school district, 79910
educational service center, or residential treatment facility of 79911
providing special education and related services to the student 79912
pursuant to the student's individualized education program, minus 79913
the tuition paid for the child under division (C)(1) of this 79914
section. 79915

A school district paying tuition under this division shall 79916
not include the child for whom tuition is paid in the district's 79917
average daily membership certified under division (A) of section 79918
3317.03 of the Revised Code. 79919

(D) In each of fiscal years 2022 and 2023, the Department of 79920
Education shall reimburse, from appropriations made for the 79921
purpose, a school district, educational service center, or 79922
residential treatment facility, whichever is providing the 79923
service, that has demonstrated that it is in compliance with the 79924
funding criteria for each served child for whom a school district 79925
must pay tuition under division (C) of this section. The amount of 79926
the reimbursement shall be the amount appropriated for this 79927
purpose divided by the full-time equivalent number of children for 79928
whom reimbursement is to be made. 79929

(E) Funds provided to a school district, educational service 79930
center, or residential treatment facility under this section shall 79931
be used to supplement, not supplant, funds from other public 79932
sources for which the school district, service center, or 79933
residential treatment facility is entitled or eligible. 79934

(F) The Department of Education shall track the utilization 79935
of funds provided to school districts, educational service 79936
centers, and residential treatment facilities under this section 79937
and monitor the effect of the funding on the educational programs 79938
they provide in participating residential treatment facilities. 79939

The Department shall monitor the programs for educational 79940
accountability. 79941

Section 265.490. Upon receipt of federal funds under Title 79942
IV, Part A, Student Support and Academic Enrichment Grants, and 79943
after payments are made pursuant to education programs included in 79944
this block grant program, the Department shall direct any unused 79945
funds to cover all or part of the cost of Advanced Placement tests 79946
and International Baccalaureate registration and exam fees for 79947
low-income students. 79948

Section 265.520. (A) Notwithstanding anything in the Revised 79949
Code to the contrary, the Superintendent of Public Instruction 79950
shall not establish any new academic distress commissions for the 79951
2021-2022 and 2022-2023 school years. 79952

(B) This section does not affect an academic distress 79953
commission established prior to the effective date of this 79954
section. 79955

Section 267.10. ELC OHIO ELECTIONS COMMISSION 79956

General Revenue Fund 79957

GRF 051321	Operating Expenses	\$	394,765	\$	394,765	79958
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TOTAL GRF	General Revenue Fund	\$	394,765	\$	394,765	79959
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Dedicated Purpose Fund Group 79960

4P20 051601	Operating Support	\$	207,460	\$	207,460	79961
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TOTAL DPF	Dedicated Purpose Fund	\$	207,460	\$	207,460	79962
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	602,225	\$	602,225	79963
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Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 79965

DIRECTORS 79966

General Revenue Fund 79967

GRF 881500	Indigent Burial and Cremation Support	\$ 1,000,000	\$ 1,000,000	79968
TOTAL GRF	General Revenue Fund	\$ 1,000,000	\$ 1,000,000	79969
Dedicated Purpose Fund Group				79970
4K90 881609	Operating Expenses	\$ 1,130,516	\$ 1,171,398	79971
TOTAL DPF	Dedicated Purpose Fund Group	\$ 1,130,516	\$ 1,171,398	79972
TOTAL ALL BUDGET FUND GROUPS		\$ 2,130,516	\$ 2,171,398	79973

Section 271.10. PAY EMPLOYEE BENEFITS FUND 79975

Fiduciary Fund Group				79976
1240 995673	Payroll Deductions	\$ 849,020,267	\$ 874,490,874	79977
8060 995666	Accrued Leave Fund	\$ 90,830,634	\$ 93,990,898	79978
8070 995667	Disability Fund	\$ 25,839,844	\$ 26,225,104	79979
8080 995668	State Employee Health Benefit Fund	\$ 989,360,954	\$ 1,023,563,551	79980
8090 995669	Dependent Care Spending Account	\$ 4,477,000	\$ 4,477,000	79981
8100 995670	Life Insurance Investment Fund	\$ 2,050,085	\$ 2,118,913	79982
8110 995671	Parental Leave Benefit Fund	\$ 4,432,933	\$ 4,565,921	79983
8130 995672	Health Care Spending Account	\$ 14,397,032	\$ 14,798,897	79984
TOTAL FID	Fiduciary Fund Group	\$ 1,980,408,749	\$ 2,044,231,158	79985
TOTAL ALL BUDGET FUND GROUPS		\$ 1,980,408,749	\$ 2,044,231,158	79986

Section 271.20. PAYROLL DEDUCTION FUND 79988

The foregoing appropriation item 995673, Payroll Deductions, 79989
shall be used to make payments from the Payroll Deduction Fund 79990
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 79991
is determined by the Director of Budget and Management that 79992

additional amounts are necessary, the amounts are hereby 79993
appropriated. 79994

ACCRUED LEAVE LIABILITY FUND 79995

The foregoing appropriation item 995666, Accrued Leave Fund, 79996
shall be used to make payments from the Accrued Leave Liability 79997
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 79998
If it is determined by the Director of Budget and Management that 79999
additional amounts are necessary, the amounts are hereby 80000
appropriated. 80001

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 80002

The foregoing appropriation item 995667, Disability Fund, 80003
shall be used to make payments from the State Employee Disability 80004
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 80005
Revised Code. If it is determined by the Director of Budget and 80006
Management that additional amounts are necessary, the amounts are 80007
hereby appropriated. 80008

STATE EMPLOYEE HEALTH BENEFIT FUND 80009

The foregoing appropriation item 995668, State Employee 80010
Health Benefit Fund, shall be used to make payments from the State 80011
Employee Health Benefit Fund (Fund 8080) pursuant to section 80012
124.87 of the Revised Code. If it is determined by the Director of 80013
Budget and Management that additional amounts are necessary, the 80014
amounts are hereby appropriated. 80015

DEPENDENT CARE SPENDING FUND 80016

The foregoing appropriation item 995669, Dependent Care 80017
Spending Account, shall be used to make payments from the 80018
Dependent Care Spending Fund (Fund 8090) to employees eligible for 80019
dependent care expenses pursuant to section 124.822 of the Revised 80020
Code. If it is determined by the Director of Budget and Management 80021
that additional amounts are necessary, the amounts are hereby 80022

appropriated.				80023
LIFE INSURANCE INVESTMENT FUND				80024
The foregoing appropriation item 995670, Life Insurance				80025
Investment Fund, shall be used to make payments from the Life				80026
Insurance Investment Fund (Fund 8100) for the costs and expenses				80027
of the state's life insurance benefit program pursuant to section				80028
125.212 of the Revised Code. If it is determined by the Director				80029
of Budget and Management that additional amounts are necessary,				80030
the amounts are hereby appropriated.				80031
PARENTAL LEAVE BENEFIT FUND				80032
The foregoing appropriation item 995671, Parental Leave				80033
Benefit Fund, shall be used to make payments from the Parental				80034
Leave Benefit Fund (Fund 8110) to employees eligible for parental				80035
leave benefits pursuant to section 124.137 of the Revised Code. If				80036
it is determined by the Director of Budget and Management that				80037
additional amounts are necessary, the amounts are hereby				80038
appropriated.				80039
HEALTH CARE SPENDING ACCOUNT FUND				80040
The foregoing appropriation item 995672, Health Care Spending				80041
Account, shall be used to make payments from the Health Care				80042
Spending Account Fund (Fund 8130) for payments pursuant to state				80043
employees' participation in a flexible spending account for				80044
non-reimbursed health care expenses and section 124.821 of the				80045
Revised Code. If it is determined by the Director of Budget and				80046
Management that additional amounts are necessary, the amounts are				80047
hereby appropriated.				80048
Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD				80049
General Revenue Fund				80050
GRF 125321 Operating Expenses	\$	4,111,118	\$	4,216,551
TOTAL GRF General Revenue Fund	\$	4,111,118	\$	4,216,551

Dedicated Purpose Fund Group					80053
5720 125603 Training and Publications	\$	172,160	\$	242,173	80054
TOTAL DPF Dedicated Purpose Fund Group	\$	172,160	\$	242,173	80055
TOTAL ALL BUDGET FUND GROUPS	\$	4,283,278	\$	4,458,724	80056

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 80058

Dedicated Purpose Fund Group					80059
4K90 892609 Operating Expenses	\$	1,312,259	\$	1,312,259	80060
TOTAL DPF Dedicated Purpose Fund Group	\$	1,312,259	\$	1,312,259	80061
TOTAL ALL BUDGET FUND GROUPS	\$	1,312,259	\$	1,312,259	80062

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 80064

General Revenue Fund					80065
GRF 715502 Auto Emissions E-Check Program	\$	9,125,482	\$	9,125,482	80066
TOTAL GRF General Revenue Fund	\$	9,125,482	\$	9,125,482	80067
Dedicated Purpose Fund Group					80068
4D50 715618 Recycled State Materials	\$	50,000	\$	50,000	80069
4J00 715638 Underground Injection Control	\$	456,891	\$	464,794	80070
4K20 715648 Clean Air - Non Title V	\$	5,317,000	\$	5,317,000	80071
4K30 715649 Solid Waste	\$	15,604,074	\$	16,603,928	80072
4K40 715650 Surface Water Protection	\$	11,375,000	\$	11,565,000	80073
4K50 715651 Drinking Water Protection	\$	7,751,598	\$	8,429,640	80074
4P50 715654 Cozart Landfill	\$	10,000	\$	10,000	80075

4R50	715656	Scrap Tire Management	\$	3,410,366	\$	3,570,259	80076
4R90	715658	Voluntary Action Program	\$	1,074,027	\$	1,089,245	80077
4T30	715659	Clean Air - Title V Permit Program	\$	10,274,000	\$	10,284,000	80078
5000	715608	Immediate Removal Special Account	\$	722,000	\$	722,000	80079
5030	715621	Hazardous Waste Facility Management	\$	4,755,552	\$	5,125,120	80080
5050	715623	Hazardous Waste Cleanup	\$	10,557,535	\$	11,017,788	80081
5050	715698	Response and Investigations	\$	3,380,000	\$	3,450,000	80082
5320	715646	Recycling and Litter Control	\$	4,598,000	\$	4,598,000	80083
5410	715670	Site Specific Cleanup	\$	771,192	\$	771,192	80084
5420	715671	Risk Management Reporting	\$	210,000	\$	210,000	80085
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	80086
5BC0	715622	Local Air Pollution Control	\$	2,100,000	\$	2,100,000	80087
5BC0	715624	Surface Water	\$	6,606,600	\$	6,606,600	80088
5BC0	715672	Air Pollution Control	\$	8,647,800	\$	8,647,800	80089
5BC0	715673	Drinking and Ground Water	\$	3,769,815	\$	3,769,815	80090
5BC0	715676	Assistance and Prevention	\$	1,968,750	\$	1,968,750	80091
5BC0	715677	Laboratory	\$	3,495,450	\$	3,495,450	80092
5BC0	715678	Corrective Actions	\$	1,176,000	\$	1,176,000	80093
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	80094
5BC0	715692	Administration	\$	16,213,250	\$	15,923,250	80095

5BC0	715694	Environmental Resource Coordination	\$	788,000	\$	793,000	80096
5BT0	715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000	80097
5BY0	715681	Auto Emissions Test	\$	2,670,826	\$	2,694,826	80098
5H40	715664	Groundwater Support	\$	332,000	\$	332,000	80099
5PZ0	715696	Drinking Water Loan Fee	\$	2,081,245	\$	2,088,650	80100
5VA0	715601	Marsh Restoration	\$	750,000	\$	750,000	80101
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	80102
6440	715631	Emergency Response Radiological Safety	\$	325,370	\$	332,287	80103
6760	715642	Water Pollution Control Loan Administration	\$	5,055,000	\$	5,455,000	80104
6760	715699	Water Quality Administration	\$	4,100,000	\$	4,223,000	80105
6780	715635	Air Toxic Release	\$	20,000	\$	0	80106
6790	715636	Emergency Planning	\$	2,864,000	\$	2,864,000	80107
6960	715643	Air Pollution Control Administration	\$	1,002,000	\$	1,002,000	80108
6990	715644	Water Pollution Control Administration	\$	300,000	\$	300,000	80109
6A10	715645	Environmental Education	\$	300,000	\$	300,000	80110
6H20	715695	H2Ohio	\$	10,000,000	\$	10,000,000	80111
TOTAL	DPF	Dedicated Purpose Fund Group	\$	157,058,341	\$	160,275,394	80112
Internal	Service	Activity Fund Group					80113
1990	715602	Laboratory Services	\$	533,000	\$	533,000	80114
2190	715604	Central Support	\$	8,075,000	\$	8,675,000	80115

		Indirect				
4A10	715640	Operating Expenses	\$	1,418,000	\$	1,443,000 80116
TOTAL ISA		Internal Service Activity	\$	10,026,000	\$	10,651,000 80117
Fund Group						
Federal Fund Group						80118
3530	715612	Public Water Supply	\$	2,150,000	\$	2,150,000 80119
3570	715619	Air Pollution Control	\$	6,115,000	\$	6,115,000 80120
- Federal						
3620	715605	Underground Injection	\$	133,000	\$	133,000 80121
Control - Federal						
3BU0	715684	Water Quality	\$	15,570,000	\$	15,625,000 80122
Protection						
3CS0	715688	Federal NRD	\$	201,000	\$	201,000 80123
Settlements						
3F30	715632	Federally Supported	\$	8,137,195	\$	8,218,775 80124
Cleanup and Response						
3HE0	715697	Volkswagen Clean Air	\$	10,766,500	\$	5,876,500 80125
Act Settlement						
3T30	715669	Drinking Water State	\$	3,141,500	\$	3,148,130 80126
Revolving Fund						
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000 80127
TOTAL FED		Federal Fund Group	\$	46,914,195	\$	42,167,405 80128
TOTAL ALL		BUDGET FUND GROUPS	\$	223,124,018	\$	222,219,281 80129

Section 277.20. CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND 80131
FROM THE SCRAP TIRE MANAGEMENT FUND 80132

The Director of Budget and Management, at the request of the 80133
Director of Environmental Protection, and upon approval by the 80134
Controlling Board, may transfer up to \$2,700,000 cash in each 80135
fiscal year from the Scrap Tire Management Fund (Fund 4R50) to the 80136
Auto Emissions Test Fund (Fund 5BY0). 80137

AREAWIDE PLANNING AGENCIES 80138

The Director of Environmental Protection may award grants 80139
from appropriation item 715687, Areawide Planning Agencies, to 80140
areawide planning agencies engaged in areawide water quality 80141
management and planning activities in accordance with Section 208 80142
of the "Federal Clean Water Act," 33 U.S.C. 1288. 80143

H2OHIO FUND 80144

On July 1, 2022, or as soon as possible thereafter, the 80145
Director of Environmental Protection may certify to the Director 80146
of Budget and Management an amount up to the unexpended, 80147
unencumbered balance of the foregoing appropriation item, 715695, 80148
H2Ohio, at the end of fiscal year 2022 to be reappropriated in 80149
fiscal year 2023. Upon Controlling Board approval, the amount 80150
certified is hereby reappropriated to the same appropriation item 80151
for fiscal year 2023. 80152

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 80153

General Revenue Fund 80154

GRF 172321	Operating Expenses	\$	651,000	\$	651,000	80155
TOTAL GRF	General Revenue Fund	\$	651,000	\$	651,000	80156
TOTAL ALL BUDGET FUND GROUPS		\$	651,000	\$	651,000	80157

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 80159

General Revenue Fund 80160

GRF 935401	Statehouse News	\$	382,893	\$	382,893	80161
	Bureau					
GRF 935402	Ohio Government	\$	1,919,526	\$	1,919,526	80162
	Telecommunications					
	Services					
GRF 935410	Content Development,	\$	3,909,231	\$	3,909,231	80163
	Acquisition, and					
	Distribution					
GRF 935430	Broadcast Education	\$	3,812,325	\$	3,840,067	80164

Operating

TOTAL GRF General Revenue Fund	\$	10,023,975	\$	10,051,717	80165
Dedicated Purpose Fund Group					80166
5FK0 935608 Media Services	\$	61,500	\$	61,500	80167
5VB0 935650 Facility Rental	\$	22,400	\$	23,600	80168
TOTAL DPF Dedicated Purpose Fund	\$	83,900	\$	85,100	80169
Internal Service Activity Fund Group					80170
4F30 935603 Affiliate Services	\$	4,000	\$	4,400	80171
TOTAL ISA Internal Service Activity	\$	4,000	\$	4,400	80172
Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	10,111,875	\$	10,141,217	80173

Section 281.20. STATEHOUSE NEWS BUREAU 80175

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 80176
80177
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 80179

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 80180
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 80187

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. 80188
80189
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Of the foregoing appropriation item 935410, Content 80193

Development, Acquisition, and Distribution, up to \$964,496 in each 80194
fiscal year shall be allocated equally among the Ohio educational 80195
television stations. Funds shall be used for the production of 80196
interactive instructional programming series with priority given 80197
to resources aligned with state academic content standards. The 80198
programming shall be targeted to the needs of the one-third lowest 80199
capacity school districts as determined by the district's state 80200
share index calculated by the Department of Education. 80201

Of the foregoing appropriation item 935410, Content 80202
Development, Acquisition, and Distribution, up to \$2,650,261 in 80203
each fiscal year shall be distributed by the Broadcast Educational 80204
Media Commission to Ohio's qualified public educational television 80205
stations and educational radio stations to support their 80206
operations. The funds shall be distributed pursuant to an 80207
allocation formula used by the Ohio Educational Telecommunications 80208
Network Commission unless a substitute formula is developed by the 80209
Broadcast Educational Media Commission in consultation with Ohio's 80210
qualified public educational television stations and educational 80211
radio stations. 80212

Of the foregoing appropriation item 935410, Content 80213
Development, Acquisition, and Distribution, up to \$294,474 in each 80214
fiscal year shall be distributed by the Broadcast Educational 80215
Media Commission to Ohio's qualified radio reading services to 80216
support their operations. The funds shall be distributed pursuant 80217
to an allocation formula used by the Ohio Educational 80218
Telecommunications Network Commission unless a substitute formula 80219
is developed by the Broadcast Educational Media Commission in 80220
consultation with Ohio's qualified radio reading services. 80221

Section 283.10. ETH OHIO ETHICS COMMISSION 80222

General Revenue Fund 80223

GRF 146321 Operating Expenses \$ 2,120,515 \$ 2,120,515 80224

TOTAL GRF General Revenue Fund	\$	2,120,515	\$	2,120,515	80225
Dedicated Purpose Fund Group					80226
4M60 146601 Operating Support	\$	585,539	\$	645,443	80227
TOTAL DPF Dedicated Purpose Fund Group	\$	585,539	\$	645,443	80228
TOTAL ALL BUDGET FUND GROUPS	\$	2,706,054	\$	2,765,958	80229

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 80231

General Revenue Fund					80232
GRF 723403 Junior Fair Subsidy	\$	261,900	\$	363,750	80233
TOTAL GRF General Revenue Fund	\$	261,900	\$	363,750	80234
Dedicated Purpose Fund Group					80235
4N20 723602 Ohio State Fair	\$	325,000	\$	325,000	80236
Harness Racing					
5060 723601 Operating Expenses	\$	15,179,189	\$	15,953,148	80237
5060 723604 Grounds Maintenance and Repairs	\$	300,000	\$	300,000	80238
TOTAL DPF Dedicated Purpose Fund Group	\$	15,804,189	\$	16,578,148	80239
TOTAL ALL BUDGET FUND GROUPS	\$	16,066,089	\$	16,941,898	80240

STATE FAIR RESERVE 80241

The General Manager of the Expositions Commission, in 80242
consultation with the Director of Budget and Management, may 80243
submit a request to the Controlling Board to use available amounts 80244
in the State Fair Reserve Fund (Fund 6400) if revenues from either 80245
the 2021 or the 2022 Ohio State Fair are unexpectedly low. 80246

On July 1 of each fiscal year, or as soon as possible 80247
thereafter, the Director of Budget and Management, in consultation 80248
with the General Manager of the Expositions Commission, may 80249
determine that the Ohio Expositions Fund (Fund 5060) has a cash 80250
balance in excess of the anticipated operating costs of the 80251

Exposition Commission in that fiscal year. Notwithstanding section 80252
991.04 of the Revised Code, the Director of Budget and Management 80253
may transfer an amount up to the excess cash from Fund 5060 to 80254
Fund 6400 in each fiscal year. 80255

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 80256

General Revenue Fund 80257

GRF 230321 Operating Expenses \$ 6,449,865 \$ 6,769,488 80258

GRF 230401 Cultural Facilities \$ 22,000,000 \$ 28,000,000 80259

Lease Rental Bond

Payments

GRF 230458 State Construction \$ 1,924,111 \$ 1,962,955 80260

Management Services

GRF 230908 Common Schools \$ 427,000,000 \$ 390,000,000 80261

General Obligation

Bond Debt Service

TOTAL GRF General Revenue Fund \$ 457,373,976 \$ 426,732,443 80262

Internal Service Activity Fund Group 80263

1310 230639 State Construction \$ 8,257,500 \$ 8,546,513 80264

Management Services

TOTAL ISA Internal Service Activity \$ 8,257,500 \$ 8,546,513 80265

Fund

TOTAL ALL BUDGET FUND GROUPS \$ 465,631,476 \$ 435,278,956 80266

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 80268

PAYMENTS 80269

The foregoing appropriation item 230401, Cultural Facilities 80270

Lease Rental Bond Payments, shall be used to meet all payments 80271

during the period from July 1, 2021, through June 30, 2023, by the 80272

Ohio Facilities Construction Commission pursuant to leases and 80273

agreements for cultural and sports facilities made under section 80274

154.23 of the Revised Code. These appropriations are the source of 80275

funds pledged for bond service charges on related obligations	80276
issued under Chapter 154. of the Revised Code.	80277
COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE	80278
The foregoing appropriation item 230908, Common Schools	80279
General Obligation Bond Debt Service, shall be used to pay all	80280
debt service and related financing costs during the period from	80281
July 1, 2021, through June 30, 2023, on obligations issued under	80282
sections 151.01 and 151.03 of the Revised Code.	80283
Section 287.30. COMMUNITY PROJECT ADMINISTRATION	80284
The foregoing appropriation item 230458, State Construction	80285
Management Services, shall be used by the Ohio Facilities	80286
Construction Commission in administering Cultural and Sports	80287
Facilities Building Fund (Fund 7030) projects pursuant to section	80288
123.201 of the Revised Code and to provide tools and services to	80289
state agency, university, and K-12 public school projects,	80290
including oversight of the Ohio Administrative Knowledge System	80291
Capital Improvements Module (OAKS-CI).	80292
SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION	80293
At the request of the Executive Director of the Ohio	80294
Facilities Construction Commission, the Director of Budget and	80295
Management may cancel encumbrances for school district projects	80296
from a previous biennium if the district has not raised its local	80297
share of project costs within thirteen months of receiving	80298
Controlling Board approval under section 3318.05 or 3318.41 of the	80299
Revised Code. The Executive Director of the Ohio Facilities	80300
Construction Commission shall certify the amounts of the canceled	80301
encumbrances to the Director of Budget and Management on a	80302
quarterly basis. The amounts of the canceled encumbrances are	80303
hereby appropriated.	80304
Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND	80305

APPROPRIATIONS 80306

On July 1, 2021, or as soon as possible thereafter, the 80307
Executive Director of the Ohio Facilities Construction Commission 80308
shall certify to the Director of Budget and Management the amount 80309
of cash receipts and related investment income, irrevocable 80310
letters of credit from a bank, or certification of the 80311
availability of funds that have been received from a county or a 80312
municipal corporation for deposit into the Capital Donations Fund 80313
(Fund 5A10) and that are related to an anticipated project. These 80314
amounts are hereby appropriated to appropriation item C37146, 80315
Capital Donations. Prior to certifying these amounts to the 80316
Director, the Executive Director shall make a written agreement 80317
with the participating entity on the necessary cash flows required 80318
for the anticipated construction or equipment acquisition project. 80319

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 80320
MAINTENANCE LEVY 80321

The Ohio Facilities Construction Commission shall amend the 80322
project agreement between the Commission and a school district 80323
that is participating in the Accelerated Urban School Building 80324
Assistance Program as of September 29, 2018, if the Commission 80325
determines that it is necessary to do so in order to comply with 80326
division (B)(3)(c) of section 3318.38 of the Revised Code. 80327

Section 287.60. Notwithstanding any other provision of law to 80328
the contrary, the Ohio Facilities Construction Commission may 80329
determine the amount of funding available for disbursement in a 80330
given fiscal year for any project approved under sections 3318.01 80331
to 3318.20 of the Revised Code in order to keep aggregate state 80332
capital spending within approved limits and may take actions 80333
including, but not limited to, determining the schedule for design 80334
or bidding of approved projects, to ensure appropriate and 80335

supportable cash flow. 80336

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 80337
DISTRICT 80338

Notwithstanding division (B) of section 3318.40 of the 80339
Revised Code, in each fiscal year in which funds are available for 80340
additional projects, the Ohio Facilities Construction Commission 80341
shall provide assistance to at least one joint vocational school 80342
district for the acquisition or improvement of classroom 80343
facilities in accordance with sections 3318.40 to 3318.45 of the 80344
Revised Code. 80345

Section 287.80. RETURNED OR RECOVERED FUNDS 80346

Notwithstanding any provision of law to the contrary, any 80347
moneys a school district transfers to the Ohio Facilities 80348
Construction Commission under division (C)(2) or (3) of section 80349
3318.12 of the Revised Code as well as any moneys recovered from 80350
settlements with or judgments against parties relating to their 80351
involvement in a classroom facilities project shall be deposited 80352
into the fund from which the capital appropriation for the project 80353
was made. In any fiscal year in which the Commission has made a 80354
deposit under this section, the Executive Director of the Ohio 80355
Facilities Construction Commission may seek Controlling Board 80356
approval to increase appropriations from those funds and specified 80357
appropriation items in an amount equal to the amount of the funds 80358
deposited under this section. The additional amounts, if approved, 80359
shall be used in accordance with the purposes of Chapter 3318. of 80360
the Revised Code for projects pursuant to sections 3318.01 to 80361
3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon 80362
approval of the Controlling Board, the additional amounts are 80363
hereby appropriated. 80364

Section 289.10. GOV OFFICE OF THE GOVERNOR				80365
General Revenue Fund				80366
GRF 040321	Operating Expenses	\$ 2,973,034	\$ 2,973,034	80367
TOTAL GRF General Revenue Fund				80368
Internal Service Activity Fund Group				80369
5AK0 040607	Government Relations	\$ 619,988	\$ 619,988	80370
TOTAL ISA Internal Service Activity				80371
Fund Group				80372
TOTAL ALL BUDGET FUND GROUPS				80373
GOVERNMENT RELATIONS				80374
The Office of the Governor may issue an intrastate transfer				80375
voucher to charge any state agency of the executive branch such				80376
amounts necessary to represent the interests of Ohio to federal,				80377
state, and local government units and to cover the costs or				80378
membership dues related to Ohio's participation in national and				80379
regional associations. Amounts collected shall be deposited in the				80380
Government Relations Fund (Fund 5AK0).				80381
Section 291.10. DOH DEPARTMENT OF HEALTH				80382
General Revenue Fund				80383
GRF 440413	Local Health	\$ 2,379,808	\$ 2,379,808	80384
Departments				
GRF 440416	Mothers and Children	\$ 4,303,612	\$ 4,303,612	80385
Safety Net Services				
GRF 440431	Free Clinic Safety Net	\$ 1,500,000	\$ 1,500,000	80386
Services				
GRF 440438	Breast and Cervical	\$ 1,021,131	\$ 1,021,131	80387
Cancer Screening				
GRF 440444	AIDS Prevention	\$ 3,493,468	\$ 3,493,468	80388
GRF 440451	Public Health	\$ 3,672,005	\$ 3,672,005	80389
Laboratory				

GRF 440452	Child and Family Health Services Match	\$	589,482	\$	589,482	80390
GRF 440453	Health Care Quality Assurance	\$	6,084,936	\$	6,084,936	80391
GRF 440454	Environmental Health/Radiation Protection	\$	2,779,841	\$	2,779,841	80392
GRF 440459	Help Me Grow	\$	41,242,281	\$	41,242,281	80393
GRF 440465	FQHC Primary Care Workforce Initiative	\$	2,686,688	\$	2,686,688	80394
GRF 440472	Alcohol Testing	\$	1,210,805	\$	1,210,805	80395
GRF 440474	Infant Vitality	\$	17,637,292	\$	12,137,292	80396
GRF 440477	Emergency Preparedness and Response	\$	1,431,954	\$	1,431,954	80397
GRF 440481	Lupus Awareness	\$	210,000	\$	210,000	80398
GRF 440482	Chronic Disease, Injury Prevention and Drug Overdose	\$	8,148,480	\$	7,898,480	80399
GRF 440483	Infectious Disease Prevention and Control	\$	4,522,054	\$	4,522,054	80400
GRF 440484	Public Health Technology Innovation	\$	1,313,760	\$	1,313,760	80401
GRF 440505	Medically Handicapped Children	\$	11,762,451	\$	11,762,451	80402
GRF 440507	Targeted Health Care Services-Over 21	\$	2,000,000	\$	2,000,000	80403
GRF 440527	Lead Abatement	\$	6,500,000	\$	6,500,000	80404
GRF 440529	Harm Reduction	\$	50,000	\$	50,000	80405
GRF 440530	Lead-Safe Home Fund Pilot Program	\$	1,000,000	\$	1,000,000	80406
GRF 440672	Youth Homelessness	\$	3,400,000	\$	3,400,000	80407
GRF 654453	Medicaid - Health Care Quality Assurance	\$	4,246,250	\$	4,246,250	80408

TOTAL GRF General Revenue Fund	\$	133,186,298	\$	127,436,298	80409
Highway Safety Fund Group					80410
4T40 440603 Child Highway Safety	\$	200,000	\$	200,000	80411
TOTAL HSF Highway Safety Fund Group	\$	200,000	\$	200,000	80412
Dedicated Purpose Fund Group					80413
4700 440647 Fee Supported Programs	\$	29,178,120	\$	29,178,120	80414
4710 440619 Certificate of Need	\$	878,433	\$	878,433	80415
4730 440622 Lab Operating Expenses	\$	8,900,000	\$	8,900,000	80416
4770 440627 Medically Handicapped Children Audit	\$	5,000,000	\$	5,000,000	80417
4D60 440608 Genetics Services	\$	3,311,039	\$	3,311,039	80418
4F90 440610 Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	80419
4G00 440636 Heirloom Birth Certificate	\$	15,000	\$	15,000	80420
4G00 440637 Birth Certificate Surcharge	\$	15,000	\$	15,000	80421
4L30 440609 HIV Care and Miscellaneous Expenses	\$	38,704,139	\$	38,719,096	80422
4P40 440628 Ohio Physician Loan Repayment	\$	700,000	\$	700,000	80423
4V60 440641 Save Our Sight	\$	2,500,000	\$	2,500,000	80424
5B50 440616 Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	80425
5BX0 440656 Tobacco Use Prevention, Cessation, and Enforcement	\$	14,500,000	\$	14,500,000	80426
5CN0 440645 Choose Life	\$	80,000	\$	80,000	80427
5D60 440620 Second Chance Trust	\$	1,000,000	\$	1,000,000	80428
5ED0 440651 Smoke Free Indoor Air	\$	280,000	\$	280,000	80429
5G40 440639 Adoption Services	\$	100,000	\$	100,000	80430
5PE0 440659 Breast and Cervical	\$	500,000	\$	500,000	80431

		Cancer Services					
5QJ0	440662	Dental Hygienist Loan	\$	100,000	\$	100,000	80432
		Repayments					
5SH0	440520	Children's Wish Grant	\$	275,000	\$	275,000	80433
		Program					
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	80434
5Z70	440624	Ohio Dentist Loan	\$	275,000	\$	275,000	80435
		Repayment					
6100	440626	Radiation Emergency	\$	1,300,000	\$	1,300,000	80436
		Response					
6660	440607	Medically Handicapped	\$	24,000,000	\$	24,000,000	80437
		Children - County					
		Assessments					
6980	440634	Nurse Aide Training	\$	125,000	\$	125,000	80438
TOTAL DPF		Dedicated Purpose Fund	\$	134,505,749	\$	134,520,706	80439
		Group					
		Internal Service Activity Fund Group					80440
1420	440646	Agency Health	\$	5,000,000	\$	5,000,000	80441
		Services					
2110	440613	Central Support	\$	29,750,000	\$	29,750,000	80442
		Indirect Costs					
TOTAL ISA		Internal Service Activity	\$	34,750,000	\$	34,750,000	80443
		Fund Group					
		Holding Account Fund Group					80444
R014	440631	Vital Statistics	\$	44,986	\$	44,986	80445
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	80446
		Reconciliation, and					
		Audit Settlements					
TOTAL HLD		Holding Account Fund	\$	64,986	\$	64,986	80447
		Group					
		Federal Fund Group					80448
3200	440601	Maternal Child Health	\$	25,000,000	\$	25,000,000	80449

		Block Grant				
3870	440602	Preventive Health	\$	9,750,000	\$	9,750,000 80450
		Block Grant				
3890	440604	Women, Infants, and Children	\$	220,000,000	\$	220,000,000 80451
3910	440606	Medicare Survey and Certification	\$	19,300,000	\$	19,300,000 80452
3920	440618	Federal Public Health Programs	\$	105,000,000	\$	105,000,000 80453
3GD0	654601	Medicaid Program Support	\$	36,040,949	\$	36,040,949 80454
3GN0	440660	Public Health Emergency Preparedness	\$	26,500,000	\$	26,500,000 80455
3HP0	440673	Public Health Emergency Response	\$	350,000,000	\$	150,000,000 80456
3HV0	440679	COVID-19 Vaccines Distribution and Administration	\$	50,000,000	\$	0 80457
TOTAL FED	Federal Fund Group		\$	841,590,949	\$	591,590,949 80458
TOTAL ALL BUDGET FUND GROUPS			\$	1,144,297,982	\$	888,562,939 80459

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 80461

Of the foregoing appropriation item 440416, Mothers and 80462
Children Safety Net Services, \$15,000 in each fiscal year shall be 80463
distributed to the Trumbull County chapter of Sleep in Heavenly 80464
Peace, Inc. 80465

Of the foregoing appropriation item 440416, Mothers and 80466
Children Safety Net Services, up to \$200,000 in each fiscal year 80467
may be used to assist families with hearing-impaired children 80468
under twenty-one years of age in purchasing hearing aids and 80469
hearing assistive technology. The Director of Health shall adopt 80470
rules governing the distribution of these funds, including rules 80471

that do both of the following: (1) establish eligibility criteria 80472
to include families with incomes at or below four hundred per cent 80473
of the federal poverty guidelines as defined in section 5101.46 of 80474
the Revised Code, and (2) develop a sliding scale of disbursements 80475
under this section based on family income. The Director may adopt 80476
other rules as necessary to implement this section. Rules adopted 80477
under this section shall be adopted in accordance with Chapter 80478
119. of the Revised Code. 80479

FREE CLINIC SAFETY NET SERVICES 80480

The foregoing appropriation item 440431, Free Clinic Safety 80481
Net Services, shall be provided to the Charitable Healthcare 80482
Network. Funds may be used to reimburse free clinics for health 80483
care services provided, as well as for administrative services, 80484
information technology costs, infrastructure repair, or other 80485
clinic necessities. Additionally, the Director of Health may 80486
designate up to five per cent of the appropriation in each fiscal 80487
year to pay the administrative costs the Department of Health 80488
incurs for operating the program. 80489

AIDS PREVENTION 80490

The foregoing appropriation item 440444, AIDS Prevention, 80491
shall be used to administer educational and other prevention 80492
initiatives. 80493

FQHC PRIMARY CARE WORKFORCE INITIATIVE 80494

The foregoing appropriation item 440465, FQHC Primary Care 80495
Workforce Initiative, shall be provided to the Ohio Association of 80496
Community Health Centers to administer the FQHC Primary Care 80497
Workforce Initiative. The Initiative shall provide medical, 80498
dental, behavioral health, physician assistant, and advanced 80499
practice nursing students with clinical rotations through 80500
federally qualified health centers. 80501

INFANT VITALITY 80502

Of the foregoing appropriation item, 440474, Infant Vitality, 80503
up to \$5,000,000 in fiscal year 2022 shall be used, in 80504
consultation with the Governor's Office of Children's Initiatives, 80505
to support programming by community and local faith-based service 80506
providers that invests in maternal health programs, provides 80507
services and support to pregnant mothers, and improves both 80508
maternal and infant health outcomes. 80509

Of the foregoing appropriation item 440474, Infant Vitality, 80510
up to \$500,000 in fiscal year 2022 shall be used, in consultation 80511
with the Department of Medicaid, to develop a universal needs 80512
assessment to identify and provide needed health and wraparound 80513
supports for vulnerable women. 80514

The remainder of appropriation item 440474, Infant Vitality, 80515
shall be used to fund a multi-pronged population health approach 80516
to address infant mortality. This approach may include the 80517
following: increasing awareness, including awareness regarding 80518
respiratory syncytial virus; supporting data collection; analysis 80519
and interpretation to inform decision-making and ensure 80520
accountability; targeting resources where the need is greatest; 80521
and implementing quality improvement science and programming that 80522
is evidence-based or based on emerging practices. Measurable 80523
interventions may include activities related to safe sleep, 80524
community engagement, Centering Pregnancy, newborn screening, safe 80525
birth spacing, gestational diabetes, smoking cessation, 80526
breastfeeding, care coordination, and progesterone. 80527

EMERGENCY PREPAREDNESS AND RESPONSE 80528

The foregoing appropriation item 440477, Emergency 80529
Preparedness and Response, shall be used to support public health 80530
emergency preparedness and response efforts. This appropriation 80531
may also be used to support data infrastructure projects and other 80532
data analysis and analytics work. 80533

LUPUS AWARENESS 80534

The foregoing appropriation item 440481, Lupus Awareness, 80535
shall be distributed to the Lupus Foundation of America, Greater 80536
Ohio Chapter, Inc., to operate a lupus education and awareness 80537
program. 80538

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 80539

Of the foregoing appropriation item 440482, Chronic Disease, 80540
Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 80541
2022 shall be used, in consultation with the Governor's 80542
RecoveryOhio Initiative, to support local health providers' harm 80543
reduction efforts to reduce overdose rates and deaths. 80544

Of the foregoing appropriation item 440482, Chronic Disease, 80545
Injury Prevention and Drug Overdose, \$75,000 in fiscal year 2022 80546
shall be distributed to the Dental Center of Northwest Ohio to be 80547
used for clinical equipment at its practice in Toledo. 80548

INFECTIOUS DISEASE PREVENTION AND CONTROL 80549

On July 1, 2022, or as soon as possible thereafter, the 80550
Director of Health may certify to the Director of Budget and 80551
Management an amount up to the unexpended, unencumbered balance of 80552
the foregoing appropriation item 440483, Infectious Disease 80553
Prevention and Control, at the end of fiscal year 2022 to be 80554
reappropriated to fiscal year 2023. The amount certified is hereby 80555
reappropriated to the same appropriation item for fiscal year 80556
2023. 80557

TARGETED HEALTH CARE SERVICES-OVER 21 80558

The foregoing appropriation item 440507, Targeted Health Care 80559
Services-Over 21, shall be used to administer the Cystic Fibrosis 80560
Program and to implement the Hemophilia Insurance Premium Payment 80561
Program. The Department of Health shall expend \$100,000 in each 80562
fiscal year to implement the Hemophilia Insurance Premium Payment 80563

Program. 80564

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants for the Cystic Fibrosis Program. 80565
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The Department shall expend all of the funds appropriated in appropriation item 440507, Targeted Health Care Services-Over 21. 80571
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LEAD ABATEMENT 80573

Of the foregoing appropriation item 440527, Lead Abatement, \$500,000 in each fiscal year shall be used by the Department of Health to distribute funds to the city of Toledo for lead-based paint abatement, containment, and housing rehabilitation projects in the historic south neighborhoods of Toledo. The Department shall require local match funding of up to one-half of the annual grant funds distributed and may include project and reporting requirements before distributing funds. 80574
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HARM REDUCTION 80582

The foregoing appropriation item 440529, Harm Reduction, shall be used to distribute funding to local health departments or a partner agency to operate harm reduction programs, including syringe services. Local health departments eligible for funding shall be accredited or in the process of becoming accredited through the Public Health Accreditation Board. 80583
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LEAD-SAFE HOME FUND PILOT PROGRAM 80589

The foregoing appropriation item 440530, Lead-Safe Home Fund Pilot Program, shall be used by the Department of Health to make distributions on a quarterly basis to the Lead Safe Cleveland Coalition for the Lead-Safe Home Fund Pilot Program. Before any 80590
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funds are distributed, the Coalition shall provide the Department 80594
with documentation showing the amount of private sector dollars 80595
the Coalition has collected. The amount of each distribution 80596
provided by the Department shall not exceed the amount documented. 80597
Total disbursements shall not exceed \$1,000,000 in each fiscal 80598
year. 80599

YOUTH HOMELESSNESS 80600

Of the foregoing appropriation item 440672, Youth 80601
Homelessness, \$900,000 in each fiscal year shall be distributed to 80602
the Star House for its Drop-In Center and its Carol Stewart 80603
Village to provide services for homeless youth. 80604

The remainder of appropriation item 440672, Youth 80605
Homelessness, shall be used to address homelessness in youth and 80606
pregnant women by providing assertive outreach to provide stable 80607
housing, including recovery housing. 80608

FEE SUPPORTED PROGRAMS 80609

Of the foregoing appropriation item 440647, Fee Supported 80610
Programs, \$2,160,000 in each fiscal year shall be used to 80611
distribute subsidies, on a per capita basis, to local health 80612
departments accredited through the Public Health Accreditation 80613
Board, or local health departments that are in the process of 80614
earning accreditation. 80615

Of the foregoing appropriation item 440647, Fee Supported 80616
Programs, \$1,840,000 in each fiscal year shall be used to 80617
distribute subsidies to local health departments accredited 80618
through the Public Health Accreditation Board on a per capita 80619
basis. 80620

MEDICALLY HANDICAPPED CHILDREN AUDIT 80621

The Medically Handicapped Children Audit Fund (Fund 4770) 80622
shall receive revenue from audits of hospitals and recoveries from 80623

third-party payers. Moneys may be expended for payment of audit 80624
settlements and for costs directly related to obtaining recoveries 80625
from third-party payers and for encouraging Medically Handicapped 80626
Children's Program recipients to apply for third-party benefits. 80627
Moneys also may be expended for payments for diagnostic and 80628
treatment services on behalf of medically handicapped children, as 80629
defined in division (A) of section 3701.022 of the Revised Code, 80630
and Ohio residents who are twenty-one or more years of age and who 80631
are suffering from cystic fibrosis or hemophilia. Moneys may also 80632
be expended for administrative expenses incurred in operating the 80633
Medically Handicapped Children's Program. 80634

GENETICS SERVICES 80635

The foregoing appropriation item 440608, Genetics Services, 80636
shall be used by the Department of Health to administer programs 80637
authorized by sections 3701.501 and 3701.502 of the Revised Code. 80638
None of these funds shall be used to counsel or refer for 80639
abortion, except in the case of a medical emergency. 80640

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 80641

Of the foregoing appropriation item 440656, Tobacco Use 80642
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 80643
year shall be used to award grants in accordance with the section 80644
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 80645

Of the foregoing appropriation item 440656, Tobacco Use 80646
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 80647
year shall be distributed to boards of health for the Baby and Me 80648
Tobacco Free Program. The Director of Health shall determine how 80649
the funds are to be distributed, but shall prioritize awards to 80650
boards that serve women who reside in communities that have the 80651
highest infant mortality rates in this state, as identified under 80652
section 3701.142 of the Revised Code. 80653

The remainder of appropriation item 440656, Tobacco Use 80654

Prevention, Cessation, and Enforcement, shall be used to 80655
administer tobacco use prevention and cessation activities and 80656
programs, to administer compliance checks, retailer education, and 80657
programs related to legal age restrictions, and to enforce the 80658
Ohio Smoke-Free Workplace Act. 80659

TOXICOLOGY SCREENINGS 80660

The foregoing appropriation item 440621, Toxicology 80661
Screenings, shall be used to reimburse county coroners in counties 80662
in which the coroner has performed toxicology screenings on 80663
victims of a drug overdose. The Director of Health shall transfer 80664
the funds to the counties in proportion to the numbers of 80665
toxicology screenings performed per county. 80666

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 80667

The foregoing appropriation item 440607, Medically 80668
Handicapped Children - County Assessments, shall be used to make 80669
payments under division (E) of section 3701.023 of the Revised 80670
Code. 80671

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 80672

(A) The Department of Health shall create the Moms Quit for 80673
Two Grant Program. Recognizing the significant health risks posed 80674
to women and their children by tobacco use during and after 80675
pregnancy, the Department shall award grants to private, nonprofit 80676
entities or government entities that demonstrate the ability to 80677
deliver evidence-based tobacco cessation interventions to women 80678
who reside in communities that have the highest incidence of 80679
infant mortality, as determined by the Director of Health, and who 80680
are pregnant or live with children. Funds awarded under this 80681
section shall not be used to provide tobacco cessation 80682
interventions to women who are eligible for Medicaid. The 80683
Department may adopt any rules it considers necessary to 80684

administer the Program. 80685

(B) The Department shall create a grant application and 80686
develop a process for receiving and evaluating completed grant 80687
applications on a competitive basis. The Department shall give 80688
first preference to the entities described in division (A) of this 80689
section that are able to target the interventions to pregnant 80690
women and second preference to such entities that are able to 80691
target the interventions to women living with children. The 80692
Department's decision regarding a submitted grant application is 80693
final. 80694

(C) The Department shall establish performance objectives to 80695
be met by grant recipients. The Department shall monitor the 80696
performance of each grant recipient in meeting the objectives. 80697

Section 291.40. WIC VENDOR CONTRACTS 80698

(A) As used in this section, "WIC" means the Special 80699
Supplemental Nutrition Program for Women, Infants, and Children 80700
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 80701
42 U.S.C. 1786, as amended. 80702

(B) During fiscal year 2022 and fiscal year 2023, the 80703
Department of Health shall process and review a WIC vendor 80704
contract application pursuant to Chapter 3701-42 of the 80705
Administrative Code not later than forty-five days after receipt 80706
of the application if the applicant is a WIC-contracted vendor at 80707
the time of application and meets all of the following 80708
requirements: 80709

(1) Submits a complete WIC vendor application with all 80710
required documents and information; 80711

(2) Passes the required unannounced preauthorization visit 80712
within forty-five days of submitting a complete application; 80713

(3) Completes the required in-person training within 80714

forty-five days of submitting the complete application. 80715

(C) If an applicant fails to meet any of the requirements 80716
described in division (B) of this section, the Department shall 80717
deny the application for the contract. After an application has 80718
been denied, the applicant may reapply for a contract to act as a 80719
WIC vendor during the contracting cycle that is applicable to the 80720
applicant's WIC region. 80721

Section 291.70. By January 15, 2022, the Director of Health 80722
shall submit a report regarding the Help Me Grow Program to the 80723
chairperson and ranking minority member of the standing health 80724
committee and finance committee of each house of the General 80725
Assembly. The report shall include the following: 80726

(A) The number of families being served by the program 80727
containing individuals who meet the Medicaid eligibility 80728
requirements; 80729

(B) The number of families being served by the program who 80730
meet the TANF eligibility requirements; 80731

(C) Recommendations for incorporating a Medicaid component 80732
funded in part with state matching funds; 80733

(D) Recommendations for using TANF dollars to provide 80734
services for TANF eligible families in the program. 80735

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 80736

Dedicated Purpose Fund Group 80737

4610 372601	Operating Expenses	\$	12,500	\$	12,500	80738
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TOTAL DPF	Dedicated Purpose Fund	\$	12,500	\$	12,500	80739
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500	80740
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Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 80742

General Revenue Fund				80743
GRF 148321	Operating Expenses	\$	464,047 \$	464,047 80744
TOTAL GRF	General Revenue Fund	\$	464,047 \$	464,047 80745
Dedicated Purpose Fund Group				80746
6010 148602	Special Initiatives	\$	24,558 \$	24,558 80747
TOTAL DPF	Dedicated Purpose Fund	\$	24,558 \$	24,558 80748
Group				
TOTAL ALL BUDGET FUND GROUPS		\$	488,605 \$	488,605 80749
Section 297.10. OHS OHIO HISTORY CONNECTION				80751
General Revenue Fund				80752
GRF 360400	Holocaust and Genocide Memorial and Education Commission	\$	200,000 \$	200,000 80753
GRF 360501	Education and Collections	\$	5,016,092 \$	5,016,092 80754
GRF 360502	Site and Museum Operations	\$	6,532,753 \$	6,532,753 80755
GRF 360504	Ohio Preservation Office	\$	261,609 \$	261,609 80756
GRF 360505	National Afro-American Museum	\$	536,050 \$	536,050 80757
GRF 360506	Hayes Presidential Center	\$	572,880 \$	572,880 80758
GRF 360508	State Historical Grants	\$	1,675,000 \$	1,635,000 80759
GRF 360509	Outreach and Partnership	\$	144,692 \$	144,692 80760
TOTAL GRF	General Revenue Fund	\$	14,939,076 \$	14,899,076 80761
Dedicated Purpose Fund Group				80762
5KL0 360602	Ohio History Tax Check-off	\$	150,000 \$	150,000 80763

5PD0 360603 Ohio History License	\$	10,000	\$	10,000	80764
Plate					
TOTAL DPF Dedicated Purpose Fund	\$	160,000	\$	160,000	80765
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	15,099,076	\$	15,059,076	80766

SUBSIDY APPROPRIATION 80767

Upon approval by the Director of Budget and Management, the 80768
foregoing appropriation items shall be released to the Ohio 80769
History Connection in quarterly amounts that in total do not 80770
exceed the annual appropriations. The funds and fiscal records of 80771
the Ohio History Connection for fiscal year 2022 and fiscal year 80772
2023 shall be examined by independent certified public accountants 80773
approved by the Auditor of State, and a copy of the audited 80774
financial statements shall be filed with the Office of Budget and 80775
Management. 80776

The foregoing appropriations shall be considered to be the 80777
contractual consideration provided by the state to support the 80778
state's offer to contract with the Ohio History Connection under 80779
section 149.30 of the Revised Code. 80780

HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION 80781

The foregoing appropriation item 360400, Holocaust and 80782
Genocide Memorial and Education Commission, shall be used to 80783
support the operations of the Holocaust and Genocide Memorial and 80784
Education Commission established under section 197.03 of the 80785
Revised Code, including employment of a Director of the Office of 80786
the Commission and any other employees approved by the Commission. 80787

STATE HISTORICAL GRANTS 80788

Of the foregoing appropriation item 360508, State Historical 80789
Grants, \$325,000 in each fiscal year shall be used for the 80790
Cleveland Institute of Art. 80791

Of the foregoing appropriation item 360508, State Historical 80792

Grants, \$375,000 in each fiscal year shall be allocated to create 80793
the Institute of Informal Science Education to be housed at the 80794
Boonshoft Museum of Discovery for distance learning, including 80795
implementation of a pilot program. The Boonshoft Museum shall 80796
complete an efficacy report as to the result of the education of 80797
participants in the pilot program to be submitted to the General 80798
Assembly. 80799

Of the foregoing appropriation item 360508, State Historical 80800
Grants, \$250,000 in each fiscal year shall be used for the Western 80801
Reserve Historical Society, and \$250,000 in each fiscal year shall 80802
be used for the Cincinnati Museum Center. 80803

Of the foregoing appropriation item 360508, State Historical 80804
Grants, \$100,000 in each fiscal year shall be used for the Nancy 80805
and David Wolf Holocaust and Humanity Center. 80806

Of the foregoing appropriation item 360508, State Historical 80807
Grants, \$100,000 in each fiscal year shall be used for The 80808
Cleveland Museum of Art. 80809

Of the foregoing appropriation item 360508, State Historical 80810
Grants, \$100,000 in each fiscal year shall be used for The 80811
Cleveland Orchestra. 80812

Of the foregoing appropriation item 360508, State Historical 80813
Grants, \$100,000 in each fiscal year shall be used for the Jewish 80814
Federation of Cincinnati to support the Jewish Cincinnati 80815
Bicentennial. 80816

Of the foregoing appropriation item 360508, State Historical 80817
Grants, \$75,000 in fiscal year 2022 and \$35,000 in fiscal year 80818
2023 shall be used to support the Johnny Appleseed Museum and 80819
Education Center. 80820

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES 80821
General Revenue Fund 80822

GRF 025321	Operating Expenses	\$	25,917,274	\$	25,917,274	80823
TOTAL GRF	General Revenue Fund	\$	25,917,274	\$	25,917,274	80824
Internal Service Activity Fund Group						80825
1030 025601	House of	\$	1,433,664	\$	1,433,664	80826
	Representatives					
	Reimbursement					
4A40 025602	Miscellaneous Sales	\$	50,000	\$	50,000	80827
TOTAL ISA	Internal Service Activity					80828
Fund Group		\$	1,483,664	\$	1,483,664	80829
TOTAL ALL BUDGET FUND GROUPS		\$	27,400,938	\$	27,400,938	80830

OPERATING EXPENSES 80831

On July 1, 2021, or as soon as possible thereafter, the Chief 80832
 Administrative Officer of the House of Representatives may certify 80833
 to the Director of Budget and Management an amount up to the 80834
 unexpended, unencumbered balance of the foregoing appropriation 80835
 item 025321, Operating Expenses, at the end of fiscal year 2021 to 80836
 be reappropriated to fiscal year 2022. The amount certified is 80837
 hereby reappropriated to the same appropriation item for fiscal 80838
 year 2022. 80839

On July 1, 2022, or as soon as possible thereafter, the Chief 80840
 Administrative Officer of the House of Representatives may certify 80841
 to the Director of Budget and Management an amount up to the 80842
 unexpended, unencumbered balance of the foregoing appropriation 80843
 item 025321, Operating Expenses, at the end of fiscal year 2022 to 80844
 be reappropriated to fiscal year 2023. The amount certified is 80845
 hereby reappropriated to the same appropriation item for fiscal 80846
 year 2023. 80847

HOUSE REIMBURSEMENT 80848

If it is determined by the Chief Administrative Officer of 80849
 the House of Representatives that additional appropriations are 80850
 necessary for the foregoing appropriation item 025601, House 80851

Reimbursement, the amounts are hereby appropriated. 80852

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 80853

Dedicated Purpose Fund Group 80854

5AZ0 997601 Housing Finance Agency \$ 14,855,643 \$ 15,136,756 80855

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 14,855,643 \$ 15,136,756 80856

Group

TOTAL ALL BUDGET FUND GROUPS \$ 14,855,643 \$ 15,136,756 80857

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 80859

General Revenue Fund 80860

GRF 965321 Operating Expenses \$ 1,403,910 \$ 1,437,000 80861

TOTAL GRF General Revenue Fund \$ 1,403,910 \$ 1,437,000 80862

Internal Service Activity Fund Group 80863

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 80864

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 80865

General for BWC/OIC

TOTAL ISA Internal Service Activity \$ 825,000 \$ 825,000 80866

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,228,910 \$ 2,262,000 80867

Section 305.10. INS DEPARTMENT OF INSURANCE 80869

Dedicated Purpose Fund Group 80870

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 80871

OSHIIP

5540 820606 Operating Expenses \$ 30,861,244 \$ 30,861,244 80872

5550 820605 Examination \$ 9,179,766 \$ 9,179,766 80873

5PT0 820613 Captive Insurance \$ 450,000 \$ 450,000 80874

Regulation and

Supervision

TOTAL DPF Dedicated Purpose Fund Group	\$	40,671,010	\$	40,671,010	80875
Federal Fund Group					80876
3U50 820602 OSHIIP Operating Grant	\$	2,793,150	\$	2,793,150	80877
TOTAL FED Federal Fund Group	\$	2,793,150	\$	2,793,150	80878
TOTAL ALL BUDGET FUND GROUPS	\$	43,464,160	\$	43,464,160	80879

Section 305.20. MARKET CONDUCT EXAMINATION 80881

When conducting a market conduct examination of any insurer doing business in this state, the Superintendent of Insurance may assess the costs of the examination against the insurer. The Superintendent may enter into consent agreements to impose administrative assessments or fines for conduct discovered that may be violations of statutes or rules administered by the Superintendent. All costs, assessments, or fines collected shall be deposited to the credit of the Department of Insurance Operating Fund (Fund 5540).

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 80891

The Director of Budget and Management, at the request of the Superintendent of Insurance, may transfer cash from the Department of Insurance Operating Fund (Fund 5540), established by section 3901.021 of the Revised Code, to the Superintendent's Examination Fund (Fund 5550), established by section 3901.071 of the Revised Code, only for expenses incurred in examining domestic fraternal benefit societies as required by section 3921.28 of the Revised Code.

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 80900

General Revenue Fund					80901
GRF 600410 TANF State Maintenance of Effort	\$	149,267,326	\$	149,267,326	80902

GRF 600413	Child Care	\$	83,461,739	\$	83,461,739	80903
	State/Maintenance of Effort					
GRF 600450	Program Operations	\$	158,272,162	\$	159,177,600	80904
GRF 600451	Family and Children First	\$	1,386,000	\$	1,386,000	80905
GRF 600502	Child Support - Local	\$	26,400,000	\$	26,400,000	80906
GRF 600521	Family Assistance - Local	\$	45,748,768	\$	44,748,768	80907
GRF 600523	Family and Children Services	\$	212,194,327	\$	207,694,327	80908
GRF 600528	Adoption Services	\$	23,922,517	\$	23,922,517	80909
GRF 600533	Child, Family, and Community Protection Services	\$	13,500,000	\$	13,500,000	80910
GRF 600534	Adult Protective Services	\$	5,720,000	\$	5,720,000	80911
GRF 600535	Early Care and Education	\$	141,285,241	\$	141,285,241	80912
GRF 600541	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	80913
GRF 600551	Job and Family Services Program Support	\$	150,000	\$	150,000	80914
GRF 600552	Gracehaven Pilot Program	\$	259,685	\$	0	80915
GRF 600553	Court Appointed Special Advocates	\$	1,000,000	\$	1,000,000	80916
GRF 655425	Medicaid Program Support	\$	12,461,768	\$	12,832,766	80917
GRF 655522	Medicaid Program Support - Local	\$	39,975,628	\$	38,975,628	80918
GRF 655523	Medicaid Program Support - Local	\$	43,530,000	\$	43,500,000	80919

Transportation

TOTAL GRF General Revenue Fund	\$	959,535,161	\$	954,021,912	80920
Dedicated Purpose Fund Group					80921
1980 600647 Children's Trust Fund	\$	6,000,000	\$	6,000,000	80922
2320 600644 Family and Children First	\$	1,100,000	\$	1,100,000	80923
4A80 600658 Public Assistance Activities	\$	20,000,000	\$	20,000,000	80924
4A90 600607 Unemployment Compensation Administration Fund	\$	9,250,000	\$	9,250,000	80925
4E70 600604 Family and Children Services Collections	\$	650,000	\$	650,000	80926
4F10 600609 Family and Children Activities	\$	708,000	\$	708,000	80927
5CV1 600557 Coronavirus Relief - Foodbanks	\$	12,000,000	\$	0	80928
5DM0 600633 Audit Settlements and Contingency	\$	1,000,000	\$	1,000,000	80929
5ES0 600630 Food Bank Assistance	\$	500,000	\$	500,000	80930
5KT0 600696 Early Childhood Education	\$	20,000,000	\$	20,000,000	80931
5NG0 600660 Victims of Human Trafficking	\$	100,000	\$	100,000	80932
5RX0 600699 Workforce Development Projects	\$	300,000	\$	300,000	80933
5RY0 600698 Human Services Project	\$	21,000,000	\$	21,000,000	80934
5TZ0 600674 Childrens Crisis Care	\$	1,000,000	\$	1,000,000	80935
5U60 600663 Family and Children Support	\$	6,000,000	\$	6,262,000	80936
TOTAL DPF Dedicated Purpose Fund Group	\$	99,608,000	\$	87,870,000	80937

Internal Service Activity Fund Group					80938
5HL0 600602 State and County	\$	2,000,000	\$	2,000,000	80939
Shared Services					
TOTAL ISA Internal Service Activity	\$	2,000,000	\$	2,000,000	80940
Fund Group					
Fiduciary Fund Group					80941
1920 600646 Child Support	\$	100,000,000	\$	100,000,000	80942
Intercept - Federal					
5830 600642 Child Support	\$	13,000,000	\$	13,000,000	80943
Intercept - State					
5B60 600601 Food Assistance	\$	4,000,000	\$	4,000,000	80944
Intercept					
TOTAL FID Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	80945
Holding Account Fund Group					80946
R012 600643 Refunds and Audit	\$	500,000	\$	500,000	80947
Settlements					
TOTAL HLD Holding Account Fund	\$	500,000	\$	500,000	80948
Group					
Federal Fund Group					80949
3270 600606 Child Welfare	\$	61,188,090	\$	42,487,257	80950
3310 600615 Veterans Programs	\$	7,000,000	\$	7,000,000	80951
3310 600624 Employment Services	\$	30,093,153	\$	28,792,564	80952
3310 600686 Workforce Programs	\$	4,000,000	\$	4,000,000	80953
3840 600610 Food Assistance	\$	210,395,858	\$	215,299,061	80954
Programs					
3850 600614 Refugee Services	\$	12,000,000	\$	12,000,000	80955
3950 600616 Federal Discretionary	\$	5,000,000	\$	5,000,000	80956
Grants					
3960 600620 Social Services Block	\$	42,000,000	\$	42,003,000	80957
Grant					
3970 600626 Child Support -	\$	200,506,379	\$	200,712,239	80958
Federal					

3980	600627	Adoption Program - Federal	\$ 178,734,641	\$ 178,965,021	80959
3D30	600648	Children's Trust Fund Federal	\$ 2,000,000	\$ 2,000,000	80960
3F01	655624	Medicaid Program Support - Federal	\$ 215,301,139	\$ 215,441,374	80961
3H70	600617	Child Care Federal	\$ 490,500,000	\$ 466,500,000	80962
3N00	600628	Foster Care Program - Federal	\$ 307,654,740	\$ 308,344,774	80963
3S50	600622	Child Support Projects	\$ 534,050	\$ 534,050	80964
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$ 169,756,357	\$ 165,743,862	80965
3V40	600632	Trade Programs	\$ 31,004,791	\$ 26,455,418	80966
3V40	600678	Federal Unemployment Programs	\$ 160,536,498	\$ 156,864,218	80967
3V40	600679	Unemployment Compensation Review Commission - Federal	\$ 6,183,602	\$ 6,281,852	80968
3V60	600689	TANF Block Grant	\$ 961,819,158	\$ 1,025,474,447	80969
TOTAL FED		Federal Fund Group	\$ 3,096,208,456	\$ 3,109,899,137	80970
TOTAL ALL BUDGET FUND GROUPS			\$ 4,274,851,617	\$ 4,271,291,049	80971

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 80973

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs, subject to approval by the Controlling Board. 80974
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(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program, subject to approval of the Controlling Board. 80978
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(C) The Director of Job and Family Services may seek 80983
Controlling Board approval to transfer appropriations between the 80984
following appropriation items to ensure county administrative 80985
funds are expended from the proper appropriation item: 80986

(1) Appropriation item 600521, Family Assistance - Local, and 80987
appropriation item 655522, Medicaid Program Support - Local; and 80988

(2) Appropriation item 655523, Medicaid Program Support - 80989
Local Transportation, and appropriation item 655522, Medicaid 80990
Program Support - Local. 80991

Section 307.30. NAME OF FOOD STAMP PROGRAM 80992

The Director of Job and Family Services is not required to 80993
amend rules regarding the Food Stamp Program to change the name of 80994
the program to the Supplemental Nutrition Assistance Program. The 80995
Director may refer to the program as the Food Stamp Program, the 80996
Supplemental Nutrition Assistance Program, or the Food Assistance 80997
Program in rules and documents of the Department of Job and Family 80998
Services. 80999

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 81000

Of the foregoing appropriation items 600410, TANF State 81001
Maintenance of Effort, 600658, Public Assistance Activities, and 81002
600689, TANF Block Grant, a total of up to \$22,050,000 in each 81003
fiscal year shall be used to provide funds to the Ohio Association 81004
of Food Banks to purchase and distribute food products, support 81005
Innovative Summer Meals programs for children, provide SNAP 81006
outreach and free tax filing services, and provide capacity 81007
building equipment for food pantries and soup kitchens. 81008

Notwithstanding section 5101.46 of the Revised Code and any 81009
other provision in this bill, the Director of Job and Family 81010
Services shall provide assistance from eligible funds to the Ohio 81011
Association of Food Banks in an amount not less than \$24,550,000 81012

in each fiscal year. This amount includes the funds designated to 81013
the Ohio Association of Food Banks in the first paragraph of this 81014
section. 81015

Eligible nonfederal expenditures made by member food banks of 81016
the Association shall be counted by the Department of Job and 81017
Family Services toward the TANF maintenance of effort requirements 81018
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 81019
shall enter into an agreement with the Ohio Association of Food 81020
Banks, in accordance with sections 5101.80 and 5101.801 of the 81021
Revised Code, to carry out the requirements under this section. 81022

Section 307.41. UNAFFILIATED FOOD BANKS 81023

Of the foregoing appropriation item 600689, TANF Block Grant, 81024
\$250,000 in each fiscal year shall be provided, in accordance with 81025
sections 5101.80 and 5101.801 of the Revised Code, to food banks 81026
or food pantries unaffiliated with the Ohio Association of Food 81027
Banks. 81028

Section 307.43. The Department of Job and Family Services 81029
shall enter into a subgrant agreement with the Ohio Association of 81030
Foodbanks to enable the Association to provide food distribution 81031
to low-income families and individuals via the statewide 81032
charitable emergency food provider network and to support 81033
transportation of meals for the Governor's Office of Faith-Based 81034
and Community Initiatives Innovative Summer Meals programs for 81035
children and provide capacity building equipment for food pantries 81036
and soup kitchens. 81037

The Ohio Association of Foodbanks shall do all of the 81038
following: 81039

(A) Purchase food for the Agriculture Clearance and Ohio Food 81040
Programs. Information regarding the food purchase shall be 81041
reflected in the plan for statewide distribution of food products 81042

to local food distribution agencies. 81043

(B) Provide the cost of transportation of food already 81044
purchased in fiscal year 2021 to the Governor's Office of 81045
Faith-Based and Community Initiatives Summer and Rural Meals 81046
program sites. 81047

(C) Support the Capacity Building Grant program and purchase 81048
equipment for partner agencies that is needed to increase their 81049
capacity to serve more families eligible under the Temporary 81050
Assistance for Needy Families program with perishable foods, 81051
fruits, and vegetables. This equipment purchase shall include, but 81052
is not limited to, shelving, pallet jacks, commercial 81053
refrigerators, and commercial freezers. 81054

(D) Submit a quarterly report to the Department of Job and 81055
Family Services not later than sixty days after the close of the 81056
quarter to which the report pertains. The quarterly report shall 81057
include all of the following: 81058

(1) A summary of the allocation and expenditure of grant 81059
funds; 81060

(2) Product type and pounds distributed by foodbank service 81061
region and county; 81062

(3) The number of households, households with children, a 81063
breakdown of individuals served by age, including those over the 81064
age of sixty, those between the ages of nineteen and fifty-nine, 81065
and those up to the age of eighteen, and the number of meals 81066
served. 81067

(E) Submit an annual report to the Agreement Manager at the 81068
Department of Job and Family Services not later than one hundred 81069
twenty days after the end of the fiscal year. The annual report 81070
shall include the following: 81071

(1) A summary of the allocation and expenditure of grant 81072

funds;	81073
(2) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served.	81074 81075 81076 81077 81078
(3) The quantity and type of food distributed and the total per pound cost of the food purchased;	81079 81080
(4) Information on the cost of storage, transportation, and processing;	81081 81082
(5) An evaluation of the success in achieving expected performance outcomes.	81083 81084
Section 307.50. FOOD STAMPS TRANSFER	81085
On July 1, 2021, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).	81086 81087 81088 81089 81090
Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE	81091
The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.	81092 81093 81094 81095 81096 81097 81098 81099
Section 307.70. TANF STATE MAINTENANCE OF EFFORT	81100

Of the foregoing appropriation item 600410, TANF State 81101
Maintenance of Effort, \$2,500,000 in fiscal year 2022 and 81102
\$5,000,000 in fiscal year 2023 shall be provided, in accordance 81103
with sections 5101.80 and 5101.801 of the Revised Code, to the 81104
Ohio Alliance of Boys and Girls Clubs to provide after-school and 81105
summer programs that protect at-risk children and enable youth to 81106
become responsible adults. Not less than \$150,000 in each fiscal 81107
year shall be provided to the Boys and Girls Club of Massillon. 81108

Of the foregoing appropriation item 600410, TANF State 81109
Maintenance of Effort, \$3,000,000 in each fiscal year shall be 81110
used, in accordance with sections 5101.80 and 5101.801 of the 81111
Revised Code, to support the Ohio Parenting and Pregnancy Program. 81112
The Director of Job and Family Services shall release the request 81113
for grant applications for this program not later than August 1, 81114
2021, require applications be received not later than September 1, 81115
2021, and begin to award grant funds not later than October 1, 81116
2021. 81117

**Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK 81118
GRANT 81119**

Of the foregoing appropriation item 600689, TANF Block Grant, 81120
up to \$13,535,000 in each fiscal year shall be used, in accordance 81121
with sections 5101.80 and 5101.801 of the Revised Code, to provide 81122
support to programs or organizations that provide services that 81123
align with the mission and goals of the Governor's Office of 81124
Faith-Based and Community Initiatives, as outlined in section 81125
107.12 of the Revised Code, and that further at least one of the 81126
four purposes of the TANF program, as specified in 42 U.S.C. 601. 81127
Of the amount earmarked to support the mission and goals of the 81128
Governor's Office of Faith-Based and Community Initiatives, 81129
\$250,000 in each fiscal year shall be used to support the Connect 81130
Our Kids Family Connections training. 81131

Of the foregoing appropriation item 600689, TANF Block Grant, 81132
up to \$2,000,000 in each fiscal year shall be used, in accordance 81133
with sections 5101.80 and 5101.801 of the Revised Code, to support 81134
the Independent Living Initiative, including life skills training 81135
and work supports for older children in foster care and those who 81136
have recently aged out of foster care who meet TANF eligibility 81137
requirements. 81138

Of the foregoing appropriation item 600689, TANF Block Grant, 81139
up to \$2,500,000 in each fiscal year shall be provided, in 81140
accordance with sections 5101.80 and 5101.801 of the Revised Code, 81141
to the Ohio Commission on Fatherhood. 81142

Of the foregoing appropriation item 600689, TANF Block Grant, 81143
\$2,300,000 in each fiscal year shall be provided, in accordance 81144
with sections 5101.80 and 5101.801 of the Revised Code, to Open 81145
Doors Academy to support out-of-school programs in northeast Ohio, 81146
Lima, and to support up to four additional locations in the state. 81147

Of the foregoing appropriation item 600689, TANF Block Grant, 81148
up to \$1,000,000 in each fiscal year shall be provided, in 81149
accordance with sections 5101.80 and 5101.801 of the Revised Code, 81150
to the Ohio Children's Trust Fund. 81151

Of the foregoing appropriation item 600689, TANF Block Grant, 81152
\$1,175,000 in each fiscal year shall be provided, in accordance 81153
with sections 5101.80 and 5101.801 of the Revised Code, to the 81154
Children's Hunger Alliance to assist with meal sponsorship, early 81155
child care programs, child care, consultations and nutrition 81156
education, school district nutrition programs, after school 81157
nutrition programs, and summer nutrition programs. 81158

Of the foregoing appropriation item 600689, TANF Block Grant, 81159
\$250,000 in each fiscal year shall be provided, in accordance with 81160
sections 5101.80 and 5101.801 of the Revised Code, to the 81161
Waterford Institute to implement a pilot program for 81162

pre-kindergarten children. 81163

Of the foregoing appropriation item 600689, TANF Block Grant, 81164
\$500,000 in fiscal year 2022 and \$1,000,000 in fiscal year 2023 81165
shall be provided, in accordance with sections 5101.80 and 81166
5101.801 of the Revised Code, to Big Brothers Big Sisters of 81167
Central Ohio to provide mentoring services to children throughout 81168
the state who have experienced trauma in their lives, including 81169
parental incarceration. 81170

Of the foregoing appropriation item 600689, TANF Block Grant, 81171
\$500,000 in each fiscal year shall be provided, in accordance with 81172
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 81173
Council of YWCAs to support programs that prevent domestic 81174
violence, support victims of domestic violence, provide 81175
trauma-informed support for survivors, and support educational 81176
opportunities for at-risk youth. 81177

Of the foregoing appropriation item 600689, TANF Block Grant, 81178
\$500,000 in each fiscal year shall be used, in accordance with 81179
sections 5101.80 and 5101.801 of the Revised Code, to support Ohio 81180
YMCA day camps and before and after school programs to help 81181
students with learning loss and mental health due to the COVID-19 81182
pandemic. 81183

Of the foregoing appropriation item 600689, TANF Block Grant, 81184
\$500,000 in each fiscal year shall be provided, in accordance with 81185
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, 81186
Inc. to support programs that provide early learning and 81187
behavioral health services for at-risk youth in addition to 81188
workforce development, life skills training, parent education, and 81189
couples therapy to improve healthy family formation, maintenance, 81190
and stability for young adult parents and financially 81191
disadvantaged couples. Not later than January 1, 2023, Child 81192
Focus, Inc. shall provide a report to the Director of Job and 81193
Family Services regarding the number of additional children served 81194

with this funding and the outcomes and efficacy of these programs. 81195

Of the foregoing appropriation item 600689, TANF Block Grant, 81196
\$300,000 in each fiscal year shall be provided, in accordance with 81197
sections 5101.80 and 5101.801 of the Revised Code, to Shoes and 81198
Clothes for Kids to establish the Classroom Guarantee and Third 81199
Grade Reading Improvement Pilot Program in Lorain County and to 81200
increase the number of children served in Cuyahoga County. 81201

Of the foregoing appropriation item 600689, TANF Block Grant, 81202
\$250,000 in each fiscal year shall be provided, in accordance with 81203
sections 5101.80 and 5101.801 of the Revised Code, to the Sisters 81204
of Charity Foundation of Cleveland to support the A Place 4 Me 81205
youth homeless drop-in center. 81206

Of the foregoing appropriation item 600689, TANF Block Grant, 81207
\$500,000 in fiscal year 2023 shall be provided, in accordance with 81208
sections 5101.80 and 5101.801 of the Revised Code, to Communities 81209
In Schools of Ohio to provide supports for at-risk youth for 81210
wraparound services, which directly impact chronic absenteeism and 81211
dropout rates. 81212

Of the foregoing appropriation item 600689, TANF Block Grant, 81213
\$500,000 in each fiscal year shall be provided, in accordance with 81214
sections 5101.80 and 5101.801 of the Revised Code, to Produce 81215
Perks Midwest. 81216

Of the foregoing appropriation item 600689, TANF Block Grant, 81217
\$200,000 in each fiscal year shall be provided, in accordance with 81218
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 81219
Works! Ohio in Dayton. 81220

Of the foregoing appropriation item 600689, TANF Block Grant, 81221
\$300,000 in each fiscal year shall be provided, in accordance with 81222
sections 5101.80 and 5101.801 of the Revised Code, to University 81223
Circle Inc. in Cleveland to support the Circle Scholars and Circle 81224
Explorers program. 81225

Of the foregoing appropriation item 600689, TANF Block Grant, 81226
\$282,400 in each fiscal year shall be used, in accordance with 81227
sections 5101.80 and 5101.801 of the Revised Code, to support the 81228
Somali Community Link's housing assistance program. 81229

Of the foregoing appropriation item 600689, TANF Block Grant, 81230
\$110,000 in each fiscal year shall be provided, in accordance with 81231
sections 5101.80 and 5101.801 of the Revised Code, to support 81232
University Settlement family assistance programs in the 81233
Broadway-Slavic Village neighborhood of Cleveland. 81234

Of the foregoing appropriation item 600689, TANF Block Grant, 81235
\$500,000 in each fiscal year shall be provided, in accordance with 81236
sections 5101.80 and 5101.801 of the Revised Code, to Birthing 81237
Beautiful Communities in Cleveland. 81238

Of the foregoing appropriation item 600689, TANF Block Grant, 81239
\$250,000 in each fiscal year shall be provided, in accordance with 81240
sections 5101.80 and 5101.801 of the Revised Code, to The Foundry 81241
in Cleveland. 81242

Of the foregoing appropriation item 600689, TANF Block Grant, 81243
\$100,000 in each fiscal year shall be provided, in accordance with 81244
sections 5101.80 and 5101.801 of the Revised Code, to support 81245
INspired educational planning, financial literacy, and college and 81246
career counseling services in schools to promote workforce 81247
development and reduce student loan debt. 81248

Of the foregoing appropriation item 600689, TANF Block Grant, 81249
\$25,000 in each fiscal year shall be provided, in accordance with 81250
sections 5101.80 and 5101.801 of the Revised Code, to the Make a 81251
Day Foundation to reduce parental dependence on government 81252
resources and promote job readiness by connecting chronically 81253
homeless individuals to rapid rehousing resources and improving 81254
the health and wellness of needy parents through connections to 81255
comprehensive health, mental health, substance use disorder, 81256

dental and vision care, and job readiness and smart justice 81257
information, resources, and referrals. 81258

Section 307.90. FAMILY AND CHILDREN SERVICES 81259

Of the foregoing appropriation item 600523, Family and 81260
Children Services, up to \$3,200,000 in each fiscal year shall be 81261
used to match eligible federal Title IV-B ESSA funds and federal 81262
Title IV-E Chafee funds allocated to public children services 81263
agencies. 81264

Of the foregoing appropriation item 600523, Family and 81265
Children Services, up to \$25,000,000 in each fiscal year shall be 81266
provided to assist with the expense of providing services to youth 81267
requiring support from multiple systems. These funds may be used 81268
for youth currently in the custody of a public children services 81269
agency or to prevent children from entering into the custody of a 81270
public children services agency by custody relinquishment or 81271
another mechanism. The Director of Job and Family Services shall 81272
adopt rules in accordance with section 111.15 of the Revised Code 81273
to administer the funding. 81274

Of the foregoing appropriation item 600523, Family and 81275
Children Services, up to \$5,000,000 in each fiscal year may be 81276
used for staffing for foster parent recruitment, engagement, and 81277
support; and up to \$5,000,000 in each fiscal year may be used to 81278
strengthen best practices. The Director of Job and Family Services 81279
shall adopt rules in accordance with section 111.15 of the Revised 81280
Code to administer the funding. 81281

Of the foregoing appropriation item, 600523, Family and 81282
Children Services, up to \$110,040,010 in each fiscal year shall be 81283
provided to public children services agencies. Of that amount, 81284
\$17,600,000 in each fiscal year shall be used to provide an 81285
initial allocation of \$200,000 to each county and the remainder 81286
shall be provided using the formula in section 5101.14 of the 81287

Revised Code. 81288

If the funds available for distribution under section 5101.14 81289
of the Revised Code in fiscal year 2022 and fiscal year 2023 81290
exceed the amount appropriated in fiscal year 2019, each county 81291
contributing local funds in county fiscal year 2019 to the county 81292
children services fund shall contribute moneys to the children 81293
services fund described in section 5101.144 of the Revised Code. 81294

The Director of Job and Family Services shall adopt rules, in 81295
accordance with section 111.15 of the Revised Code, to determine 81296
the amount of local funds each county must contribute to the 81297
children services fund based on past contributions. Rules must 81298
include a hardship provision identifying circumstances in which 81299
the county contribution may be waived or reduced. 81300

Section 307.100. KINSHIP CARE NAVIGATOR PROGRAM 81301

Of the foregoing appropriation item 600523, Family and 81302
Children Services, up to \$8,500,000 in each fiscal year shall be 81303
used to support the Kinship Care Navigator Program, and may be 81304
used to match eligible federal Title IV-E funds. 81305

Section 307.109. OHIO FAMILY AND CHILDREN FIRST COUNCIL 81306

(A) On the effective date of this section, fiscal and 81307
administrative agent duties for the Ohio Family and Children First 81308
Cabinet Council created under section 121.37 of the Revised Code, 81309
which have been performed by the Department of Mental Health and 81310
Addiction Services, transfer to the Department of Job and Family 81311
Services. Associated with the transfer, the location of the 81312
Council's office shall move to the Department of Job and Family 81313
Services. The transfer as described in this section does not 81314
affect the Council's purpose, powers, or duties as specified in 81315
section 121.37 of the Revised Code. 81316

(B) No validation, cure, right, privilege, remedy, 81317

obligation, or liability is lost or impaired by reason of the 81318
transfer required by this section. Any rules, orders, or 81319
determinations pertaining to the Council continue in effect as 81320
rules, orders, and determinations of the Council until modified or 81321
rescinded. 81322

(C) Subject to workforce reduction provisions set forth in 81323
sections 124.321 through 124.328 of the Revised Code, all 81324
employees of the Council are transferred to the Department of Job 81325
and Family Services and retain their current positions and 81326
benefits. 81327

(D) No judicial or administrative action or proceeding to 81328
which the Council or an authorized officer of the Council is a 81329
party that is pending on the effective date of this section is 81330
affected by the transfer. Any such action or proceeding shall be 81331
prosecuted and defended in the name of the Council. 81332

(E) Notwithstanding any provision of law to the contrary, on 81333
or after the effective date of this section, the Director of 81334
Budget and Management shall make budget and accounting changes 81335
made necessary by the transfer described in division (A) of this 81336
section. The Director may, if necessary, cancel or establish 81337
encumbrances or parts of encumbrances in fiscal years 2021 and 81338
2022 in the appropriate fund and appropriation items for the same 81339
purpose and for payment to the same vendor. The established 81340
encumbrances are hereby appropriated. 81341

On July 1, 2021, or as soon as possible thereafter, the 81342
Director of Budget and Management shall cancel any existing 81343
encumbrances against appropriation item 336405, Family and 81344
Children First, and reestablish them against appropriation item 81345
600451, Family and Children First. The reestablished encumbrance 81346
amounts are hereby appropriated. Any business commenced but not 81347
completed under appropriation item 336405, Family and Children 81348
First, by July 1, 2021, shall be completed under appropriation 81349

item 600451, Family and Children First, in the same manner, and 81350
with the same effect, as if completed with regard to appropriation 81351
item 336405, Family and Children First. 81352

On July 1, 2021, or as soon as possible thereafter, the 81353
Director of Budget and Management shall cancel any existing 81354
encumbrances against appropriation item 336621, Family and 81355
Children First, and reestablish them against appropriation item 81356
600644, Family and Children First. The reestablished encumbrance 81357
amounts are hereby appropriated. Any business commenced but not 81358
completed under appropriation item 336621, Family and Children 81359
First, by July 1, 2021, shall be completed under appropriation 81360
item 600644, Family and Children First, in the same manner, and 81361
with the same effect, as if completed with regard to appropriation 81362
item 336621, Family and Children First. 81363

(F) All records, documents, files, equipment, assets, and 81364
other property of the Council that existed prior to the effective 81365
date of this section remain in the possession of the Council and 81366
are not affected by the transfer. 81367

Section 307.110. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 81368
POOL 81369

A county family and children first council may establish and 81370
operate a flexible funding pool in order to assure access to 81371
needed services by families, children, and older adults in need of 81372
protective services. The operation of the flexible funding pools 81373
is subject to the following restrictions: 81374

(A) The county council shall establish and operate the 81375
flexible funding pool in accordance with formal guidance issued by 81376
the Family and Children First Cabinet Council; 81377

(B) The county council shall produce an annual report on its 81378
use of the pooled funds. The annual report shall conform to a 81379

format prescribed in the formal guidance issued by the Family and Children First Cabinet Council; 81380
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(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children; 81382
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(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and 81386
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(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation. 81390
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In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or 600533, Child, Family, and Community Protection Services, may transfer a portion of either or both allocations to a flexible funding pool as authorized by this section. 81394
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Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION SERVICES 81402
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(A) The foregoing appropriation item 600533, Child, Family, and Community Protection Services, shall be distributed to county departments of job and family services. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code: 81404
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(1) To assist individuals in achieving or maintaining self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;

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(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;

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(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

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(4) To provide outreach, referral, application assistance, and other services to assist individuals to receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

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(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

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Section 307.130. ADULT PROTECTIVE SERVICES 81434

The foregoing appropriation item 600534, Adult Protective Services, shall be divided equally among the counties.

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Section 307.140. FAMILY AND CHILDREN ACTIVITIES 81437

The foregoing appropriation item 600609, Family and Children

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Activities, shall be used to expend miscellaneous foundation funds 81439
and grants to support family and children services activities. 81440

Section 307.145. JOB AND FAMILY SERVICES PROGRAM SUPPORT 81441

Of the foregoing appropriation item 600551, Job and Family 81442
Services Program Support, \$150,000 in each fiscal year shall be 81443
provided to Men's Challenge in Stark County. 81444

Section 307.146. GRACEHAVEN PILOT PROGRAM 81445

The foregoing appropriation item 600552, Gracehaven Pilot 81446
Program, shall be used to support the creation and operation of 81447
Gracehaven locations to provide community-based services to women 81448
under eighteen years of age that have been victims of human 81449
trafficking. 81450

Section 307.150. COURT APPOINTED SPECIAL ADVOCATES 81451

Of the foregoing appropriation item 600553, Court Appointed 81452
Special Advocates, up to \$333,333 in each fiscal year shall be 81453
used to support administrative costs associated with existing 81454
court-appointed special advocate programs. 81455

Of the foregoing appropriation item 600553, Court Appointed 81456
Special Advocates, up to \$666,667 in each fiscal year shall be 81457
used to establish court-appointed special advocate programs in 81458
areas of the state that are not served by an existing program and 81459
to support existing programs. 81460

Of the foregoing appropriation item 600616, Federal 81461
Discretionary Grants, up to \$800,000 in each fiscal year shall be 81462
used for the training of guardians ad litem and court-appointed 81463
special advocates as well as to conduct a study to demonstrate the 81464
impact of court-appointed special advocate volunteers on outcomes 81465
for children who are in child welfare custody as a result of 81466
abuse, neglect, or dependency. 81467

Section 307.158. GOVERNOR'S OFFICE OF FAITH-BASED AND 81468
COMMUNITY INITIATIVES 81469

Of the foregoing appropriation item 600450, Program 81470
Operations, \$750,000 in each fiscal year shall be used by the 81471
Governor's Office of Faith-Based and Community Initiatives to 81472
support the development of the Connect Our Kids Family Connections 81473
technology and the development of the Connect Our Kids Connections 81474
Matter Academy for transition-aged youth. 81475

Section 307.160. WENDY'S WONDERFUL KIDS 81476

Of the foregoing appropriation items 600450, Program 81477
Operations, 600627, Adoption Program - Federal, 600606, Child 81478
Welfare, a total of up to \$12,000,000 in each fiscal year may be 81479
used to provide funds to the Dave Thomas Foundation for Adoption 81480
to implement statewide the Wendy's Wonderful Kids program of 81481
professional recruiters who use a child-focused model to find 81482
permanent homes for children in Ohio foster care. 81483

Section 307.170. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 81484

Notwithstanding section 5101.073 of the Revised Code, the 81485
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 81486
consist of earned federal revenue the final disposition of which 81487
is unknown. 81488

Section 307.180. ADOPTION ASSISTANCE LOAN 81489

The Department of Job and Family Services may use the State 81490
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 81491
of adoption assistance loans pursuant to section 3107.018 of the 81492
Revised Code. The amounts of any adoption assistance loans are 81493
hereby appropriated. 81494

Section 307.190. EARLY CHILDHOOD EDUCATION 81495

Of the foregoing appropriation item 600696, Early Childhood Education, up to \$20,000,000 in each fiscal year shall be used to achieve the goals described in division (C) of section 5104.29 of the Revised Code. 81496
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Section 307.200. VICTIMS OF HUMAN TRAFFICKING 81500

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code. 81501
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Section 307.210. CHILDRENS CRISIS CARE 81506

The foregoing appropriation item 600674, Childrens Crisis Care, shall be allocated by the Department of Job and Family Services in each fiscal year to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds in each fiscal year based on the total length of stay or days of care for each child residing in the facility, which is determined by calculating the total days each child resides at the crisis care facility, including the date of admission, but not the day of discharge. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code. 81507
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Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 81521

The Fiduciary Fund Group and Holding Account Fund Group shall 81522

be used to hold revenues until the appropriate fund is determined 81523
or until the revenues are directed to the appropriate governmental 81524
agency other than the Department of Job and Family Services. Any 81525
Department of Job and Family Services refunds or reconciliations 81526
received or held by the Department of Medicaid shall be 81527
transferred or credited to the Refunds and Audit Settlement Fund 81528
(Fund R012). If receipts credited to the Support Intercept - 81529
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 81530
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 81531
Audit Settlements Fund (Fund R012) exceed the amounts appropriated 81532
from the fund, the Director of Job and Family Services may request 81533
the Director of Budget and Management to authorize expenditures 81534
from the fund in excess of the amounts appropriated. Upon the 81535
approval of the Director of Budget and Management, the additional 81536
amounts are hereby appropriated. 81537

Section 307.230. FEDERAL UNEMPLOYMENT PROGRAMS 81538

A portion of the foregoing appropriation item 600678, Federal 81539
Unemployment Programs, shall be provided in accordance with 81540
sections 4141.162 and 4141.35 of the Revised Code to administer 81541
fraud identification and prevention efforts in the unemployment 81542
program. 81543

Section 307.240. UNEMPLOYMENT INSURANCE PROGRAM IMPROVEMENT 81544

To improve customer service and program integrity within the 81545
Unemployment Insurance Program, the Department of Job and Family 81546
Services shall integrate specific system enhancements to 81547
streamline claims processing, enhance adjudication methodology 81548
where appropriate, and secure and implement a new cloud-based tax 81549
and benefits system to replace outdated technology. 81550

Section 307.250. (A) There is hereby established a study 81551
committee to evaluate all of the following regarding both publicly 81552

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:	81553
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(1) The number of children and families receiving publicly funded child care;	81556
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(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;	81558
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(3) Funding sources for both publicly funded child care and the Step Up to Quality Program;	81563
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(4) The long-term sustainability of those funding sources;	81565
(5) Eligibility levels for publicly funded child care, including the levels at which families may lose their eligibility;	81566
	81567
(6) Issues regarding access to publicly funded child care and quality-rated early learning and development programs;	81568
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(7) The impact and feasibility of mandating that one hundred per cent of early learning and development programs providing publicly funded child care be rated in Step Up to Quality's third tier or higher by a certain date;	81570
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(8) 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.	81574
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(B) The committee shall consist of all of the following members:	81577
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(1) The Director of the Ohio Department of Job and Family Services or the Director's designee;	81579
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(2) The Superintendent of Public Instruction or the	81581

Superintendent's designee;	81582
(3) The director of a county department of job and family services appointed by the Senate President;	81583 81584
(4) A home-based child care provider providing publicly funded child care appointed by the Senate President;	81585 81586
(5) A center-based child care provider providing publicly funded child care appointed by the Speaker of the House of Representatives;	81587 81588 81589
(6) A private pay child care provider appointed by the Senate President;	81590 81591
(7) A representative of the Ohio Society of Certified Public Accountants appointed by the Speaker of the House of Representatives;	81592 81593 81594
(8) 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;	81595 81596 81597
(9) A representative of the business community appointed by the Speaker of the House of Representatives;	81598 81599
(10) Three members of the Senate, two from the majority caucus and one from the minority caucus, each appointed by the Senate President;	81600 81601 81602
(11) Three members of the House of Representatives, two from the majority caucus and one from the minority caucus, each appointed by the Speaker of the House of Representatives.	81603 81604 81605
The Senate President shall appoint one of the members described in division (B)(10) of this section to serve as the committee's chairperson. The Speaker of the House of Representatives shall appoint one of the members described in division (B)(11) of this section to serve as the committee's vice-chairperson.	81606 81607 81608 81609 81610 81611

The appointments required by this section shall be made not later than thirty days after the effective date 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 chairperson and shall hold hearings to receive testimony from the public and relevant state agencies and boards.

(2) The Committee may issue a report of its findings.

(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.

Section 307.260. UNEMPLOYMENT COMPENSATION

Not later than March 1, 2022, the Director of Job and Family Services shall certify to the Director of Budget and Management, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and to the chairpersons and ranking members of the Senate and House of Representatives standing committees that consider unemployment compensation issues the amount of unrecovered unemployment compensation as defined in section 4141.284 of the Revised Code and Pandemic Unemployment Assistance benefits provided under the "Coronavirus Aid, Relief, and Economic Security Act," 15 U.S.C. 9021, that were issued due to fraudulent misrepresentation during the period March 1, 2020, and December 31, 2021.

Section 307.270. PUBLICLY FUNDED CHILD CARE

(A) The Department of Job and Family Services shall not use funds provided through the "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260 or the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, including funds appropriated through

appropriation item 600617, Child Care Federal, to do either of the following: 81641
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(1) Provide stipends or other workforce supports to child care staff, including teachers, administrators, and other verified early childhood professionals; or 81643
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(2) Assist providers of publicly funded child care in improving their Step Up to Quality program ratings, including through grants or other provider supports. 81646
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(B) In distributing the funds, the Department shall prioritize increasing direct child care payments to providers serving children eligible for publicly funded child care. 81649
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Section 307.280. Beginning on the effective date of this section and through June 30, 2023, all of the following apply to a family's eligibility for publicly funded child care as described in division (A) of section 5104.38 of the Revised Code: 81652
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(A) Except as provided in division (B) of this section, the maximum amount of income that a family may have for initial eligibility shall not exceed one hundred forty-two per cent of the federal poverty line; 81656
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(B) For special needs child care, as defined in section 5104.01 of the Revised Code, the maximum amount of income that the family may have for initial eligibility shall not exceed one hundred fifty per cent of the federal poverty line. 81660
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(C) The maximum amount of income that a family may have for continued eligibility shall not exceed three hundred per cent of the federal poverty line. 81664
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Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 81667
General Revenue Fund 81668
GRF 029321 Operating Expenses \$ 570,000 \$ 570,000 81669

TOTAL GRF General Revenue Fund	\$	570,000	\$	570,000	81670
TOTAL ALL BUDGET FUND GROUPS	\$	570,000	\$	570,000	81671

OPERATING GUIDANCE 81672

The Legislative Service Commission shall act as fiscal agent 81673
for the Joint Committee on Agency Rule Review. Members of the 81674
Committee shall be paid in accordance with section 101.35 of the 81675
Revised Code. 81676

OPERATING EXPENSES 81677

On July 1, 2021, or as soon as possible thereafter, the 81678
Executive Director of the Joint Committee on Agency Rule Review 81679
may certify to the Director of Budget and Management an amount up 81680
to the unexpended, unencumbered balance of the foregoing 81681
appropriation item 029321, Operating Expenses, at the end of 81682
fiscal year 2021 to be reappropriated to fiscal year 2022. The 81683
amount certified is hereby reappropriated to the same 81684
appropriation item for fiscal year 2022. 81685

On July 1, 2022, or as soon as possible thereafter, the 81686
Executive Director of the Joint Committee on Agency Rule Review 81687
may certify to the Director of Budget and Management an amount up 81688
to the unexpended, unencumbered balance of the foregoing 81689
appropriation item 029321, Operating Expenses, at the end of 81690
fiscal year 2022 to be reappropriated to fiscal year 2023. The 81691
amount certified is hereby reappropriated to the same 81692
appropriation item for fiscal year 2023. 81693

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 81694

General Revenue Fund					81695
GRF 048321 Operating Expenses	\$	371,848	\$	575,083	81696
TOTAL GRF General Revenue Fund	\$	371,848	\$	575,083	81697
TOTAL ALL BUDGET FUND GROUPS	\$	371,848	\$	575,083	81698

OPERATING EXPENSES 81699

The foregoing appropriation item 048321, Operating Expenses, 81700
shall be used to support expenses related to the Joint Medicaid 81701
Oversight Committee created by section 103.41 of the Revised Code. 81702

On July 1, 2021, or as soon as possible thereafter, the 81703
Executive Director of the Joint Medicaid Oversight Committee may 81704
certify to the Director of Budget and Management an amount up to 81705
the unexpended, unencumbered balance of the foregoing 81706
appropriation item 048321, Operating Expenses, at the end of 81707
fiscal year 2021 to be reappropriated to fiscal year 2022. The 81708
amount certified is hereby reappropriated to the same 81709
appropriation item for fiscal year 2022. 81710

On July 1, 2022, or as soon as possible thereafter, the 81711
Executive Director of the Joint Medicaid Oversight Committee may 81712
certify to the Director of Budget and Management an amount up to 81713
the unexpended, unencumbered balance of the foregoing 81714
appropriation item 048321, Operating Expenses, at the end of 81715
fiscal year 2022 to be reappropriated to fiscal year 2023. The 81716
amount certified is hereby reappropriated to the same 81717
appropriation item for fiscal year 2023. 81718

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO 81719

General Revenue Fund 81720

GRF 018321	Operating Expenses	\$	1,046,464	\$	1,083,265	81721
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TOTAL GRF	General Revenue Fund	\$	1,046,464	\$	1,083,265	81722
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Dedicated Purpose Fund Group 81723

4030 018601	Ohio Jury	\$	531,471	\$	540,421	81724
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	531,471	\$	540,421	81725
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,577,935	\$	1,623,686	81726
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STATE COUNCIL OF UNIFORM STATE LAWS 81727

Notwithstanding section 105.26 of the Revised Code, of the 81728
foregoing appropriation item 018321, Operating Expenses, up to 81729
\$96,305 in fiscal year 2022 and up to \$99,194 in fiscal year 2023 81730
shall be used to pay the expenses of the State Council of Uniform 81731
State Laws, including membership dues to the National Conference 81732
of Commissioners on Uniform State Laws. 81733

OHIO JURY INSTRUCTIONS FUND 81734

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 81735
grants, royalties, dues, conference fees, bequests, devises, and 81736
other gifts received for the purpose of supporting costs incurred 81737
by the Judicial Conference of Ohio in its activities as a part of 81738
the judicial system of the state as determined by the Judicial 81739
Conference Executive Committee. Fund 4030 shall be used by the 81740
Judicial Conference of Ohio to pay expenses incurred in its 81741
activities as a part of the judicial system of the state as 81742
determined by the Judicial Conference Executive Committee. All 81743
moneys accruing to Fund 4030 in excess of the amount appropriated 81744
for the current fiscal year are hereby appropriated for the 81745
purposes authorized. No money in Fund 4030 shall be transferred to 81746
any other fund by the Director of Budget and Management or the 81747
Controlling Board. 81748

Section 317.10. JSC THE JUDICIARY/SUPREME COURT 81749

General Revenue Fund 81750

GRF 005321 Operating Expenses - \$ 185,879,257 \$ 190,389,942 81751

Judiciary/Supreme
Court

GRF 005401 State Criminal \$ 1,346,891 \$ 1,438,123 81752

Sentencing Commission

GRF 005406 Law-Related Education \$ 200,000 \$ 200,000 81753

GRF 005409 Ohio Courts \$ 3,829,540 \$ 3,843,940 81754

Technology Initiative

TOTAL GRF General Revenue Fund	\$	191,255,688	\$	195,872,005	81755
Dedicated Purpose Fund Group					81756
4C80 005605 Attorney Services	\$	11,015,310	\$	10,979,027	81757
5HT0 005617 Court Interpreter Certification	\$	7,000	\$	7,000	81758
5SP0 005626 Civil Justice Grant Program	\$	350,000	\$	350,000	81759
5T80 005609 Grants and Awards	\$	5,000	\$	5,000	81760
6720 005601 Judiciary/Supreme Court Education	\$	105,000	\$	105,000	81761
TOTAL DPF Dedicated Purpose Fund Group	\$	11,482,310	\$	11,446,027	81762
Fiduciary Fund Group					81763
5JY0 005620 County Law Library Resources Boards	\$	308,000	\$	323,500	81764
TOTAL FID Fiduciary Fund Group	\$	308,000	\$	323,500	81765
Federal Fund Group					81766
3J00 005603 Federal Grants	\$	1,155,203	\$	1,026,530	81767
TOTAL FED Federal Fund Group	\$	1,155,203	\$	1,026,530	81768
TOTAL ALL BUDGET FUND GROUPS	\$	204,201,201	\$	208,668,062	81769

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 81771

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 81772
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LAW-RELATED EDUCATION 81776

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary 81777
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students, expanding delinquency prevention programs, increasing 81781
activities for at-risk youth, and accessing additional public and 81782
private money for new programs. 81783

OHIO COURTS TECHNOLOGY INITIATIVE 81784

The foregoing appropriation item 005409, Ohio Courts 81785
Technology Initiative, shall be used to fund an initiative by the 81786
Supreme Court to facilitate the exchange of information and 81787
warehousing of data by and between Ohio courts and other justice 81788
system partners through the creation of an Ohio Courts Network, 81789
the delivery of technology services to courts throughout the 81790
state, including the provision of hardware, software, and the 81791
development and implementation of educational and training 81792
programs for judges and court personnel, and operation of the 81793
Commission on Technology and the Courts by the Supreme Court for 81794
the promulgation of statewide rules, policies, and uniform 81795
standards, and to aid in the orderly adoption and comprehensive 81796
use of technology in Ohio courts. 81797

ATTORNEY SERVICES 81798

The Attorney Registration Fund (Fund 4C80) shall consist of 81799
money received by the Supreme Court (The Judiciary) pursuant to 81800
the Rules for the Government of the Bar of Ohio. In addition to 81801
funding other activities considered appropriate by the Supreme 81802
Court, the foregoing appropriation item 005605, Attorney Services, 81803
may be used to compensate employees and to fund appropriate 81804
activities of the following offices established by the Supreme 81805
Court: the Office of Disciplinary Counsel, the Board of 81806
Commissioners on Grievances and Discipline, the Clients' Security 81807
Fund, and the Attorney Services Division which include the Office 81808
of Bar Admissions. If it is determined by the Administrative 81809
Director of the Supreme Court that changes to the appropriation 81810
are necessary, the amounts are hereby appropriated. 81811

No money in Fund 4C80 shall be transferred to any other fund 81812
by the Director of Budget and Management or the Controlling Board. 81813
Interest earned on money in Fund 4C80 shall be credited to the 81814
fund. 81815

COURT INTERPRETER CERTIFICATION 81816

The Court Interpreter Certification Fund (Fund 5HT0) shall 81817
consist of money received by the Supreme Court (The Judiciary) 81818
pursuant to Rules 80 through 87 of the Rules of Superintendence 81819
for the Courts of Ohio. The foregoing appropriation item 005617, 81820
Court Interpreter Certification, shall be used to provide 81821
training, to provide the written examination, and to pay language 81822
experts to rate, or grade, the oral examinations of those applying 81823
to become certified court interpreters. If it is determined by the 81824
Administrative Director of the Supreme Court that changes to the 81825
appropriation are necessary, the amounts are hereby appropriated. 81826

No money in Fund 5HT0 shall be transferred to any other fund 81827
by the Director of Budget and Management or the Controlling Board. 81828
Interest earned on money in Fund 5HT0 shall be credited to the 81829
fund. 81830

CIVIL JUSTICE GRANT PROGRAM 81831

The Civil Justice Program Fund (Fund 5SP0) shall consist of 81832
(1) \$50 voluntary donations made as part of the biennium attorney 81833
registration process and (2) \$150 increase in the pro hac vice 81834
fees for out-of-state attorneys pursuant to Government of the Bar 81835
Rule amendments. The foregoing appropriation item 005626, Civil 81836
Justice Grant Program, shall be used by the Supreme Court of Ohio 81837
for grants to not-for-profit organizations and agencies dedicated 81838
to providing civil legal aid to underserved populations, to fund 81839
innovative programs directed at this purpose, and to increase 81840
access to judicial service to that population. If it is determined 81841
by the Administrative Director of the Supreme Court that changes 81842

to the appropriation are necessary, the amounts are hereby 81843
appropriated. 81844

No money in Fund 5SP0 shall be transferred to any other fund 81845
by the Director of Budget and Management or the Controlling Board. 81846
Interest earned on money in Fund 5SP0 shall be credited to the 81847
fund. 81848

GRANTS AND AWARDS 81849

The Grants and Awards Fund (Fund 5T80) shall consist of 81850
grants and other money awarded to the Supreme Court (The 81851
Judiciary) by the State Justice Institute, the Division of 81852
Criminal Justice Services, or other entities. The foregoing 81853
appropriation item 005609, Grants and Awards, shall be used in a 81854
manner consistent with the purpose of the grant or award. If it is 81855
determined by the Administrative Director of the Supreme Court 81856
that changes to the appropriation are necessary, the amounts are 81857
hereby appropriated. 81858

No money in Fund 5T80 shall be transferred to any other fund 81859
by the Director of Budget and Management or the Controlling Board. 81860
Interest earned on money in Fund 5T80 shall be credited or 81861
transferred to the General Revenue Fund. 81862

JUDICIARY/SUPREME COURT EDUCATION 81863

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 81864
consist of fees paid for attending judicial and public education 81865
on the law, reimbursement of costs for judicial and public 81866
education on the law, and other gifts and grants received for the 81867
purpose of judicial and public education on the law. The foregoing 81868
appropriation item 005601, Judiciary/Supreme Court Education, 81869
shall be used to pay expenses for judicial education courses for 81870
judges, court personnel, and those who serve the courts, and for 81871
public education on the law. If it is determined by the 81872
Administrative Director of the Supreme Court that changes to the 81873

appropriation are necessary, the amounts are hereby appropriated. 81874

No money in Fund 6720 shall be transferred to any other fund 81875
by the Director of Budget and Management or the Controlling Board. 81876
Interest earned on money in Fund 6720 shall be credited to the 81877
fund. 81878

COUNTY LAW LIBRARY RESOURCES BOARDS 81879

The Statewide Consortium of County Law Library Resources 81880
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 81881
to section 307.515 of the Revised Code into a county's law library 81882
resources fund and forwarded by that county's treasurer for 81883
deposit in the state treasury pursuant to division (E)(1) of 81884
section 3375.481 of the Revised Code. The foregoing appropriation 81885
item 005620, County Law Library Resources Boards, shall be used 81886
for the operation of the Statewide Consortium of County Law 81887
Library Resources Boards. If it is determined by the 81888
Administrative Director of the Supreme Court that changes to the 81889
appropriation are necessary, the amounts are hereby appropriated. 81890

No money in Fund 5JY0 shall be transferred to any other fund 81891
by the Director of Budget and Management or the Controlling Board. 81892
Interest earned on money in Fund 5JY0 shall be credited to the 81893
fund. 81894

FEDERAL GRANTS 81895

The Federal Grants Fund (Fund 3J00) shall consist of grants 81896
and other moneys awarded to the Supreme Court (The Judiciary) by 81897
the United States Government or other entities that receive the 81898
moneys directly from the United States Government and distribute 81899
those moneys to the Supreme Court (The Judiciary). The foregoing 81900
appropriation item 005603, Federal Grants, shall be used in a 81901
manner consistent with the purpose of the grant or award. If it is 81902
determined by the Administrative Director of the Supreme Court 81903
that changes to the appropriation are necessary, the amounts are 81904

hereby appropriated. 81905

No money in Fund 3J00 shall be transferred to any other fund 81906
by the Director of Budget and Management or the Controlling Board. 81907
However, interest earned on money in Fund 3J00 shall be credited 81908
or transferred to the General Revenue Fund. 81909

Section 319.10. LEC LAKE ERIE COMMISSION 81910

Dedicated Purpose Fund Group 81911

4C00 780601	Lake Erie Protection	\$	699,000	\$	699,000	81912
6H20 780604	H2Ohio	\$	125,000	\$	125,000	81913
TOTAL DPF	Dedicated Purpose Fund	\$	824,000	\$	824,000	81914

Group

Federal Fund Group 81915

3EP0 780603	LEC Federal Grants	\$	50,000	\$	50,000	81916
TOTAL FED	Federal Fund Group	\$	50,000	\$	50,000	81917
TOTAL ALL BUDGET	FUND GROUPS	\$	874,000	\$	874,000	81918

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 81919

On July 1 of each fiscal year, or as soon as possible 81920
thereafter, and upon approval by the Controlling Board, the 81921
Director of Budget and Management may transfer cash from the funds 81922
specified below, up to the amounts specified below, to the Lake 81923
Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 81924
contributions and transfers made to the fund. 81925

Fund	Fund Name	User	FY 2022	FY 2023	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	81926 81927
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	81928
4700	General Operations	Department of Health	\$25,000	\$25,000	81929
1570	Program Support	Department of	\$25,000	\$25,000	81930

Natural Resources

On July 1, 2021, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Development, as specified by the Director of Development, to Fund 4C00.

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On July 1, 2022, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Development, as specified by the Director of Development, to Fund 4C00.

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On July 1, 2021, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Transportation, as specified by the Director of Transportation, to Fund 4C00.

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On July 1, 2022, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Transportation, as specified by the Director of Transportation, to Fund 4C00.

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H2OHIO FUND 81951

On July 1, 2022, or as soon as possible thereafter, the Director of the Lake Erie Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 780604, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

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Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE				81960
General Revenue Fund				81961
GRF 028321	Legislative Ethics	\$ 625,000	\$ 625,000	81962
Committee				
TOTAL GRF	General Revenue Fund	\$ 625,000	\$ 625,000	81963
Dedicated Purpose Fund Group				81964
4G70 028601	Joint Legislative	\$ 150,000	\$ 150,000	81965
Ethics Committee				
5HN0 028602	Investigations and	\$ 10,000	\$ 10,000	81966
Financial Disclosure				
TOTAL DPF	Dedicated Purpose Fund	\$ 160,000	\$ 160,000	81967
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 785,000	\$ 785,000	81968
LEGISLATIVE ETHICS COMMITTEE				81969
On July 1, 2021, or as soon as possible thereafter, the				81970
Legislative Inspector General of the Joint Legislative Ethics				81971
Committee may certify to the Director of Budget and Management an				81972
amount up to the unexpended, unencumbered balance of the foregoing				81973
appropriation item 028321, Legislative Ethics Committee, at the				81974
end of fiscal year 2021 to be reappropriated to fiscal year 2022.				81975
The amount certified is hereby reappropriated to the same				81976
appropriation item for fiscal year 2022.				81977
On July 1, 2022, or as soon as possible thereafter, the				81978
Legislative Inspector General of the Joint Legislative Ethics				81979
Committee may certify to the Director of Budget and Management an				81980
amount up to the unexpended, unencumbered balance of the foregoing				81981
appropriation item 028321, Legislative Ethics Committee, at the				81982
end of fiscal year 2022 to be reappropriated to fiscal year 2023.				81983
The amount certified is hereby reappropriated to the same				81984
appropriation item for fiscal year 2023.				81985

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION				81986
General Revenue Fund				81987
GRF	035321	Operating Expenses	\$ 21,362,380 \$ 21,362,380	81988
GRF	035402	Legislative Fellows	\$ 1,110,000 \$ 1,110,000	81989
GRF	035405	Correctional Institution Inspection Committee	\$ 447,020 \$ 447,020	81990
GRF	035407	Legislative Task Force on Redistricting	\$ 1,000,000 \$ 0	81991
GRF	035409	National Associations	\$ 600,000 \$ 600,000	81992
GRF	035410	Legislative Information Systems	\$ 11,003,890 \$ 11,003,890	81993
GRF	035501	Litigation	\$ 1,000,000 \$ 1,000,000	81994
TOTAL GRF	General Revenue Fund		\$ 36,523,290 \$ 35,523,290	81995
Dedicated Purpose Fund Group				81996
4100	035601	Sale of Publications	\$ 10,000 \$ 10,000	81997
TOTAL DPF	Dedicated Purpose Fund Group		\$ 10,000 \$ 10,000	81998
TOTAL ALL BUDGET FUND GROUPS			\$ 36,533,290 \$ 35,533,290	81999

Section 323.20. OPERATING EXPENSES 82001

On July 1, 2021, or as soon as possible thereafter, the 82002
 Director of the Legislative Service Commission may certify to the 82003
 Director of Budget and Management an amount up to the unexpended, 82004
 unencumbered balance of the foregoing appropriation item 035321, 82005
 Operating Expenses, at the end of fiscal year 2021 to be 82006
 reappropriated to fiscal year 2022. The amount certified is hereby 82007
 reappropriated to the same appropriation item for fiscal year 82008
 2022. 82009

On July 1, 2022, or as soon as possible thereafter, the 82010
 Director of the Legislative Service Commission may certify to the 82011

Director of Budget and Management an amount up to the unexpended, 82012
unencumbered balance of the foregoing appropriation item 035321, 82013
Operating Expenses, at the end of fiscal year 2022 to be 82014
reappropriated to fiscal year 2023. The amount certified is hereby 82015
reappropriated to the same appropriation item for fiscal year 82016
2023. 82017

LEGISLATIVE TASK FORCE ON REDISTRICTING 82018

An amount equal to the unexpended, unencumbered balance of 82019
the foregoing appropriation item 035407, Legislative Task Force on 82020
Redistricting, at the end of fiscal year 2021 is hereby 82021
reappropriated to the Legislative Service Commission for the same 82022
purpose for fiscal year 2022. 82023

An amount equal to the unexpended, unencumbered balance of 82024
the foregoing appropriation item 035407, Legislative Task Force on 82025
Redistricting, at the end of fiscal year 2022 is hereby 82026
reappropriated to the Legislative Service Commission for the same 82027
purpose for fiscal year 2023. 82028

LEGISLATIVE INFORMATION SYSTEMS 82029

On July 1, 2021, or as soon as possible thereafter, the 82030
Director of the Legislative Service Commission may certify to the 82031
Director of Budget and Management an amount up to the unexpended, 82032
unencumbered balance of the foregoing appropriation item 035410, 82033
Legislative Information Systems, at the end of fiscal year 2021 to 82034
be reappropriated to fiscal year 2022. The amount certified is 82035
hereby reappropriated to the same appropriation item for fiscal 82036
year 2022. 82037

On July 1, 2022, or as soon as possible thereafter, the 82038
Director of the Legislative Service Commission may certify to the 82039
Director of Budget and Management an amount up to the unexpended, 82040
unencumbered balance of the foregoing appropriation item 035410, 82041
Legislative Information Systems, at the end of fiscal year 2022 to 82042

be reappropriated to fiscal year 2023. The amount certified is 82043
hereby reappropriated to the same appropriation item for fiscal 82044
year 2023. 82045

LITIGATION 82046

The foregoing appropriation item 035501, Litigation, shall be 82047
used for any lawsuit in which the General Assembly is a party 82048
because a legal or constitutional challenge is made against the 82049
Ohio Constitution or an act of the General Assembly. The 82050
chairperson and vice-chairperson of the Legislative Service 82051
Commission shall both approve the use of the appropriated moneys. 82052

An amount equal to the unexpended, unencumbered balance of 82053
the foregoing appropriation item 035501, Litigation, at the end of 82054
fiscal year 2021 is hereby reappropriated to the Legislative 82055
Service Commission for the same purpose for fiscal year 2022. 82056

An amount equal to the unexpended, unencumbered balance of 82057
the foregoing appropriation item 035501, Litigation, at the end of 82058
fiscal year 2022 is hereby reappropriated to the Legislative 82059
Service Commission for the same purpose for fiscal year 2023. 82060

Section 325.10. LIB STATE LIBRARY BOARD 82061

General Revenue Fund 82062

GRF	350321	Operating Expenses	\$	4,293,122	\$	4,293,122	82063
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GRF	350401	Ohioana Library	\$	305,000	\$	305,000	82064
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Association

GRF	350406	Ohio Governor	\$	8,000,000	\$	8,000,000	82065
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Imagination Library

GRF	350502	Regional Library	\$	480,000	\$	480,000	82066
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Systems

TOTAL GRF	General Revenue Fund	\$	13,078,122	\$	13,078,122	82067
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Dedicated Purpose Fund Group 82068

4590	350603	Services for	\$	4,252,887	\$	4,252,887	82069
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		Libraries			
4S40	350604	Ohio Public Library	\$ 5,696,898	\$ 5,698,898	82070
		Information Network			
5GB0	350605	Library for the Blind	\$ 1,274,194	\$ 1,274,194	82071
TOTAL	DPF	Dedicated Purpose Fund	\$ 11,223,979	\$ 11,225,979	82072
Group					
Internal Service Activity Fund					82073
1390	350602	Services for State	\$ 8,000	\$ 8,000	82074
		Agencies			
TOTAL	ISA	Internal Service Activity	\$ 8,000	\$ 8,000	82075
Fund Group					
Federal Fund Group					82076
3130	350601	LSTA Federal	\$ 5,366,565	\$ 5,366,565	82077
TOTAL	FED	Federal Fund Group	\$ 5,366,565	\$ 5,366,565	82078
TOTAL	ALL	BUDGET FUND GROUPS	\$ 29,676,666	\$ 29,678,666	82079

Section 325.20. OHIOANA LIBRARY ASSOCIATION 82081

Of the foregoing appropriation item 350401, Ohioana Library Association, \$180,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 82082
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The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 82086
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REGIONAL LIBRARY SYSTEMS 82090

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 82091
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OHIO PUBLIC LIBRARY INFORMATION NETWORK 82095

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised

Code and any other provision of law to the contrary, in accordance 82127
with a schedule established by the Director of Budget and 82128
Management, the Director of Budget and Management shall transfer 82129
\$3,689,788 cash in each fiscal year from the Public Library Fund 82130
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 82131

TRANSFER TO LIBRARY FOR THE BLIND FUND 82132

Notwithstanding sections 5747.03 and 5747.47 of the Revised 82133
Code and any other provision of law to the contrary, in accordance 82134
with a schedule established by the Director of Budget and 82135
Management, the Director of Budget and Management shall transfer 82136
\$1,274,194 cash in each fiscal year from the Public Library Fund 82137
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 82138

Section 327.10. LCO LIQUOR CONTROL COMMISSION 82139

Dedicated Purpose Fund Group 82140

5LP0 970601 Commission Operating \$ 1,031,108 \$ 1,036,458 82141
Expenses

TOTAL DPF Dedicated Purpose Fund \$ 1,031,108 \$ 1,036,458 82142

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,031,108 \$ 1,036,458 82143

Section 329.10. LOT STATE LOTTERY COMMISSION 82145

State Lottery Fund Group 82146

7044 950321 Operating Expenses \$ 57,344,482 \$ 58,581,656 82147

7044 950402 Advertising Contracts \$ 27,925,000 \$ 27,925,000 82148

7044 950403 Gaming Contracts \$ 84,082,171 \$ 90,357,570 82149

7044 950601 Direct Prize Payments \$ 158,700,369 \$ 162,809,344 82150

7044 950605 Problem Gambling \$ 4,000,000 \$ 4,000,000 82151

8710 950602 Annuity Prizes \$ 56,311,050 \$ 58,328,775 82152

TOTAL SLF State Lottery Fund Group \$ 388,363,072 \$ 402,002,345 82153

TOTAL ALL BUDGET FUND GROUPS \$ 388,363,072 \$ 402,002,345 82154

OPERATING EXPENSES 82155

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,234,000,000 in fiscal year 2022 and \$1,263,000,000 in fiscal year 2023. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

	Section 333.10.	MCD DEPARTMENT OF MEDICAID			82187
	General Revenue Fund				82188
GRF	651425	Medicaid Program	\$ 158,301,609	\$ 158,837,954	82189
		Support - State			
GRF	651426	Positive Education	\$ 1,000,000	\$ 0	82190
		Program Connections			
GRF	651525	Medicaid Health Care	\$ 3,856,672,838	\$ 5,560,074,123	82191
		Services-State			
		Medicaid Health Care	\$ 10,858,971,030	\$ 13,581,997,403	82192
		Services-Federal			
		Medicaid Health Care	\$ 14,715,643,868	\$ 19,142,071,526	82193
		Services - Total			
GRF	651526	Medicare Part D	\$ 489,144,862	\$ 566,626,746	82194
GRF	651529	Brigid's Path Pilot	\$ 1,000,000	\$ 1,000,000	82195
GRF	651533	Food Farmacy Pilot	\$ 250,000	\$ 250,000	82196
		Project			
TOTAL GRF General Revenue Fund					82197
		State	\$ 4,506,369,309	\$ 6,286,788,823	82198
		Federal	\$ 10,858,971,030	\$ 13,581,997,403	82199
		GRF Total	\$ 15,365,340,339	\$ 19,868,786,226	82200
Dedicated Purpose Fund Group					82201
4E30	651605	Resident Protection	\$ 7,000,000	\$ 7,000,000	82202
		Fund			
5AN0	651686	Care Innovation and	\$ 85,621,440	\$ 85,452,765	82203
		Community Improvement			
		Program			
5DL0	651639	Medicaid Services -	\$ 552,500,000	\$ 615,150,000	82204
		Recoveries			
5DL0	651685	Medicaid Recoveries -	\$ 98,332,700	\$ 80,747,100	82205
		Program Support			
5DL0	651690	Multi-system Youth	\$ 16,000,000	\$ 16,000,000	82206

		Custody				
		Relinquishment				
5FX0	651638	Medicaid Services - Payment Withholding	\$ 12,000,000	\$ 12,000,000		82207
5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$ 932,000,000	\$ 971,000,000		82208
5R20	651608	Medicaid Services - Long Term	\$ 415,000,000	\$ 415,000,000		82209
5SA4	651689	Medicaid Health & Human Services	\$ 900,000,000	\$ 300,000,000		82210
5TN0	651684	Medicaid Services - HIC Fee	\$ 1,013,000,000	\$ 966,000,000		82211
5XY0	651694	Improvements for Priority Populations	\$ 10,500,000	\$ 10,500,000		82212
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$ 158,392,748	\$ 102,289,260		82213
TOTAL DPF		Dedicated Purpose Fund Group	\$ 4,200,346,888	\$ 3,581,139,125		82214
		Holding Account Fund Group				82215
R055	651644	Refunds and Reconciliation	\$ 1,000,000	\$ 1,000,000		82216
TOTAL HLD		Holding Account Fund Group	\$ 1,000,000	\$ 1,000,000		82217
		Federal Fund Group				82218
3ER0	651603	Medicaid and Health Transformation Technology	\$ 10,083,900	\$ 9,660,200		82219
3F00	651623	Medicaid Services - Federal	\$10,680,175,369	\$ 8,174,548,367		82220
3F00	651624	Medicaid Program	\$ 543,733,300	\$ 509,264,400		82221

	Support - Federal				
3FA0 651680	Health Care Grants -	\$ 3,000,000	\$ 3,000,000	82222	
	Federal				
3G50 651655	Medicaid Interagency	\$ 241,692,200	\$ 241,692,200	82223	
	Pass Through				
TOTAL FED	Federal Fund Group	\$11,478,684,769	\$ 8,938,165,167	82224	
TOTAL ALL BUDGET	FUND GROUPS	\$31,045,371,996	\$32,389,090,518	82225	

Section 333.20. MEDICAID HEALTH CARE SERVICES 82227

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code. 82228
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Section 333.35. POSITIVE EDUCATION PROGRAM CONNECTIONS 82231

The foregoing appropriation item, 651426, Positive Education Program Connections, shall be used for the Positive Education Program Connections in Cuyahoga County. 82232
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Section 333.40. HOSPITAL FRANCHISE FEE PROGRAM 82235

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital Franchise Fee, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated. 82236
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Section 333.45. HOSPITAL FRANCHISE FEE ADDITIONAL APPROPRIATIONS 82243
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Notwithstanding section 131.35 of the Revised Code, if the Medicaid Director determines that, due to the impact of the COVID-19 public health emergency, additional appropriations are 82245
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necessary in appropriation items 651656, Medicaid Services - 82248
Hospital Franchise Fee and 651623, Medicaid Services - Federal, 82249
the Medicaid Director may request Controlling Board approval to 82250
increase appropriations by up to \$400,000,000 in appropriation 82251
item 651656, Medicaid Services - Hospital Franchise Fee, and up to 82252
\$1,000,000,000 in appropriation item 651623, Medicaid Services - 82253
Federal, in each fiscal year. Upon the approval of the Controlling 82254
Board, the additional amounts are hereby appropriated. 82255

Section 333.50. MEDICARE PART D 82256

The foregoing appropriation item 651526, Medicare Part D, may 82257
be used by the Department of Medicaid for the implementation and 82258
operation of the Medicare Part D requirements contained in the 82259
"Medicare Prescription Drug, Improvement, and Modernization Act of 82260
2003," Pub. L. No. 108-173, as amended. Upon the request of the 82261
Medicaid Director, the Director of Budget and Management may 82262
transfer the state share of appropriations between appropriation 82263
item 651525, Medicaid Health Care Services, and appropriation item 82264
651526, Medicare Part D. If the state share of appropriation item 82265
651525, Medicaid Health Care Services, is adjusted, the Director 82266
of Budget and Management shall adjust the federal share 82267
accordingly. The Department of Medicaid shall provide notification 82268
to the Controlling Board of any transfers at the next scheduled 82269
Controlling Board meeting. 82270

Section 333.55. BRIGID'S PATH PILOT 82271

The foregoing appropriation item, 651529, Brigid's Path 82272
Pilot, shall be distributed to Brigid's Path Program in Montgomery 82273
County. If the Medicaid Director files rules with the Joint 82274
Committee on Agency Rule Review to implement a mother baby dyad 82275
program under which residential pediatric recovery centers would 82276
receive reimbursement for treatment of infants with neonatal 82277

abstinence syndrome, upon the rules' effective date or as soon as 82278
possible thereafter, the Medicaid Director shall certify to the 82279
Director of Budget and Management the unexpended, unencumbered 82280
funds from appropriation item 651529 remaining for fiscal year 82281
2022 and fiscal year 2023. Upon certification, the Director of 82282
Budget and Management shall transfer the remaining appropriation 82283
to appropriation item 651525, Medicaid Health Care Services. 82284

Section 333.57. FOOD FARMACY PILOT PROJECT 82285

The foregoing appropriation item 651533, Food Pharmacy Pilot 82286
Project, shall be distributed to the Akron Canton Regional 82287
Foodbank to provide comprehensive medical, nutrition, and 82288
lifestyle support for food-insecure patients with chronic diseases 82289
and their families. 82290

Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT 82291
PROGRAM 82292

(A) As used in this section: 82293

(1) "Nonprofit hospital agency" means a nonprofit hospital 82294
agency, as defined in section 140.01 of the Revised Code, that is 82295
affiliated with a state university as defined in section 3345.011 82296
of the Revised Code. 82297

(2) "Participating agency" means a nonprofit hospital agency 82298
or public hospital agency participating in the Care Innovation and 82299
Community Improvement Program. 82300

(3) "Public hospital agency" has the same meaning as in 82301
section 140.01 of the Revised Code. 82302

(B) The Medicaid Director shall continue the Care Innovation 82303
and Community Improvement Program for the 2022-2023 fiscal 82304
biennium. Any nonprofit hospital agency or public hospital agency 82305
may volunteer to participate in the program if the agency operates 82306

a hospital that has a Medicaid provider agreement. 82307

(C) Participating agencies are responsible for the state 82308
share of the program's costs and shall make or request the 82309
appropriate government entity to make intergovernmental transfers 82310
to pay for those costs. The Medicaid Director shall establish a 82311
schedule for making the intergovernmental transfers. 82312

(D) Each participating agency shall receive supplemental 82313
payments under the Medicaid program for physician and other 82314
professional services that are covered by the Medicaid program and 82315
provided to Medicaid recipients. The amount of the supplemental 82316
payments shall equal the difference between the Medicaid payment 82317
rates for the services and the average commercial payment rates 82318
for the services. The Director may terminate, or adjust the amount 82319
of, the supplemental payments if the amount of the funds available 82320
for the Care Innovation and Community Improvement Program is 82321
inadequate. 82322

(E) Each participating agency shall jointly participate in 82323
quality improvement initiatives that align with and advance the 82324
goals of the Department of Medicaid's quality strategy required 82325
under 42. C.F.R. 438.340. 82326

(F) The Medicaid Director shall maintain a process to 82327
evaluate the work done by participating agencies under division 82328
(E) of this section and the agencies' progress in meeting the 82329
goals of the Care Innovation and Community Improvement Program. 82330
The Director may terminate an agency's participation in the 82331
program if the Director determines that the agency is not 82332
participating as specified in division (E) of this section or 82333
making progress in meeting the program's quality improvement 82334
goals. 82335

(G) Not later than December 31 of each year, the Medicaid 82336
Director shall submit a report to the Speaker of the House of 82337

Representatives, the President of the Senate, and the Joint 82338
Medicaid Oversight Committee, detailing the efficacy, trends, 82339
outcomes, and number of agencies enrolled in the Care Innovation 82340
and Community Improvement Program. The report also shall specify 82341
the total amount of supplemental payments made to participating 82342
agencies under division (D) of this section. All data contained 82343
within the report shall be aggregated. 82344

(H) All intergovernmental transfers made under division (C) 82345
of this section shall be deposited into the Care Innovation and 82346
Community Improvement Program Fund created by Section 333.320 of 82347
H.B. 49 of the 132nd General Assembly. Money in the fund and the 82348
corresponding federal financial participation in the Health Care - 82349
Federal Fund created under section 5162.50 of the Revised Code 82350
shall be used to make supplemental payments under division (D) of 82351
this section. 82352

**Section 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 82353
AND RECOVERIES FUND 82354**

Of the amount received by the Department of Medicaid during 82355
fiscal year 2022 and fiscal year 2023 from the first installment 82356
of assessments paid under section 5168.06 of the Revised Code and 82357
intergovernmental transfers made under section 5168.07 of the 82358
Revised Code, the Medicaid Director shall deposit \$2,500,000 cash 82359
in each fiscal year into the state treasury to the credit of the 82360
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 82361

**Section 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 82362
SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND 82363
TREATMENT FUND 82364**

Upon the request of the Medicaid Director, and subject to the 82365
approval of the Controlling Board, the Director of Budget and 82366
Management may transfer up to \$2,000,000 cash in each fiscal year 82367

from the Health Care/Medicaid Support and Recoveries Fund (Fund 82368
5DL0) to the Statewide Prevention and Treatment Fund (Fund 4750), 82369
used by the Department of Mental Health and Addiction Services. 82370
Any transferred funds shall be used to support Centers of 82371
Excellence and related activities. Any transferred amounts are 82372
hereby appropriated. 82373

Section 333.110. HOSPITAL CARE ASSURANCE MATCH 82374

If receipts credited to the Health Care Federal Fund (Fund 82375
3F00) exceed the amounts appropriated from the fund for making the 82376
hospital care assurance program distribution, the Medicaid 82377
Director may request the Director of Budget and Management to 82378
authorize expenditures from the fund in excess of the amounts 82379
appropriated. Upon the approval of the Director of Budget and 82380
Management, the additional amounts are hereby appropriated. 82381

The foregoing appropriation item 651649, Medicaid Services - 82382
Health Care Assurance Program, shall be used by the Department of 82383
Medicaid for distributing the state share of all hospital care 82384
assurance program funds to hospitals under section 5168.09 of the 82385
Revised Code. If receipts credited to the Hospital Care Assurance 82386
Program Fund (Fund 6510) exceed the amounts appropriated from the 82387
fund for making the hospital care assurance program distribution, 82388
the Medicaid Director may request the Director of Budget and 82389
Management to authorize expenditures from the fund in excess of 82390
the amounts appropriated. Upon the approval of the Director of 82391
Budget and Management, the additional amounts are hereby 82392
appropriated. 82393

Section 333.140. NON-EMERGENCY MEDICAL TRANSPORTATION 82394

In order to ensure access to a non-emergency medical 82395
transportation brokerage program established pursuant to section 82396
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 82397

upon the request of the Medicaid Director, the Director of Budget 82398
and Management may transfer the state share appropriations between 82399
General Revenue Fund appropriation item 651525, Medicaid Health 82400
Care Services, within the Department of Medicaid and 655523, 82401
Medicaid Program Support - Local Transportation, within the 82402
Department of Job and Family Services. If such a transfer occurs, 82403
the Director of Budget and Management shall adjust, using the 82404
federal reimbursement rate, the federal share appropriations of 82405
General Revenue Fund appropriation item 651525, Medicaid Health 82406
Care Services, within the Department of Medicaid, and the Medicaid 82407
Program Support Fund (Fund 3F01) appropriation item 655624, 82408
Medicaid Program Support - Federal, within the Department of Job 82409
and Family Services. The Director of Medicaid shall transmit to 82410
the Medicaid Program Support Fund (Fund 3F01) the federal funds 82411
which the Department of Medicaid, as the state's sole point of 82412
contact with the federal government for Medicaid reimbursements, 82413
has drawn for this transaction. 82414

Section 333.150. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 82415
AND LOCAL PROGRAM SUPPORT 82416

The Director of Budget and Management shall transfer 82417
\$2,500,000 of state share appropriations in each fiscal year 82418
between General Revenue Fund appropriation item 651525, Medicaid 82419
Health Care Services, within the Department of Medicaid, and 82420
655522, Medicaid Program Support - Local, within the Department of 82421
Job and Family Services. In addition, upon the request of the 82422
Medicaid Director, the Director of Budget and Management may 82423
transfer up to an additional \$2,500,000 of state share 82424
appropriations in each fiscal year between appropriation items 82425
651525 and 655522. When any transfers occur, the Director of 82426
Budget and Management shall adjust, using the federal 82427
reimbursement rate, the federal share appropriations of General 82428
Revenue Fund appropriation item 651525, Medicaid Health Care 82429

Services, within the Department of Medicaid, and the Medicaid 82430
Program Support Fund (Fund 3F01) appropriation item 655624, 82431
Medicaid Program Support - Federal, within the Department of Job 82432
and Family Services. The Director of Medicaid shall transmit to 82433
the Medicaid Program Support Fund (Fund 3F01) the federal funds 82434
which the Department of Medicaid, as the state's sole point of 82435
contact with the federal government for Medicaid reimbursements, 82436
has drawn for this transaction. 82437

The Medicaid Director shall establish criteria for 82438
distributing these funds and for county departments of job and 82439
family services to submit allowable expenses. 82440

County departments of job and family services shall comply 82441
with new roles, processes, and responsibilities related to the new 82442
eligibility determination system. County departments of job and 82443
family services shall report to the Ohio Department of Job and 82444
Family Services and the Ohio Department of Medicaid, on a schedule 82445
determined by the Medicaid Director, how the funds were used. 82446

Section 333.160. MEDICAID PAYMENT RATES FOR COMMUNITY 82447
BEHAVIORAL HEALTH SERVICES 82448

(A) As used in this section: 82449

(1) "Community behavioral health services" has the same 82450
meaning as in section 5164.01 of the Revised Code. 82451

(2) "Hospital" has the same meaning as in section 3727.01 of 82452
the Revised Code. 82453

(3) "Intermediate care facility for individuals with 82454
intellectual disabilities" has the same meaning as in section 82455
5124.01 of the Revised Code. 82456

(4) "Nursing facility" has the same meaning as in section 82457
5165.01 of the Revised Code. 82458

(B) Subject to division (C) of this section, the Department 82459

of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2022 and fiscal year 2023 that exceed the authorized rates paid for the services under the Medicare program.

(C) This section does not apply to community behavioral health services provided by any of the following:

(1) Hospitals on an inpatient basis;

(2) Nursing facilities;

(3) Intermediate care facilities for individuals with intellectual disabilities.

Section 333.166. HCBS WAIVER PAYMENT RATES

(A) For fiscal year 2022, the payment rates for the services enumerated under division (C) of this section that are provided by a waiver- or state plan-funded provider under the PASSPORT program, the Ohio Home Care waiver program, the MyCare Ohio waiver program, and the Assisted Living waiver shall be four per cent higher than the rates in effect on June 30, 2021.

(B) For fiscal year 2023, the payment rates for the services enumerated under division (C) of this section that are provided by a waiver- or state plan-funded provider under the PASSPORT program, the Ohio Home Care waiver program, the MyCare Ohio waiver program, and the Assisted Living waiver shall be two per cent higher than the rates in effect on June 30, 2022.

(C) This section applies to the following services:

(1) Private duty nursing;

(2) Nursing;

(3) Home health aide;

(4) Personal care;

(5) Home care attendant and homemaker;	82488
(6) Assisted living;	82489
(7) Speech therapy;	82490
(8) Occupational therapy;	82491
(9) Physical therapy.	82492
Section 333.170. AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE	82493
	82494
(A) As used in this section:	82495
(1) "Care management system" means the system established under section 5167.03 of the Revised Code.	82496
	82497
(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.	82498
	82499
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	82500
	82501
(4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	82502
	82503
(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the FY 2022 - FY 2023 fiscal biennium, the Department shall do both of the following for the remainder of the fiscal biennium:	82504
	82505
	82506
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	82508
(1) Require area agencies on aging to be the coordinators of home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive and permit Medicaid managed care organizations to delegate to the agencies full-care coordination functions for those services and other health-care services those individuals and that eligibility group receive;	82509
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(2) In selecting managed care organizations with which to contract under section 5167.10 of the Revised Code, give preference to those organizations that will enter into subcapitation arrangements with area agencies on aging under which the agencies are to perform, in addition to other functions, network management and payment functions for home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive.

Section 333.175. OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY POPULATIONS

(A) As used in this section:

(1) "Care management system" and "enrollee" have the same meanings as in section 5167.01 of the Revised Code.

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) There is hereby created the Ohio Invests in Improvements for Priority Populations (OIPP) Program. The program shall be a directed payment program for inpatient and outpatient hospital services provided to Medicaid care management system enrollees receiving care at state university-owned hospitals with less than three hundred inpatient beds. Participating hospitals shall receive payments directly for services provided under the program and remit to the Department of Medicaid, through intergovernmental transfer, the nonfederal share of those services. Transfers made for the program shall be deposited into the Hospital Directed Payment Program Fund. The Medicaid Director shall seek approval from the Centers for Medicare and Medicaid Services for the program in accordance with section 5162.07 of the Revised Code.

(C) The foregoing appropriation item 651694, Improvements for

Priority Populations, and the corresponding federal share in 82546
appropriation item 651623, Medicaid Services - Federal, shall be 82547
used for the OIPP Program. 82548

Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM - 82549
OHIO MEANS JOBS COSTS 82550

Upon the request of the Medicaid Director, the Director of 82551
Budget and Management may transfer state share appropriations in 82552
each fiscal year between appropriation item 651685, Medicaid 82553
Recoveries - Program Support, within the Department of Medicaid, 82554
and 655425, Medicaid Program Support, within the Department of Job 82555
and Family Services. If such a transfer occurs, the Director of 82556
Budget and Management shall adjust, using the federal 82557
reimbursement rate, the federal share appropriations of 82558
appropriation item 651624, Medicaid Program Support - Federal, 82559
within the Department of Medicaid, and appropriation item 655624, 82560
Medicaid Program Support - Federal, within the Department of Job 82561
and Family Services. Any transfer of funds shall be provided to 82562
the Department of Job and Family Services and shall only be used 82563
for costs related to transitioning to a new work community 82564
engagement program for the Medicaid program as prescribed by the 82565
Medicaid Director. 82566

Section 333.190. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 82567
COSTS 82568

Upon the request of the Medicaid Director, the Director of 82569
Budget and Management may transfer state share appropriations in 82570
each fiscal year between appropriation item 651525, Medicaid 82571
Health Care Services, within the Department of Medicaid, and 82572
655522, Medicaid Program Support - Local, within the Department of 82573
Job and Family Services. If such a transfer occurs, the Director 82574
of Budget and Management shall adjust, using the federal 82575

reimbursement rate, the federal share appropriations of 82576
appropriation item 651525, Medicaid Health Care Services, within 82577
the Department of Medicaid, and appropriation item 655624, 82578
Medicaid Program Support - Federal, within the Department of Job 82579
and Family Services. Any increase in funding shall be provided to 82580
county departments of job and family services and shall only be 82581
used for costs related to transitioning to a new work community 82582
engagement program under the Medicaid program as prescribed by the 82583
Medicaid Director. These funds shall not be used for existing and 82584
ongoing operating expenses. The Medicaid Director shall establish 82585
criteria for distributing these funds and for county departments 82586
of job and family services to submit allowable expenses. 82587

Section 333.205. MEDICAID HEALTH & HUMAN SERVICES 82588

The Medicaid Director shall seek Controlling Board approval 82589
before any funds can be expended from appropriation item 651689, 82590
Medicaid Health & Human Services. 82591

Section 333.210. VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT 82592
PROGRAM 82593

(A) As used in this section: 82594

(1) "Expansion eligibility group" has the same meaning as in 82595
section 5163.01 of the Revised Code. 82596

(2) "Medical assistance recipient" has the same meaning as in 82597
section 5160.01 of the Revised Code. 82598

(B) As a result of the COVID-19 public health emergency, 82599
which created impediments to implementing the work and community 82600
engagement waiver component under section 5166.37 of the Revised 82601
Code requiring individuals to meet at least one of the enumerated 82602
requirements as a condition to enrolling in Medicaid as part of 82603
the expansion eligibility group, the Medicaid Director shall 82604
establish and implement a voluntary community engagement program 82605

in accordance with this section not later than January 1, 2022. 82606

(C) The community engagement program shall be available to 82607
all medical assistance recipients. Participation in the program 82608
shall be voluntary. 82609

(D) The community engagement program shall do all of the 82610
following: 82611

(1) Encourage medical assistance recipients to work who are 82612
of working age and able-bodied; 82613

(2) Promote to medical assistance recipients the economic 82614
stability, financial independence, and improved health outcomes 82615
from work; 82616

(3) Provide information to medical assistance recipients 82617
about the services available under the community engagement 82618
program, including an explanation of the importance of work to 82619
overall physical and mental health. 82620

(E) The community engagement program shall continue through 82621
the FY 2022 - FY 2023 fiscal biennium or until Ohio is able to 82622
implement the waiver component under section 5166.37 of the 82623
Revised Code, whichever is sooner, at which point it will cease to 82624
exist. 82625

(F) As part of the community engagement program, the Medicaid 82626
Director shall explore partnerships with education and training 82627
providers to increase training opportunities for Medicaid 82628
recipients. 82629

Section 333.215. VALUE-BASED PURCHASING SUPPLEMENTAL REBATE 82630

(A) Not later than sixty days after the effective date of 82631
this section, the Department of Medicaid shall submit to the 82632
United States Centers for Medicare and Medicaid Services a 82633
Medicaid state plan amendment to authorize the Department to enter 82634
into value-based purchasing supplemental rebate agreements with 82635

pharmaceutical manufacturers. 82636

(B) The agreements authorized by the state plan amendment 82637
shall establish criteria for the Department to make supplemental 82638
rebate payments to pharmaceutical manufacturers. The Department of 82639
Medicaid shall use its best efforts to ensure that the form 82640
value-based supplemental rebate agreement submitted to the Centers 82641
for Medicare and Medicaid Services permits rebates to be 82642
calculated on many different bases at the discretion of the 82643
Department with the approval of the pharmaceutical manufacturer, 82644
including under outcome-based models, shared savings models, 82645
subscription or modified subscription models, risk-sharing models, 82646
or guarantees. The rebates may be calculated and paid in a single 82647
year or over multiple years. 82648

(C) Nothing in this section requires a drug manufacturer or 82649
the Department to enter into a supplemental rebate agreement under 82650
this section. 82651

Section 333.217. MEDICAID COST ASSURANCE PILOT PROGRAM 82652

(A) As used in this section: 82653

(1) "Care management system," "enrollee," "Medicaid managed 82654
care organization," and "provider" have the same meanings as in 82655
section 5167.01 of the Revised Code. 82656

(2) "Expansion eligibility group" has the same meaning as in 82657
section 5163.01 of the Revised Code. 82658

(B) The Department of Medicaid shall establish the Medicaid 82659
Cost Assurance Pilot Program during FY 2022 and FY 2023. The pilot 82660
program shall be available to enrollees who qualify for Medicaid 82661
as part of the expansion eligibility group. The Department may 82662
expand the program based on determinations made under division (E) 82663
of this section about whether the program has met demonstrated 82664
success criteria, as established in rules authorized by division 82665

(G) of this section.	82666
(C) The pilot program shall do all of the following:	82667
(1) Identify eligible enrollees who are members of the expansion eligibility group to participate in the program;	82668 82669
(2) Provide Medicaid services to pilot program participants at a rate of 95 per cent of current Medicaid managed care organization capitation rates;	82670 82671 82672
(3) Use technology to do all of the following:	82673
(a) Utilize automation and artificial intelligence to provide Medicaid program savings by avoiding traditional cost structures;	82674 82675
(b) Diversify care management system programs to achieve better health outcomes at better value;	82676 82677
(c) Enable seamless communication between providers and care management entities under the program;	82678 82679
(d) Improve the Medicaid program experience for providers and enrollees.	82680 82681
(4) Develop and implement strategies to provide opportunities for pilot program participants to rise above the poverty level criteria for Medicaid eligibility;	82682 82683 82684
(5) Enable care management entities under the program to take the risks incidental to the practice of insurance, as a health insuring corporation licensed to do business in this state under Chapter 1751. of the Revised Code;	82685 82686 82687 82688
(6) After program implementation, include 90-day study periods to determine whether to expand, sustain, or terminate the pilot program.	82689 82690 82691
(D) The Department shall contract with a care management entity to administer Medicaid benefits under the pilot program. The care management entity shall meet all of the following	82692 82693 82694

criteria:	82695
(1) Be a health insuring corporation licensed to do business in this state under Chapter 1751. of the Revised Code;	82696 82697
(2) Be a start-up company domiciled in this state;	82698
(3) Meet the solvency requirements for health insuring corporations under Chapter 1751. of the Revised Code.	82699 82700
(E) Not later than December 31, 2022, the Department shall submit a report outlining clinical outcome data and cost impacts of the pilot program. The report shall be submitted to the Speaker of the House of Representatives and the Senate President, in accordance with section 101.68 of the Revised Code, and to the members of the Joint Medicaid Oversight Committee.	82701 82702 82703 82704 82705 82706
(F) The members of the Joint Medicaid Oversight committee shall appoint a subcommittee to make determinations about the progress of the pilot program.	82707 82708 82709
(G) The Medicaid Director shall adopt rules under section 5160.02 of the Revised Code as necessary to implement the pilot program, including the geographic areas where the program will occur, program participant eligibility requirements, and program demonstrated success criteria.	82710 82711 82712 82713 82714
Section 333.240. NURSING FACILITY REBASING	82715
(A) As used in this section, "ancillary and support costs," "capital costs," "direct care costs," "nursing facility," "rebasings," and "tax costs" have the same meanings as in section 5165.01 of the Revised Code.	82716 82717 82718 82719
(B) Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$174,000,000 in each fiscal year shall be used by the Department of Medicaid to pay for rebasing determinations of nursing facilities' Medicaid rates as calculated under division (C) of section 5165.36 of the Revised Code.	82720 82721 82722 82723 82724

Notwithstanding section 5165.36 of the Revised Code or any other 82725
provision of law to the contrary, the Department shall do both of 82726
the following: 82727

(1) From this earmark, pay for the rebasing determinations 82728
calculated under division (C) of section 5165.36 of the Revised 82729
Code in the following order: 82730

(a) Direct care costs; 82731

(b) Ancillary and support costs; 82732

(c) Tax costs; 82733

(d) Capital costs. 82734

(2) Prorate the rebasing determinations as needed to stay 82735
within this earmark. 82736

Section 333.245. PHARMACY SUPPLEMENTAL DISPENSING FEE 82737

(A) Effective July 1, 2021, the Department of Medicaid shall 82738
provide a supplemental dispensing fee under the care management 82739
system to retail pharmacies during fiscal years 2022 and 2023. The 82740
supplemental dispensing fee shall have at least three different 82741
payment levels based on both of the following: 82742

(1) The ratio of Medicaid prescriptions a pharmacy location 82743
fills compared to the total prescriptions the pharmacy location 82744
fills based on the latest available "Survey of the Average Cost of 82745
Dispensing a Medicaid Prescription in the State of Ohio" prepared 82746
for the Department of Medicaid; 82747

(2) The number of retail pharmacy locations participating in 82748
the care management system based on Medicaid recipient enrollment 82749
in Medicaid MCO plans, as defined in section 5167.01 of the 82750
Revised Code, in a geographic area approved by the Department of 82751
Medicaid as the geographic area where the pharmacy location's 82752
customer population is located. The geographic area shall be 82753

periodically reviewed and approved by the Department. 82754

(B) Pharmacies that have a high ratio under division (A)(1) 82755
of this section and a low number under division (A)(2) of this 82756
section shall be placed in the higher dispensing fee payment 82757
levels. 82758

(C) The supplemental dispensing fee shall not cause a 82759
reduction in other payments made to the pharmacy for providing 82760
prescribed drugs under the care management system. 82761

(D) The Medicaid Director shall adjust the supplemental 82762
dispensing fees if federal Medicaid statutes or regulations 82763
adopted by the Centers for Medicare and Medicaid Services reduce 82764
the amount of federal funds the Department receives for the 82765
supplemental dispensing fee. The Department of Medicaid shall 82766
expend \$5,000,000 in fiscal year 2022 and \$10,150,000 in fiscal 82767
year 2023 in appropriation item 651639, Medicaid Services - 82768
Recoveries, along with any corresponding federal shares from 82769
appropriation item 651623, Medicaid Services - Federal, for the 82770
supplemental dispensing fees provided under this section. 82771

Section 333.247. (A) As used in this section: 82772

(1) "Assisted Living program" has the same meaning as in 82773
section 173.51 of the Revised Code. 82774

(2) "ICDS Medicaid waiver component" means the home and 82775
community-based services Medicaid waiver component that the 82776
director of Medicaid may create as part of the integrated care 82777
delivery system pursuant to section 5166.16 of the Revised Code. 82778

(3) "Residential care facility" has the same meaning as in 82779
section 3721.01 of the Revised Code. 82780

(B) The Departments of Aging and Medicaid shall each adopt 82781
rules to establish an additional payment amount for services 82782
provided under the Assisted Living program and ICDS Medicaid 82783

waiver component, respectively, by residential care facilities 82784
that utilize the Low-Income Housing Tax Credit Program. The rules 82785
shall be adopted in accordance with Chapter 119. of the Revised 82786
Code and establish an additional payment that is no less than 82787
twenty-three dollars per day for each payment tier established in 82788
rules. 82789

Section 333.250. MEDICAID MANAGED CARE ORGANIZATION 82790
PROCUREMENT 82791

(A) As used in this section "care management system" and 82792
"Medicaid managed care organization" have the same meanings as in 82793
section 5167.01 of the Revised Code. 82794

(B) The Department shall suspend further action on its 82795
current procurement process for selecting Medicaid managed care 82796
organizations under the care management system. During state 82797
fiscal year 2022, the Department shall complete a fair procurement 82798
process for Medicaid managed care organizations that includes 82799
scoring by a neutral third party, with oversight by the Joint 82800
Medicaid Oversight Committee. 82801

(C) The procurement process shall significantly take into 82802
account all of the following: 82803

(1) Whether the managed care organization is domiciled in 82804
this state, including the organization's parent entities; 82805

(2) The number of jobs created or lost in this state by the 82806
award of the Medicaid managed care organization contracts; 82807

(3) Other economic impacts in this state resulting from the 82808
award of the Medicaid managed care organization contracts; 82809

(4) Whether the managed care organization has a proven 82810
history of quality services and customer satisfaction, as reported 82811
by the Department of Medicaid's managed care plans report card and 82812
NCQA health insurance plan ratings. 82813

Section 333.253.	MEDICAID COVERAGE OF WOMEN POSTPARTUM				82814
	If federal law provides Medicaid coverage for a longer				82815
	postpartum period than sixty days, the Director of Medicaid shall				82816
	amend the state's Medicaid plan and seek any necessary waiver from				82817
	the United States Centers for Medicare and Medicaid Services to				82818
	provide Medicaid coverage to women postpartum beginning on the				82819
	last day of the pregnancy to the maximum period permitted under 42				82820
	U.S.C. 1396a(e).				82821
Section 335.10.	MED STATE MEDICAL BOARD				82822
	Dedicated Purpose Fund Group				82823
	5C60 883609 Operating Expenses	\$ 12,294,149	\$ 12,551,618		82824
	TOTAL DPF Dedicated Purpose Fund	\$ 12,294,149	\$ 12,551,618		82825
	Group				
	TOTAL ALL BUDGET FUND GROUPS	\$ 12,294,149	\$ 12,551,618		82826
Section 337.10.	MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION				82828
	SERVICES				82829
	General Revenue Fund				82830
	GRF 336321 Central	\$ 17,267,311	\$ 17,555,983		82831
	Administration				
	GRF 336402 Resident Trainees	\$ 450,000	\$ 450,000		82832
	GRF 336406 Prevention and	\$ 4,868,659	\$ 4,868,659		82833
	Wellness				
	GRF 336412 Hospital Services	\$ 256,956,156	\$ 262,210,314		82834
	GRF 336415 Mental Health	\$ 27,000,000	\$ 27,000,000		82835
	Facilities Lease				
	Rental Bond Payments				
	GRF 336421 Continuum of Care	\$ 86,964,846	\$ 86,964,846		82836
	Services				
	GRF 336422 Criminal Justice	\$ 19,805,937	\$ 19,805,937		82837

		Services					
GRF	336423	Addiction Services	\$	33,830,547	\$	34,409,472	82838
		Partnership with Corrections					
GRF	336424	Recovery Housing	\$	3,000,000	\$	3,000,000	82839
GRF	336425	Specialized Docket	\$	10,000,000	\$	10,000,000	82840
		Support					
GRF	336504	Community Innovations	\$	15,000,000	\$	15,000,000	82841
GRF	336506	Court Costs	\$	1,000,000	\$	1,000,000	82842
GRF	336510	Residential State	\$	16,000,000	\$	16,000,000	82843
		Supplement					
GRF	336511	Early Childhood	\$	1,250,000	\$	1,250,000	82844
		Mental Health Counselors and Consultation					
GRF	336516	Appalachian Children	\$	1,250,000	\$	1,250,000	82845
		Coalition					
GRF	652321	Medicaid Support	\$	1,298,574	\$	1,587,246	82846
TOTAL GRF	General Revenue Fund		\$	495,942,030	\$	502,352,457	82847
		Dedicated Purpose Fund Group					
4750	336623	Statewide Treatment	\$	20,600,000	\$	20,600,000	82849
		and Prevention					
4850	336632	Mental Health	\$	9,000,000	\$	9,000,000	82850
		Operating					
5AU0	336615	Behavioral Health	\$	10,010,000	\$	10,010,000	82851
		Care					
5CV1	336513	COVID Response -	\$	4,500,000	\$	2,500,000	82852
		Mental Health					
5JL0	336629	Problem Gambling and	\$	6,085,000	\$	6,085,000	82853
		Casino Addiction					
5T90	336641	Problem Gambling	\$	1,820,000	\$	1,820,000	82854
		Services					
5TZ0	336600	Substance Abuse	\$	6,000,000	\$	6,000,000	82855

		Stabilization Centers					
5TZ0	336643	ADAMHS Boards	\$	11,000,000	\$	11,000,000	82856
5VV0	336645	Transcranial Magnetic	\$	6,000,000	\$	6,000,000	82857
		Stimulaton Pilot					
6320	336616	Community Capital	\$	350,000	\$	350,000	82858
		Replacement					
6890	336640	Education and	\$	75,000	\$	75,000	82859
		Conferences					
TOTAL	DPF	Dedicated Purpose Fund	\$	75,440,000	\$	73,440,000	82860
Group							
Internal Service Activity Fund Group							82861
1490	336609	Hospital Operating	\$	16,000,000	\$	16,000,000	82862
		Expenses					
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	82863
1510	336601	Ohio Pharmacy	\$	99,585,489	\$	100,512,696	82864
		Services					
4P90	336604	Community Mental	\$	250,000	\$	250,000	82865
		Health Projects					
TOTAL	ISA	Internal Service Activity	\$	121,335,489	\$	122,262,696	82866
Fund Group							
Federal Fund Group							82867
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	82868
3A70	336612	Social Services Block	\$	7,700,000	\$	7,700,000	82869
		Grant					
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	82870
3A90	336614	Mental Health Block	\$	72,883,470	\$	38,830,720	82871
		Grant					
3B10	652636	Community Medicaid	\$	4,000,000	\$	4,000,000	82872
		Legacy Support					
3G40	336618	Substance Abuse Block	\$	125,942,756	\$	85,691,166	82873
		Grant					
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000	82874

3HB1 336644	State Opioid Response	\$ 110,176,079	\$ 110,176,079	82875
3N80 336639	Administrative	\$ 1,000,000	\$ 1,000,000	82876
	Reimbursement			
TOTAL FED	Federal Fund Group	\$ 362,202,305	\$ 287,897,965	82877
TOTAL ALL BUDGET FUND GROUPS		\$ 1,059,919,824	\$ 985,953,118	82878

Section 337.20. PREVENTION AND WELLNESS 82880

The foregoing appropriation item 336406, Prevention and 82881
Wellness, shall be used as follows: 82882

(A) Up to \$1,250,000 in each fiscal year shall be distributed 82883
to boards of alcohol, drug addiction, and mental health services 82884
to purchase the provision of evidence-based prevention services 82885
from providers certified by the Department of Mental Health and 82886
Addiction Services. 82887

(B) Up to \$500,000 in each fiscal year shall be used to 82888
support suicide prevention efforts. 82889

(C) Up to \$2,250,000 in each fiscal year shall be used to 82890
increase access to early identification of behavioral health 82891
disorders. 82892

(D) \$250,000 in each fiscal year shall be used to support the 82893
use of LifeAct's certified suicide prevention programs in middle 82894
schools and high schools. 82895

(E) \$120,000 in each fiscal year shall be allocated to the 82896
Northeast Ohio Medical University's statewide campus safety and 82897
mental health programs, including suicide prevention. 82898

**Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 82899
PAYMENTS** 82900

The foregoing appropriation item 336415, Mental Health 82901
Facilities Lease Rental Bond Payments, shall be used to meet all 82902
payments during the period from July 1, 2021, through June 30, 82903

2023, by the Department of Mental Health and Addiction Services 82904
pursuant to leases and agreements made under section 154.20 of the 82905
Revised Code. These appropriations are the source of funds pledged 82906
for bond service charges on obligations issued pursuant to Chapter 82907
154. of the Revised Code. 82908

Section 337.40. CONTINUUM OF CARE SERVICES 82909

The foregoing appropriation item 336421, Continuum of Care 82910
Services, shall be used as follows: 82911

(A) A portion of this appropriation shall be allocated to 82912
boards of alcohol, drug addiction, and mental health services in 82913
accordance with a distribution methodology determined by the 82914
Director of Mental Health and Addiction Services for the boards to 82915
purchase mental health and addiction services permitted under 82916
Chapter 340. of the Revised Code. Boards may use a portion of the 82917
funds allocated: 82918

(1) To provide subsidized support for psychotropic medication 82919
needs of indigent citizens in the community to reduce unnecessary 82920
hospitalization due to lack of medication; and 82921

(2) To provide subsidized support for medication-assisted 82922
treatment costs. 82923

(B) A portion of this appropriation may be distributed to 82924
boards of alcohol, drug addiction, and mental health services, 82925
community addiction and/or mental health services providers, 82926
courts, or other governmental entities to provide specific grants 82927
in support of initiatives concerning mental health and addiction 82928
services. 82929

(C) Of the foregoing appropriation item 336421, Continuum of 82930
Care Services, \$1,500,000 in each fiscal year shall be allocated 82931
by the Department of Mental Health and Addiction Services to 82932
boards of alcohol, drug addiction, and mental health services. The 82933

boards shall use their allocations to establish and administer, in 82934
collaboration with the other boards that serve the same state 82935
psychiatric hospital region, mental health crisis stabilization 82936
centers or, upon approval from the Director of Mental Health and 82937
Addiction Services, boards may use these funds in conjunction with 82938
funds earmarked in division (A) of Section 337.130 of this act, to 82939
establish and administer crisis stabilization centers that have 82940
the ability to serve individuals with substance use and/or mental 82941
health needs. There shall be at least one center located in each 82942
state psychiatric hospital region. 82943

Boards of alcohol, drug addiction, and mental health services 82944
shall ensure that each mental health crisis stabilization center 82945
established and administered under division (C) of this section 82946
complies with all of the following: 82947

(1) It serves individuals before and after the individuals 82948
receive treatment and care at hospital emergency departments or 82949
freestanding emergency departments. 82950

(2) It serves individuals before and after the individuals 82951
are confined in state or local correctional facilities. 82952

(3) It has a Medicaid provider agreement. 82953

(4) It serves individuals who present as needing the crisis 82954
stabilization services provided by the center. 82955

(5) It connects individuals when they are discharged from the 82956
center with community-based continuum of care services and 82957
supports as described in section 340.032 of the Revised Code. 82958

(D) Boards of alcohol, drug addiction, and mental health 82959
services shall submit to the Director of Mental Health and 82960
Addiction Services for approval a plan for establishing and 82961
administering crisis stabilization centers pursuant to division 82962
(C) of this section and division (A) of Section 337.130 of this 82963
act that meet the mental health and substance use needs of 82964

individuals within their service districts. 82965

(E) As used in division (C) of this section: 82966

(1) "State or local correctional facility" means any of the 82967
following: 82968

(a) A "state correctional institution," as defined in section 82969
2967.01 of the Revised Code; 82970

(b) A "local correctional facility," as defined in section 82971
2903.13 of the Revised Code; 82972

(c) A correctional facility that is privately operated and 82973
managed pursuant to section 9.06 of the Revised Code. 82974

(2) "State psychiatric hospital regions" means the six 82975
districts into which the Department of Mental Health and Addiction 82976
Services has divided the state pursuant to division (B)(2) of 82977
section 5119.14 of the Revised Code. 82978

(F) Of the foregoing appropriation item 336421, Continuum of 82979
Care Services, up to \$5,500,000 in each fiscal year shall be used 82980
to develop a strategic approach to strengthening cross-systems 82981
collaboration efforts to serve adults with serious mental illness 82982
who are involved in multiple behavioral health, health, human 82983
services, and criminal justice systems. 82984

(G) Of the foregoing appropriation item 336421, Continuum of 82985
Care Services, up to \$2,500,000 in each fiscal year shall be used 82986
to develop, evaluate, and expand crisis services infrastructure to 82987
provide support for adults, children, and families in a variety of 82988
settings. 82989

(H) Of the foregoing appropriation item 336421, Continuum of 82990
Care Services, \$2,000,000 in each fiscal year shall be used to 82991
support new or expand existing confidential treatment and 82992
monitoring programs offered by occupational licensing boards to 82993
licensed healthcare workers with mental health or substance use 82994

disorders, including by allowing an occupational licensing board 82995
to contract with a monitoring organization to administer a 82996
confidential treatment and monitoring program, but only if the 82997
organization meets all of the following requirements: 82998

(1) Is organized as a not-for-profit entity and exempt from 82999
federal income taxation under subsection 501(c)(3) of the Internal 83000
Revenue Code; 83001

(2) Contracts with or employs to serve as the organization's 83002
medical director an individual who is authorized under Chapter 83003
4731. of the Revised Code to practice medicine and surgery or 83004
osteopathic medicine and surgery and specializes or has training 83005
and expertise in addiction medicine or psychiatry; 83006

(3) Contracts with or employs one or more individuals 83007
licensed under Chapter 4732., 4757., or 4758. of the Revised Code 83008
as necessary for the organization's operation. 83009

(I) Of the foregoing appropriation item 336421, Continuum of 83010
Care Services, \$1,000,000 in each fiscal year shall be used to 83011
operate the two-year pilot program established in Section 337.205 83012
of this act. 83013

(J) Of the foregoing appropriation item 336421, Continuum of 83014
Care Services, \$519,514 in each fiscal year shall be provided to 83015
the Near West Side Multi-Service Corporation dba May Dugan Center. 83016

(K) Of the foregoing appropriation item 336421, Continuum of 83017
Care Services, up to \$475,000 in each fiscal year shall be used to 83018
support the operation of a statewide, twenty-four-hour, 83019
seven-days-a-week, behavioral health support line. 83020

(L) Of the foregoing appropriation item 336421, Continuum of 83021
Care Services, \$1,400,000 in each fiscal year shall be provided to 83022
the Bellefaire Jewish Children's Bureau to be used for 83023
unanticipated operating expenditures resulting from the COVID-19 83024
pandemic that are not reimbursed by any other sources of state or 83025

federal funding. Expenditures may include, but are not limited to, 83026
personnel costs of health care and social workers. 83027

(M) Of the foregoing appropriation item 336421, Continuum of 83028
Care Services, \$325,000 in each fiscal year shall be distributed 83029
to OhioGuidestone for the Adverse Childhood Experiences Pilot 83030
Project. 83031

(N) Of the foregoing appropriation item 336421, Continuum of 83032
Care Services, \$225,000 in each fiscal year shall be distributed 83033
to LifeTown Columbus to provide additional support for facility 83034
renovations and operations, including professional development, 83035
curriculum development, educational materials, equipment, 83036
marketing, and recruitment. 83037

(O) Of the foregoing appropriation item 336421, Continuum of 83038
Care Services, \$100,000 in fiscal year 2022 shall be distributed 83039
to Applewood Centers, Inc. to be used for information technology 83040
operations related to telehealth and electronic health records. 83041

(P) Of the foregoing appropriation item 336421, Continuum of 83042
Care Services, \$100,000 in each fiscal year shall be distributed 83043
to The Refuge, Inc. for facility improvements. 83044

Section 337.50. CRIMINAL JUSTICE SERVICES 83045

Except as otherwise provided in this act, the foregoing 83046
appropriation item 336422, Criminal Justice Services, shall be 83047
used to provide forensic psychiatric evaluations to courts of 83048
common pleas and to conduct evaluations of patients of forensic 83049
status in facilities operated or designated by the Department of 83050
Mental Health and Addiction Services prior to conditional release 83051
to the community. A portion of this appropriation may be allocated 83052
through boards of alcohol, drug addiction, and mental health 83053
services to community addiction and/or mental health services 83054
providers in accordance with a distribution methodology as 83055

determined by the Director of Mental Health and Addiction Services. 83056
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Of the foregoing appropriation item, 336422, Criminal Justice Services, up to \$3,000,000 in each fiscal year shall be allocated to the Psychotropic Drug Reimbursement Program established in section 5119.19 of the Revised Code. 83058
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On July 1, 2022, or as soon as possible thereafter, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of this earmark in fiscal year 2022. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2023 for the same purpose. 83062
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Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$2,000,000 in each fiscal year shall be allocated to the reimbursement program, established in section 5119.191 of the Revised Code, for drugs used in medication-assisted treatment or drugs used in withdrawal management or detoxification. 83068
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The foregoing appropriation item 336422, Criminal Justice Services, may also be used to: 83073
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(A) Provide forensic monitoring and tracking of individuals on conditional release; 83075
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(B) Provide forensic training; 83077

(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders; 83078
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(D) Provide specialized re-entry services to offenders leaving prisons and jails; 83081
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(E) Provide specific grants in support of addiction services alternatives to incarceration; 83083
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(F) Support therapeutic communities; 83085

(G) Support specialty dockets and expand or create new certified court programs;	83086 83087
(H) Establish and administer outpatient competency restoration services.	83088 83089
Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN SPECIALIZED DOCKET PROGRAMS	83090 83091
(A) As used in this section:	83092
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	83093 83094
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	83095 83096
(3) "Drug used in medication-assisted treatment" means a drug approved by the United States Food and Drug Administration for use in medication-assisted treatment.	83097 83098 83099
(4) "Drug used in withdrawal management or detoxification" means a drug approved by the United States Food and Drug Administration for use in, or a drug in standard use for, mitigating alcohol or opioid withdrawal symptoms or assisting with detoxification.	83100 83101 83102 83103 83104
(5) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.	83105 83106
(6) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.	83107 83108 83109 83110 83111 83112 83113
(7) "Prescriber" has the same meaning as in section 4729.01	83114

of the Revised Code. 83115

(8) "Recovery supports" has the same meaning as in section 83116
5119.01 of the Revised Code. 83117

(9) "Substance use disorder treatment" has the same meaning 83118
as "alcohol and drug addiction services" as defined in section 83119
5119.01 of the Revised Code. 83120

(B)(1) The Department of Mental Health and Addiction Services 83121
shall conduct a program to provide substance use disorder 83122
treatment to persons who are eligible to participate in a 83123
medication-assisted treatment drug court program and are selected 83124
under this section to be participants in a MAT drug court program 83125
because of a substance use disorder. The substance use disorder 83126
treatment provided under the Department's program may include the 83127
following: 83128

(a) Drugs used in medication-assisted treatment; 83129

(b) Services involved in providing medication-assisted 83130
treatment; 83131

(c) Drugs used in withdrawal management or detoxification; 83132

(d) Services involved in providing withdrawal management or 83133
detoxification; 83134

(e) Recovery supports. 83135

(2) The Department shall conduct its program in collaboration 83136
with any counties in Ohio that are conducting MAT drug court 83137
programs. 83138

(3) In addition to conducting its program in accordance with 83139
division (B)(2) of this section, the Department may conduct its 83140
program in collaboration with any other court that is conducting a 83141
MAT drug court program. 83142

(C) In conducting its program, the Department shall 83143
collaborate with the Supreme Court, the Department of 83144

Rehabilitation and Correction, and any agency of the state that 83145
the Department of Mental Health and Addiction Services determines 83146
may be of assistance in accomplishing the objectives of the 83147
Department's program. The Department may collaborate with the 83148
boards of alcohol, drug addiction, and mental health services and 83149
with local law enforcement agencies that serve the counties in 83150
which a court participating in the Department's program is 83151
located. 83152

(D)(1) A MAT drug court program participating in the 83153
Department's program shall select the persons who are to be its 83154
participants for purposes of the Department's program. To be 83155
selected, a person must be a criminal offender, including an 83156
offender under a community control sanction, or be involved in a 83157
drug or family dependency court. A person shall not be selected to 83158
be a participant unless the person meets the legal and clinical 83159
eligibility criteria for the MAT drug court program and is an 83160
active participant in the MAT drug court program, or unless the 83161
offender is under a community control sanction with the program's 83162
participating judge. 83163

(2) After a MAT drug court program enrolls a person as a 83164
participant for purposes of the Department's program, the 83165
participant shall comply with all requirements of the MAT drug 83166
court program. 83167

(E) The substance use disorder treatment provided under the 83168
Department's program in collaboration with a MAT drug court 83169
program, including any recovery supports that are provided, shall 83170
be provided by a community addiction services provider. The 83171
provider shall do all of the following: 83172

(1) Provide treatment based on an integrated service delivery 83173
model that consists of the coordination of care between a 83174
prescriber and the community addiction services provider; 83175

(2) Conduct professional, comprehensive substance abuse and 83176
mental health diagnostic assessments of a person under 83177
consideration for selection as a program participant to determine 83178
whether the person would benefit from substance use disorder 83179
treatment and monitoring; 83180

(3) Determine, based on the assessment described in division 83181
(E)(2) of this section, the treatment needs of the program 83182
participants served by the community addiction services provider; 83183

(4) Develop, for program participants served by the community 83184
addiction services provider, individualized goals and objectives; 83185

(5) Subject to division (F) of this section, provide access 83186
to both of the following drug therapies to the extent they are 83187
included in the program's substance use disorder treatment: drugs 83188
used in medication-assisted treatment and drugs used in withdrawal 83189
management or detoxification; 83190

(6) Provide other types of therapies, including psychosocial 83191
therapies, for both substance use disorder and any disorders that 83192
are considered by the community addiction services provider to be 83193
co-occurring disorders; 83194

(7) Monitor program compliance through the use of regular 83195
drug testing, including urinalysis, of the program participants 83196
served by the community addiction services provider; 83197

(8) Provide access to time-limited recovery supports that 83198
help eliminate barriers to treatment and are specific to the 83199
participant's needs, including assistance with housing, 83200
transportation, child care, job training, obtaining a driver's 83201
license or state identification card, and any other matter 83202
considered relevant by the provider. 83203

(F) With regard to the drug therapies included in the 83204
substance use disorder treatment provided under the Department's 83205
program, both of the following apply: 83206

(1) One or more drugs may be used, but each drug that is used must constitute either or both of the following: 83207
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(a) Long-acting antagonist therapy, partial agonist therapy, or full agonist therapy; 83209
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(b) Alpha-2 agonist therapy for withdrawal management or detoxification. 83211
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(2) If a drug constituting partial or full agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants. 83213
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(G) It is anticipated and expected that MAT drug court programs will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support the Department's program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for program participants to have access to any drug therapy included in the substance use disorder treatment provided under the Department's program. The plans developed under this division shall ensure all of the following: 83217
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(1) The development of an efficient and timely process for review of eligibility for health benefits for all persons selected to participate in the program; 83230
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(2) A rapid conversion to reimbursement for all health care services by the participant's health care plan following approval for coverage of health care benefits; 83233
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(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential health 83236
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care services including, but not limited to, primary health care 83238
services, alcohol and opioid detoxification services, appropriate 83239
psychosocial services, drugs used in medication-assisted 83240
treatment, and drugs used in withdrawal management or 83241
detoxification; 83242

(4) The development of guidelines that require the provision 83243
of all treatment services, including medication, with minimal 83244
administrative barriers and within a time frame that meets the 83245
requirements of individual patient care plans. 83246

(H) Of the foregoing appropriation item 336422, Criminal 83247
Justice Services, up to \$5,000,000 in each fiscal year shall be 83248
used to support the substance use disorder treatment, included in 83249
the Department's program for drug court specialized docket 83250
programs and to support the administrative expenses of courts and 83251
community addiction services providers participating in the 83252
Department's program. 83253

Section 337.70. RECOVERY HOUSING 83254

The foregoing appropriation item 336424, Recovery Housing, 83255
shall be used to expand and support access to recovery housing as 83256
defined in section 340.01 of the Revised Code and in accordance 83257
with section 340.034 of the Revised Code. For expenditures that 83258
are capital in nature, the Department of Mental Health and 83259
Addiction Services shall develop procedures to administer these 83260
funds in a manner that is consistent with current community 83261
capital assistance guidelines. 83262

Section 337.80. SPECIALIZED DOCKET SUPPORT 83263

(A) The foregoing appropriation item 336425, Specialized 83264
Docket Support, shall be used to defray a portion of the annual 83265
payroll costs associated with the specialized docket of a common 83266
pleas court, municipal court, county court, juvenile court, or 83267

family court that meets all of the eligibility requirements in 83268
division (B) of this section, including a family dependency 83269
treatment docket. The foregoing appropriation item 336425, 83270
Specialized Docket Support, may also be used to defray costs 83271
associated with treatment services and recovery supports for 83272
participants. 83273

(B) To be eligible, the specialized docket must have received 83274
Supreme Court of Ohio initial or final certification and include 83275
participants with behavioral health needs in its target 83276
population. 83277

(C) Of the foregoing appropriation item 336425, Specialized 83278
Docket Support, the Department of Mental Health and Addiction 83279
Services shall use up to one per cent of the funds appropriated in 83280
each fiscal year to pay the cost it incurs in administering the 83281
duties established in this section. 83282

(D) The Department, in consultation with the Supreme Court of 83283
Ohio, may adopt funding distribution methodology, guidelines, and 83284
procedures as necessary to carry out the purposes of this section. 83285

Section 337.90. COMMUNITY INNOVATIONS 83286

The foregoing appropriation item 336504, Community 83287
Innovations, may be used by the Department of Mental Health and 83288
Addiction Services to make targeted investments in programs, 83289
projects, or systems operated by or under the authority of other 83290
state agencies, governmental entities, or private not-for-profit 83291
agencies that impact, or are impacted by, the operations and 83292
functions of the Department, with the goal of achieving a net 83293
reduction in expenditure of state general revenue funds and/or 83294
improved outcomes for Ohio citizens without a net increase in 83295
state general revenue fund spending. 83296

The Director shall identify and evaluate programs, projects, 83297

or systems proposed or operated, in whole or in part, outside of 83298
the authority of the Department, where targeted investment of 83299
these funds in the program, project, or system is expected to 83300
decrease demand for the Department or other resources funded with 83301
state general revenue funds, and/or to measurably improve outcomes 83302
for Ohio citizens with mental illness or with alcohol, drug, or 83303
gambling addictions. The Director shall have discretion to provide 83304
funds from this appropriation item to private not-for-profit 83305
entities in amounts, and subject to conditions, that the Director 83306
determines most likely to achieve state savings and/or improved 83307
outcomes. Distribution of funds from this appropriation item shall 83308
not be subject to sections 9.23 to 9.239 or Chapter 125. of the 83309
Revised Code. 83310

The Department shall enter into an agreement with each 83311
recipient of community innovation funds, identifying: allowable 83312
expenditure of the funds; other commitment of funds or other 83313
resources to the program, project, or system; expected state 83314
savings and/or improved outcomes and proposed mechanisms for 83315
measurement of such savings or outcomes; and required reporting 83316
regarding expenditure of funds and savings or outcomes achieved. 83317

Of the foregoing appropriation item 336504, Community 83318
Innovations, up to \$6,000,000 in each fiscal year shall be used 83319
for operating expenses that result in improved quality of life for 83320
adults with severe mental illness living in class two and class 83321
three residential facilities. 83322

Of the foregoing appropriation item 336504, Community 83323
Innovations, up to \$4,000,000 in each fiscal year shall be used to 83324
provide funding for community projects across the state that focus 83325
on support for families, assisting families in avoiding crisis, 83326
and crisis intervention. 83327

Of the foregoing appropriation item 336504, Community 83328
Innovations, up to \$3,500,000 in each fiscal year shall be used to 83329

support workforce development initiatives. 83330

Of the foregoing appropriation item 336504, Community 83331
Innovations, up to \$1,500,000 in each fiscal year shall be used to 83332
improve behavioral health outcomes for racial and ethnic 83333
minorities. 83334

Section 337.100. RESIDENTIAL STATE SUPPLEMENT 83335

(A) The foregoing appropriation item 336510, Residential 83336
State Supplement, may be used by the Department of Mental Health 83337
and Addiction Services to provide training and other supports for 83338
residential facilities providing accommodations, supervision, and 83339
personal care services to three to sixteen unrelated adults with 83340
mental illness and to make payments to residential state 83341
supplement recipients. 83342

(B) The Department of Mental Health and Addiction Services 83343
shall adopt rules establishing eligibility criteria and payment 83344
amounts under section 5119.41 of the Revised Code. 83345

**Section 337.110. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 83346
CONSULTATION 83347**

The foregoing appropriation item 336511, Early Childhood 83348
Mental Health Counselors and Consultation, shall be used to 83349
promote identification and intervention for early childhood mental 83350
health and to enhance healthy social emotional development in 83351
order to reduce preschool to third grade classroom expulsions. 83352
Funds shall be used by the Department of Mental Health and 83353
Addiction Services to support early childhood mental health 83354
credentialed counselors and consultation services, as well as 83355
administration and workforce development for the program. 83356

Section 337.115. APPALACHIAN CHILDREN COALITION 83357

The foregoing appropriation item 336516, Appalachian Children 83358

Coalition, shall be provided to the Appalachian Children Coalition 83359
to address systemic challenges children face in southeast Ohio. 83360
The coalition shall use the funds as follows: \$1,000,000 in each 83361
fiscal year shall be used to provide funding for the training, 83362
hiring, and retention of entry-level child mental and behavioral 83363
health workers in school settings, and \$250,000 in each fiscal 83364
year shall be used to enhance child mental health outcomes, 83365
promote implementation of whole-child models of care, and to 83366
expand the mental health workforce in the region. 83367

Section 337.120. MEDICAID SUPPORT 83368

The foregoing appropriation item 652321, Medicaid Support, 83369
shall be used to fund specified Medicaid Services as delegated by 83370
the state's single agency responsible for the Medicaid Program. 83371

Section 337.125. COVID Response - Mental Health 83372

Of the foregoing appropriation item 336513, COVID Response - 83373
Mental Health, \$2,500,000 in each fiscal year shall be distributed 83374
to community behavioral health organizations certified by the 83375
Department of Mental Health and Addiction Services and used to 83376
develop and sustain workforce recruitment and retention 83377
initiatives and to offer supervision support. 83378

Section 337.130. SUBSTANCE ABUSE STABILIZATION CENTERS 83379

(A) The foregoing appropriation item 336600, Substance Abuse 83380
Stabilization Centers, shall be used to establish and administer, 83381
in collaboration with the other boards that serve the same state 83382
psychiatric hospital region, substance use stabilization centers 83383
or, upon approval from the Director of Mental Health and Addiction 83384
Services, boards may use these funds in conjunction with funds 83385
earmarked in division (C) of Section 337.40 of this act to 83386
establish and administer crisis stabilization centers that have 83387

the ability to serve individuals with substance use and/or mental health needs. There shall be a minimum of one center located in each state psychiatric hospital region.

(B) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (A) of this section and division (C) of Section 337.40 of this act that meet the needs of individuals within their service districts.

(C) As used in this section, "state psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

Section 337.140. ADAMHS BOARDS

(A) Of the foregoing appropriation item 336643, ADAMHS Boards, \$5,000,000 in each fiscal year shall be allocated as follows:

(1) Each board shall receive \$50,000 in each fiscal year for each of the counties that are part of the board's district.

(2) Each board shall receive a percentage of any remaining amount to be determined by a formula developed by the Director of Mental Health and Addiction Services.

(B) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$6,000,000 in each fiscal year shall be used to fund a continuum of crisis stabilization and crisis prevention services and supports to allow individuals to be served in the least restrictive setting.

(C) Boards of alcohol, drug addiction, and mental health services shall submit for approval by the Director of Mental

Health and Addiction Services a plan for establishing and 83418
administering crisis services in conjunction with the plan 83419
submitted pursuant to division (D) of Section 337.40 and division 83420
(B) of Section 337.130 of this act. 83421

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 83422

A portion of appropriation item 336629, Problem Gambling and 83423
Casino Addiction, shall be allocated to boards of alcohol, drug 83424
addiction, and mental health services in accordance with a 83425
distribution methodology determined by the Director of Mental 83426
Health and Addiction Services. 83427

Section 337.170. ACCESS SUCCESS II PROGRAM 83428

To the extent cash is available, the Director of Budget and 83429
Management may transfer cash from a fund designated by the 83430
Medicaid Director, to the Sale of Goods and Services Fund (Fund 83431
1490), used by the Department of Mental Health and Addiction 83432
Services. The transferred cash is hereby appropriated. 83433

The Department of Mental Health and Addiction Services shall 83434
use the transferred funds to administer the Access Success II 83435
Program to help non-Medicaid patients in any hospital established, 83436
controlled, or supervised by the Department under Chapter 5119. of 83437
the Revised Code to transition from inpatient status to a 83438
community setting. 83439

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS 83440
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 83441
FUND 83442

On a schedule determined by the Director of Budget and 83443
Management, the Director of Mental Health and Addiction Services 83444
shall certify to the Director of Budget and Management the amount 83445
of excess license reinstatement fees that are available pursuant 83446

to division (F)(2)(c) of section 4511.191 of the Revised Code to 83447
be transferred from the Indigent Drivers Alcohol Treatment Fund 83448
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 83449
4750). Upon certification, the Director of Budget and Management 83450
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 83451
to the Statewide Treatment and Prevention Fund. 83452

Section 337.185. CASH TRANSFER FROM THE MILITARY INJURY 83453
RELIEF FUND TO THE ELECTROENCEPHALOGRAM (EEG) COMBINED 83454
TRANSCRANIAL MAGNETIC STIMULATION FUND 83455

Notwithstanding section 5902.05 of the Revised Code, on July 83456
1, 2021, or as soon as possible thereafter, the Director of Budget 83457
and Management shall transfer \$1,500,000 cash from the Military 83458
Injury Relief Fund (Fund 5DB0) to the Electroencephalogram (EEG) 83459
Combined Transcranial Magnetic Stimulation Fund (Fund 5VV0). 83460

Section 337.190. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 83461

The foregoing appropriation item 336645, Transcranial 83462
Magnetic Stimulation Program, shall be used for the 83463
electroencephalogram (EEG) combined transcranial magnetic 83464
stimulation program as described in section 5902.09 of the Revised 83465
Code. These funds shall also be used to serve up to three hundred 83466
additional veterans and up to three hundred additional first 83467
responders and law enforcement officers. 83468

Section 337.200. The two-year licensing period established by 83469
section 5119.37 of the Revised Code, as amended by this act, does 83470
not affect the scheduled expiration date of an opioid treatment 83471
program license that was issued prior to the effective date of 83472
this section. If the license is renewed, the Department of Mental 83473
Health and Addiction Services shall, except as provided in 83474
division (E)(2) of that section, renew the license for a two-year 83475
period. 83476

Section 337.205. (A) As used in this section:	83477
(1) "Controlled substance" and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.	83478 83479
(2) "Lockable container" means a container that meets both of the following requirements:	83480 83481
(a) Has special packaging;	83482
(b) Has a locking mechanism that can be unlocked in any of the following ways:	83483 83484
(i) Physically by using a key or other object capable of unlocking a locked container;	83485 83486
(ii) Physically by entering a numeric or alphanumeric combination code that is selected by the patient or an individual acting on behalf of the patient;	83487 83488 83489
(iii) Electronically by entering a password or code that is selected by the patient or an individual acting on behalf of the patient.	83490 83491 83492
(3) "Special packaging" has the same meaning as in the "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471.	83493 83494
(4) "Tamper-evident container" means a container that meets both of the following requirements:	83495 83496
(a) Has special packaging;	83497
(b) Displays a visual sign when there is unauthorized entry into the container or has a numerical display of the time that the container was last opened.	83498 83499 83500
(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.	83501 83502
(B)(1) Subject to division (C) of this section, the Department of Mental Health and Addiction Services shall operate a	83503 83504

two-year pilot program under which all schedule II controlled 83505
substances in solid oral dosage formulations are dispensed by 83506
participating pharmacies in lockable containers or tamper-evident 83507
containers. Under the pilot program, the Department shall 83508
reimburse participating pharmacies for the expenses they incur in 83509
participating in the program, including a fee determined by the 83510
Department for dispensing all schedule II controlled substances in 83511
solid oral dosage formulations in those containers. 83512

(2) The Department shall select the pharmacies to be included 83513
in the pilot program. Any pharmacy may volunteer to participate in 83514
the pilot program by notifying the Department. 83515

(3) In each of the pilot program's participating pharmacies, 83516
all of the following apply: 83517

(a) A pharmacist shall dispense a schedule II controlled 83518
substance in a solid oral dosage formulation in a lockable 83519
container or tamper-evident container unless the patient or an 83520
individual acting on behalf of the patient requests that the drug 83521
not be dispensed in such a container. 83522

(b) The expenses that the pharmacy incurs for the containers 83523
shall not be included in any amount that is to be paid by a 83524
patient, an individual acting on behalf of the patient, or a 83525
third-party payer. 83526

(4) A pharmacist, pharmacist's delegate, or pharmacy is not 83527
liable for damages in any civil action, subject to prosecution in 83528
any criminal proceeding, or subject to professional disciplinary 83529
action for actions taken in good faith in accordance with this 83530
section, including either of the following: 83531

(a) Disclosing information to aid a patient or an individual 83532
acting on the patient's behalf in obtaining entry into a lockable 83533
container or tamper-evident container; 83534

(b) Dispensing a drug in a lockable container or 83535

tamper-evident container that fails to restrict unauthorized access into the container. 83536
83537

(5) Not later than six months after the pilot program ends, the Department shall prepare a report describing its findings regarding the impact of the program. In evaluating the pilot program's impact, the Department shall contract with a third-party research organization to assess whether a measured decrease in diversion of schedule II controlled substances occurred regarding drugs dispensed through the program as compared with those dispensed outside of the program. On completion of the report, the Department shall submit the report to the General Assembly in accordance with section 101.68 of the Revised Code. 83538
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(C) The pilot program shall be operated for two years or until funds appropriated for the program are expended, whichever occurs first. 83548
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(D) The Department may adopt rules to administer the pilot program. Any rules shall be adopted in accordance with Chapter 119. of the Revised Code. 83551
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(E) Nothing in this section precludes a pharmacy that is not participating in the pilot program from stocking lockable containers or tamper-evident containers and offering to have drugs containing a schedule II controlled substance dispensed in those containers. 83554
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Section 339.10. MIH COMMISSION ON MINORITY HEALTH 83559

General Revenue Fund 83560

GRF	149321	Operating Expenses	\$	733,463	\$	767,026	83561
GRF	149501	Demonstration Grants	\$	852,606	\$	852,606	83562
GRF	149502	Lupus Program	\$	113,680	\$	113,680	83563
GRF	149503	Infant Mortality	\$	3,389,967	\$	3,356,404	83564

Health Grants

TOTAL GRF General Revenue Fund	\$	5,089,716	\$	5,089,716	83565
Dedicated Purpose Fund Group					83566
4C20 149601 Minority Health	\$	35,000	\$	35,000	83567
Conference					
TOTAL DPF Dedicated Purpose Fund	\$	35,000	\$	35,000	83568
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,124,716	\$	5,124,716	83569
 Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD					83571
Dedicated Purpose Fund Group					83572
4K90 865601 Operating Expenses	\$	636,389	\$	636,389	83573
TOTAL DPF Dedicated Purpose Fund	\$	636,389	\$	636,389	83574
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	636,389	\$	636,389	83575
 Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES					83577
General Revenue Fund					83578
GRF 725401 Division of	\$	1,595,700	\$	1,595,700	83579
Wildlife-Operating					
Subsidy					
GRF 725413 Parks and Recreational	\$	64,000,000	\$	76,500,000	83580
Facilities Lease					
Rental Bond Payments					
GRF 725456 Canal Lands	\$	117,855	\$	117,855	83581
GRF 725505 Healthy Lake Erie	\$	900,000	\$	900,000	83582
Program					
GRF 725507 Coal and Mine Safety	\$	2,800,000	\$	2,900,000	83583
Programs					
GRF 725903 Natural Resources	\$	20,600,000	\$	23,000,000	83584
General Obligation					
Bond Debt Service					
GRF 727321 Division of Forestry	\$	6,965,023	\$	6,965,023	83585

GRF	729321	Office of Information Technology	\$	181,478	\$	181,478	83586
GRF	730321	Parks and Recreation	\$	39,829,739	\$	39,829,739	83587
GRF	736321	Division of Engineering	\$	2,035,650	\$	2,035,650	83588
GRF	737321	Division of Water Resources	\$	1,692,044	\$	1,692,044	83589
GRF	738321	Office of Real Estate and Land Management	\$	728,322	\$	728,322	83590
GRF	741321	Division of Natural Areas and Preserves	\$	3,696,134	\$	3,696,134	83591
TOTAL GRF	General Revenue Fund		\$	145,141,945	\$	160,141,945	83592
Dedicated Purpose Fund Group							83593
2270	725406	Parks Projects Personnel	\$	2,009,943	\$	2,062,630	83594
4300	725671	Canal Lands	\$	998,229	\$	1,002,531	83595
4S90	725622	NatureWorks Personnel	\$	341,177	\$	351,329	83596
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	83597
5090	725602	State Forest	\$	8,312,871	\$	8,312,871	83598
5110	725646	Ohio Geological Mapping	\$	8,599,989	\$	5,799,989	83599
5110	725679	Geographic Information System Centralized Services	\$	641,719	\$	646,449	83600
5120	725605	State Parks Operations	\$	38,212,070	\$	35,412,070	83601
5140	725606	Lake Erie Shoreline	\$	2,446,910	\$	2,446,910	83602
5160	725620	Water Management	\$	3,007,006	\$	3,007,006	83603
5180	725643	Oil and Gas Regulation and Safety	\$	28,446,157	\$	29,523,770	83604
5180	725677	Oil and Gas Well Plugging	\$	22,481,036	\$	22,849,836	83605
5210	725627	Off-Road Vehicle	\$	460,000	\$	460,000	83606

		Trails					
5220	725656	Natural Areas and Preserves	\$	1,725,494	\$	1,582,122	83607
5290	725639	Mining Regulation and Safety	\$	4,750,000	\$	4,800,000	83608
5310	725648	Reclamation Forfeiture	\$	2,530,000	\$	2,530,000	83609
5CV1	725697	Coronavirus Relief DNR COVID Safety		2,500,000	\$	0	83610
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	83611
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	83612
5HK0	725625	Ohio Nature Preserves	\$	100,000	\$	100,000	83613
5P20	725634	Wildlife Boater Angler Administration	\$	5,000,000	\$	5,000,000	83614
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	83615
6150	725661	Dam Safety	\$	1,166,602	\$	1,266,602	83616
6970	725670	Submerged Lands	\$	717,155	\$	717,155	83617
6H20	725681	H2Ohio	\$	25,000,000	\$	25,000,000	83618
7015	740401	Division of Wildlife Conservation	\$	65,482,330	\$	65,482,330	83619
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	83620
7086	739401	Watercraft Operations	\$	34,527,175	\$	34,007,086	83621
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	83622
8160	725649	Wetlands Habitat	\$	2,366,885	\$	966,885	83623
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	83624
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	83625
8190	725685	Ohio River Management	\$	150,000	\$	150,000	83626
81B0	725688	Wildlife Habitats	\$	2,000,000	\$	2,000,000	83627
TOTAL	DPF	Dedicated Purpose Fund	\$	275,943,569	\$	267,448,392	83628

Group

Internal Service Activity Fund Group				83629
1550	725601	Departmental Projects	\$ 1,800,392 \$ 1,625,481	83630
1550	725676	Hocking Hills State Park Lodge	\$ 3,000,000 \$ 3,000,000	83631
1570	725651	Program Support	\$ 21,956,264 \$ 22,290,566	83632
5100	725631	Maintenance - State-owned Residences	\$ 189,611 \$ 189,611	83633
TOTAL ISA Internal Service Activity				\$ 26,946,267 \$ 27,105,658 83634
Fund Group				
Capital Projects Fund Group				83635
7061	725405	Clean Ohio Trail Operating	\$ 301,796 \$ 301,796	83636
TOTAL CPF Capital Projects Fund				\$ 301,796 \$ 301,796 83637
Group				
Fiduciary Fund Group				83638
4M80	725675	FOP Contract	\$ 20,219 \$ 20,219	83639
TOTAL FID Fiduciary Fund Group				\$ 20,219 \$ 20,219 83640
Holding Account Fund Group				83641
R017	725659	Performance Cash Bond Refunds	\$ 554,730 \$ 554,730	83642
R043	725624	Forestry	\$ 2,400,000 \$ 2,400,000	83643
TOTAL HLD Holding Account Fund				\$ 2,954,730 \$ 2,954,730 83644
Group				
Federal Fund Group				83645
3320	725669	Federal Mine Safety Grant	\$ 335,000 \$ 335,000	83646
3B30	725640	Federal Forest Pass-Thru	\$ 500,000 \$ 500,000	83647
3B40	725641	Federal Flood	\$ 125,000 \$ 125,000	83648

		Pass-Thru					
3B50	725645	Federal Abandoned	\$	13,825,000	\$	14,145,000	83649
		Mine Lands					
3B60	725653	Federal Land and	\$	10,800,000	\$	10,800,000	83650
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	1,800,000	\$	1,800,000	83651
		Regulatory					
3P10	725632	Geological Survey -	\$	260,000	\$	260,000	83652
		Federal					
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	83653
3P30	725650	Coastal Management -	\$	2,820,185	\$	2,820,185	83654
		Federal					
3P40	725660	Federal - Soil and	\$	251,310	\$	264,746	83655
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	1,000,000	\$	1,000,000	83656
		Abatement/Treatment					
3Z50	725657	Federal Recreation	\$	3,159,175	\$	3,161,429	83657
		and Trails					
TOTAL FED	Federal Fund Group		\$	35,022,670	\$	35,358,360	83658
TOTAL ALL BUDGET FUND GROUPS			\$	486,331,196	\$	493,331,100	83659

Section 343.20. PROGRAM SUPPORT FUND 83661

The Department of Natural Resources shall use a methodology 83662
for determining each division's payments into the Program Support 83663
Fund (Fund 1570). The methodology used shall contain the 83664
characteristics of administrative ease and uniform application in 83665
compliance with federal grant requirements. It may include direct 83666
cost charges for specific services provided. Payments to Fund 1570 83667
shall be made using an intrastate transfer voucher. 83668

The foregoing appropriation item 725401, Division of 83669
Wildlife-Operating Subsidy, shall be used to pay the direct and 83670
indirect costs of the Division of Wildlife. 83671

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 83672

The foregoing appropriation item 725413, Parks and 83673
Recreational Facilities Lease Rental Bond Payments, shall be used 83674
to meet all payments during the period from July 1, 2021, through 83675
June 30, 2023, by the Department of Natural Resources pursuant to 83676
leases and agreements made under section 154.22 of the Revised 83677
Code. These appropriations are the source of funds pledged for 83678
bond service charges on related obligations issued under Chapter 83679
154. of the Revised Code. 83680

HEALTHY LAKE ERIE PROGRAM 83681

The foregoing appropriation item 725505, Healthy Lake Erie 83682
Program, shall be used by the Director of Natural Resources, in 83683
support of the following: (1) conservation measures in the Western 83684
Lake Erie Basin as determined by the Director; (2) funding 83685
assistance for soil testing, winter cover crops, edge of field 83686
testing, tributary monitoring, animal waste abatement; and (3) any 83687
additional efforts to reduce nutrient runoff as the Director may 83688
decide. The Director shall give priority to recommendations that 83689
encourage farmers to adopt agricultural production guidelines 83690
commonly known as 4R nutrient stewardship practices. 83691

COAL AND MINE SAFETY PROGRAMS 83692

The foregoing appropriation item 725507, Coal and Mine Safety 83693
Programs, shall be used for the administration of the Mine Safety 83694
Program and the Coal Regulation Program. 83695

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 83696

The foregoing appropriation item 725903, Natural Resources 83697
General Obligation Bond Debt Service, shall be used to pay all 83698
debt service and related financing costs during the period July 1, 83699
2021, through June 30, 2023, on obligations issued under sections 83700
151.01 and 151.05 of the Revised Code. 83701

Section 343.30. STATE PARK OPERATIONS 83702

Of the foregoing appropriation item, 725605, State Park 83703
Operations, \$2,800,000 over the biennium ending June 30, 2023, 83704
shall be used to make lease or mortgage payments for the Geneva 83705
Lodge and Conference Center prior to and upon execution of the 83706
agreement specified in Section 715.20 of this act. 83707

OIL AND GAS WELL PLUGGING 83708

The foregoing appropriation item 725677, Oil and Gas Well 83709
Plugging, shall be used exclusively for the purposes of plugging 83710
wells and to properly restore the land surface of idle and orphan 83711
oil and gas wells pursuant to section 1509.071 of the Revised 83712
Code. This appropriation item shall not be used for salaries, 83713
maintenance, equipment, or other administrative purposes, except 83714
for those costs directly attributable to the plugging of an idle 83715
or orphan well. In addition, this appropriation item shall not be 83716
used to transfer cash to any other fund or appropriation item. 83717

H2OHIO FUND 83718

On July 1, 2022, or as soon as possible thereafter, the 83719
Director of Natural Resources may certify to the Director of 83720
Budget and Management an amount up to the unexpended, unencumbered 83721
balance of the foregoing appropriation item, 725681, H2Ohio, at 83722
the end of fiscal year 2022 to be reappropriated in fiscal year 83723
2023. Upon Controlling Board approval, the amount certified is 83724
hereby reappropriated to the same appropriation item for fiscal 83725
year 2023. 83726

WELL LOG FILING FEES 83727

The Chief of the Division of Water Resources shall deposit 83728
fees forwarded to the Division pursuant to section 1521.05 of the 83729
Revised Code into the Water Management Fund (Fund 5160) for the 83730
purposes described in that section. 83731

PARKS CAPITAL EXPENSES FUND 83732

The Director of Natural Resources shall submit to the 83733
Director of Budget and Management the estimated design, 83734
engineering, and planning costs of capital-related work to be done 83735
by Department of Natural Resources staff for parks projects within 83736
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 83737
Director of Budget and Management approves the estimated costs, 83738
the Director may release appropriations from Fund 7035 83739
appropriation item C725E6, Project Planning, for those purposes. 83740
Upon release of the appropriations, the Department of Natural 83741
Resources shall pay for these expenses from the Parks Capital 83742
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 83743
reimbursed by Fund 7035 using an intrastate transfer voucher. 83744

NATUREWORKS CAPITAL EXPENSES FUND 83745

The Department of Natural Resources shall submit to the 83746
Director of Budget and Management the estimated design, planning, 83747
and engineering costs of capital-related work to be done by 83748
Department of Natural Resources staff for each capital improvement 83749
project within the Ohio Parks and Natural Resources Fund (Fund 83750
7031). If the Director of Budget and Management approves the 83751
estimated costs, the Director may release appropriations from Fund 83752
7031 appropriation item C725E5, Project Planning, for those 83753
purposes. Upon release of the appropriations, the Department of 83754
Natural Resources shall pay for these expenses from the Capital 83755
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 83756
reimbursed by Fund 7031 using an intrastate transfer voucher. 83757

PARK MAINTENANCE 83758

The foregoing appropriation item 725514, Park Maintenance, 83759
shall be used by the Department of Natural Resources to pay the 83760
costs of projects supported by the State Park Maintenance Fund 83761
(Fund 5TD0) under section 1501.08 of the Revised Code. 83762

On July 1 of each fiscal year or as soon as possible 83763
 thereafter, the Director of Natural Resources shall certify the 83764
 amount of five percent of the average of the previous five years 83765
 of deposits in the State Park Fund (Fund 5120) to the Director of 83766
 Budget and Management. The Director of Budget and Management may 83767
 transfer up to \$1,600,000 from Fund 5120 to the State Park 83768
 Maintenance Fund (Fund 5TD0). 83769

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 83770

The foregoing appropriation item 725405, Clean Ohio Trail 83771
 Operating, shall be used by the Department of Natural Resources in 83772
 administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 83773
 to section 1519.05 of the Revised Code. 83774

Section 345.10. NUR STATE BOARD OF NURSING 83775

Dedicated Purpose Fund Group					83776	
4K90 884609	Operating Expenses	\$	11,378,121	\$	11,689,893	83777
5AC0 884602	Nurse Education Grant	\$	1,513,000	\$	1,513,000	83778
	Program					
5P80 884601	Nursing Special	\$	500	\$	500	83779
	Issues					
TOTAL DPF Dedicated Purpose						83780
Fund Group		\$	12,891,621	\$	13,203,393	83781
TOTAL ALL BUDGET FUND GROUPS		\$	12,891,621	\$	13,203,393	83782

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 83784
 AND ATHLETIC TRAINERS BOARD 83785

Dedicated Purpose Fund Group					83786	
4K90 890609	Operating Expenses	\$	1,168,045	\$	1,168,045	83787
TOTAL DPF Dedicated Purpose Fund		\$	1,168,045	\$	1,168,045	83788
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,168,045	\$	1,168,045	83789

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH				83791
DISABILITIES AGENCY				83792
General Revenue Fund				83793
GRF	415402	Independent Living Council	\$ 252,000 \$ 252,000	83794
GRF	415406	Assistive Technology	\$ 25,819 \$ 25,819	83795
GRF	415431	Brain Injury	\$ 550,000 \$ 550,000	83796
GRF	415506	Services for Individuals with Disabilities	\$ 18,418,244 \$ 18,418,244	83797
GRF	415508	Services for the Deaf	\$ 27,580 \$ 27,580	83798
GRF	415511	Centers for Independent Living	\$ 500,000 \$ 500,000	83799
GRF	415512	Visually Impaired Reading Services	\$ 50,000 \$ 50,000	83800
TOTAL GRF	General Revenue Fund		\$ 19,823,643 \$ 19,823,643	83801
Dedicated Purpose Fund Group				83802
4670	415609	Business Enterprise Operating Expenses	\$ 1,545,498 \$ 1,555,368	83803
4680	415618	Third Party Services Funding	\$ 8,000,000 \$ 8,000,000	83804
4L10	415619	Services for Rehabilitation	\$ 3,000,000 \$ 3,000,000	83805
TOTAL DPF	Dedicated Purpose Fund Group		\$ 12,545,498 \$ 12,555,368	83806
Internal Service Activity Fund Group				83807
4W50	415606	Program Management	\$ 15,865,315 \$ 16,138,415	83808
TOTAL ISA	Internal Service Activity Fund Group		\$ 15,865,315 \$ 16,138,415	83809
Federal Fund Group				83810
3170	415620	Disability	\$ 84,246,693 \$ 85,518,074	83811

		Determination				
3790	415616	Federal - Vocational Rehabilitation	\$	129,098,355	\$	130,495,615 83812
3GH0	415602	Personal Care Assistance	\$	3,133,972	\$	3,139,040 83813
3GH0	415604	Community Centers for the Deaf	\$	950,000	\$	950,000 83814
3GH0	415613	Independent Living	\$	737,411	\$	737,411 83815
3L10	415608	Social Security Vocational Rehabilitation	\$	9,100,000	\$	9,100,000 83816
3L40	415615	Federal - Supported Employment	\$	850,000	\$	850,000 83817
3L40	415617	Independent Living Older Blind	\$	2,545,971	\$	1,733,658 83818
TOTAL FED	FEDERAL FUND GROUP		\$	230,662,402	\$	232,523,798 83819
TOTAL ALL BUDGET	FUND GROUPS		\$	278,896,858	\$	281,041,224 83820

Section 353.20. INDEPENDENT LIVING 83822

The foregoing appropriation item 415402, Independent Living 83823
Council, shall be used to support the state independent living 83824
programs and centers under Title VII of the Independent Living 83825
Services and Centers for Independent Living of the Rehabilitation 83826
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 83827

Of the foregoing appropriation item 415402, Independent 83828
Living Council, \$67,662 in each fiscal year shall be used as state 83829
matching funds for vocational rehabilitation innovation and 83830
expansion activities. 83831

The foregoing appropriation item 415511, Centers for 83832
Independent Living, shall be used to support the operations of the 83833
Centers for Independent Living in accordance with the State Plan 83834
for Independent Living. 83835

ASSISTIVE TECHNOLOGY 83836

The foregoing appropriation item 415406, Assistive
Technology, shall be provided to Assistive Technology of Ohio to
provide grants and assistive technology services for people with
disabilities in the State of Ohio.

BRAIN INJURY 83841

The foregoing appropriation item 415431, Brain Injury, shall
be provided to The Ohio State University College of Medicine to
support the Brain Injury Program established under section 3335.60
of the Revised Code.

SERVICES FOR INDIVIDUALS WITH DISABILITIES 83846

In addition to funding the general vocational rehabilitation
program, the foregoing appropriation item 415506, Services for
Individuals with Disabilities, shall be used as state match to:
continue partnerships with certified drug courts to expand access
to employment through vocational rehabilitation services and
increase employment outcomes that promote recovery and
rehabilitation; continue partnerships with community colleges and
state universities to ensure college students with disabilities
can compete for in-demand jobs in tomorrow's labor market and
increase the median earnings of individuals who obtain employment;
create paid on-the-job work experiences for eligible candidates
placed in state agencies to develop work skills needed to pursue
permanent employment and increase the number of individuals with
disabilities employed in state government; and increase access to
vocational rehabilitation services for eligible students enrolled
at the Ohio State School for the Blind and the Ohio School for the
Deaf that will prepare students who are blind or deaf for
transition to college or employment.

SERVICES FOR THE DEAF 83865

The foregoing appropriation item 415508, Services for the 83866

Deaf, shall be used to support community centers for the deaf. 83867

VISUALLY IMPAIRED READING SERVICES 83868

The foregoing appropriation item 415512, Visually Impaired 83869

Reading Services, shall be used to support VOICEcorps Reading 83870

Services to provide reading services for blind individuals. 83871

SIGHT CENTERS 83872

Of the foregoing appropriation item 415617, Independent 83873

Living Older Blind, \$30,000 in each fiscal year shall be used to 83874

contract in equal amounts with the Cleveland Sight Center, the 83875

Cincinnati Association for the Blind and Visually Impaired, and 83876

the Sight Center of Northwest Ohio to provide independent living 83877

services to the community of individuals with blindness or low 83878

vision. 83879

Section 361.10. PEN PENSION SUBSIDIES 83880

General Revenue Fund 83881

GRF 090524 Police and Fire \$ 1,000 \$ 1,000 83882

Disability Pension
Fund

GRF 090534 Police and Fire Ad \$ 22,000 \$ 22,000 83883

Hoc Cost of Living

GRF 090554 Police and Fire \$ 201,000 \$ 201,000 83884

Survivor Benefits

GRF 090575 Police and Fire Death \$ 35,000,000 \$ 35,250,000 83885

Benefits

TOTAL GRF General Revenue Fund \$ 35,224,000 \$ 35,474,000 83886

TOTAL ALL BUDGET FUND GROUPS \$ 35,224,000 \$ 35,474,000 83887

Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND 83889

The foregoing appropriation item 090575, Police and Fire 83890

Death Benefits, shall be disbursed quarterly by the Treasurer of 83891

State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund, which serves as trustees of the Ohio Public Safety Officers Death Benefit Fund pursuant to section 742.62 of the Revised Code. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by sections 124.824 and 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2022 or 2023, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire

Pension Fund, or designee, that additional amounts are necessary 83924
to pay the cost of providing benefits under section 124.824 or 83925
742.63 of the Revised Code, the Director of Administrative 83926
Services may certify the additional amount necessary to the 83927
Director of Budget and Management. The amount certified is hereby 83928
appropriated. 83929

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK 83930
RELEASE COMPENSATION BOARD 83931
Dedicated Purpose Fund Group 83932
6910 810632 Petroleum Underground \$ 1,470,292 \$ 1,489,689 83933
Storage Tank Release
Compensation Board -
Operating
TOTAL DPF Dedicated Purpose Fund \$ 1,470,292 \$ 1,489,689 83934
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,470,292 \$ 1,489,689 83935

Section 367.10. PRX STATE BOARD OF PHARMACY 83937
Dedicated Purpose Fund Group 83938
4A50 887605 Drug Law Enforcement \$ 50,000 \$ 50,000 83939
4K90 658605 OARRS Integration - \$ 265,000 \$ 265,000 83940
STATE
4K90 887609 Operating Expenses \$ 11,750,000 \$ 12,200,000 83941
5SG0 887612 Drug Database \$ 100,000 \$ 100,000 83942
5SY0 887613 Medical Marijuana \$ 3,150,000 \$ 3,250,000 83943
Control Program
TOTAL DPF Dedicated Purpose Fund \$ 15,315,000 \$ 15,865,000 83944
Group
Federal Fund Group 83945
3HD0 887614 Pharmacy Federal \$ 1,050,000 \$ 1,050,000 83946
Grants

3HH0 658601	OARRS Integration - Federal	\$ 2,500,000	\$ 2,500,000	83947
3HM0 887615	Equitable Sharing Treasury	\$ 5,000	\$ 5,000	83948
3HN0 887616	Equitable Sharing Justice	\$ 30,000	\$ 30,000	83949
TOTAL FED	Federal Fund Group	\$ 3,585,000	\$ 3,585,000	83950
TOTAL ALL BUDGET FUND GROUPS		\$ 18,900,000	\$ 19,450,000	83951

Section 369.10. PSY STATE BOARD OF PSYCHOLOGY 83953

Dedicated Purpose Fund Group				83954
4K90 882609	Operating Expenses	\$ 679,000	\$ 696,000	83955
TOTAL DPF	Dedicated Purpose Fund Group	\$ 679,000	\$ 696,000	83956
TOTAL ALL BUDGET FUND GROUPS		\$ 679,000	\$ 696,000	83958

Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION 83960

General Revenue Fund				83961
GRF 019401	State Legal Defense Services	\$ 6,344,609	\$ 6,519,884	83962
GRF 019403	Multi-County: State Share	\$ 4,580,944	\$ 4,741,277	83963
GRF 019404	Trumbull County - State Share	\$ 1,457,872	\$ 1,508,898	83964
GRF 019405	Training Account	\$ 50,000	\$ 50,000	83965
GRF 019501	County Reimbursement	\$ 130,104,000	\$ 134,112,000	83966
TOTAL GRF	General Revenue Fund	\$ 142,537,425	\$ 146,932,059	83967
Dedicated Purpose Fund Group				83968
1010 019607	Juvenile Legal Assistance	\$ 205,000	\$ 205,000	83969
4060 019603	Training and Publications	\$ 25,000	\$ 25,000	83970

4070	019604	County Representation	\$	285,000	\$	285,000	83971
4080	019605	Client Payments	\$	737,389	\$	737,389	83972
4C70	019601	Multi-County: County Share	\$	149,879	\$	272,016	83973
4N90	019613	Gifts and Grants	\$	13,440	\$	13,440	83974
4X70	019610	Trumbull County - County Share	\$	47,699	\$	86,568	83975
5740	019606	Civil Legal Aid	\$	14,500,000	\$	14,500,000	83976
5CX0	019617	Civil Case Filing Fee	\$	542,904	\$	602,904	83977
5DY0	019618	Indigent Defense Support - County Share	\$	25,896,000	\$	27,888,000	83978
5DY0	019619	Indigent Defense Support - State Office	\$	6,684,000	\$	6,684,000	83979
TOTAL DPF		Dedicated Purpose Fund Group	\$	49,086,311	\$	51,299,317	83980
		Federal Fund Group					83981
3S80	019608	Federal Representation	\$	38,315	\$	38,315	83982
TOTAL FED		Federal Fund Group	\$	38,315	\$	38,315	83983
TOTAL ALL BUDGET FUND GROUPS			\$	191,662,051	\$	198,269,691	83984

INSUFFICIENT OPERATING EXPENSES FUNDING 83985

If it is determined by the State Public Defender that the 83986
amounts appropriated to fund the operating expenses of the Public 83987
Defender Commission are insufficient in either fiscal year 2022 or 83988
fiscal year 2023, the Director of Budget and Management, upon 83989
written request of the State Public Defender, may approve for the 83990
applicable fiscal year an appropriation transfer of up to \$100,000 83991
from appropriation item 019501, County Reimbursement, to 83992
appropriation item 019401, State Legal Defense Services, for the 83993
purpose of funding the operating expenses of the Public Defender 83994

Commission.	83995
INDIGENT DEFENSE OFFICE	83996
The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.	83997 83998 83999
MULTI-COUNTY OFFICE	84000
The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.	84001 84002 84003 84004
TRAINING ACCOUNT	84005
The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost, and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.	84006 84007 84008 84009 84010 84011
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID FUND	84012 84013
On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Legal Aid Fund (Fund 5740). The transferred cash shall be distributed by the Ohio Access to Justice Foundation to Ohio's civil legal aid societies as follows: \$250,000 in each fiscal year for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders, and \$250,000 in each fiscal year for the sole purpose of providing legal services for veterans. None of the funds shall be used for administrative	84014 84015 84016 84017 84018 84019 84020 84021 84022 84023 84024

costs, including, but not limited to, salaries, benefits, or					84025
travel reimbursements.					84026
FEDERAL REPRESENTATION					84027
The foregoing appropriation item 019608, Federal					84028
Representation, shall be used to support representation provided					84029
by the Ohio Public Defender in federal court cases.					84030
Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY					84031
General Revenue Fund					84032
GRF 761403 Recovery Ohio Law	\$	13,075,000	\$	13,155,000	84033
Enforcement					
GRF 763403 EMA Operating	\$	5,878,897	\$	5,868,428	84034
GRF 763513 Security Grants	\$	4,250,000	\$	4,250,000	84035
GRF 767420 Investigative Unit	\$	14,545,000	\$	14,875,000	84036
Operating					
GRF 768425 Justice Program	\$	13,320,000	\$	13,350,000	84037
Services					
GRF 769406 Homeland Security -	\$	3,376,000	\$	3,455,000	84038
Operating					
GRF 769407 Youthful Driver	\$	500,000	\$	500,000	84039
Safety					
GRF 769501 School Safety	\$	2,705,500	\$	2,705,500	84040
TOTAL GRF General Revenue Fund	\$	57,650,397	\$	58,158,928	84041
Dedicated Purpose Fund Group					84042
4P60 768601 Justice Program	\$	226,500	\$	226,500	84043
Services					
4V30 763662 EMA Service and	\$	915,000	\$	840,000	84044
Reimbursements					
5330 763601 State Disaster Relief	\$	1,875,000	\$	1,875,000	84045
5B90 766632 Private Investigator	\$	2,035,000	\$	2,035,000	84046
and Security Guard					

		Provider					
5BK0	768687	Criminal Justice	\$	550,000	\$	550,000	84047
		Services - Operating					
5BK0	768689	Family Violence	\$	1,550,000	\$	1,550,000	84048
		Shelter Programs					
5CV1	763691	Coronavirus	\$	29,000,000	\$	0	84049
		Relief-DPS					
5ET0	768625	Drug Law Enforcement	\$	4,000,000	\$	4,000,000	84050
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	84051
		Services Law					
		Enforcement Support					
5ML0	769635	Infrastructure	\$	80,000	\$	80,000	84052
		Protection					
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	84053
5RS0	768621	Community Police	\$	1,150,000	\$	1,150,000	84054
		Relations					
5Y10	767696	Ohio Investigative	\$	10,000	\$	10,000	84055
		Unit Continuing					
		Professional Training					
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000	84056
		Contraband, and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,368,624	\$	1,378,304	84057
		Safety					
6810	763653	SARA Title III Hazmat	\$	287,310	\$	287,994	84058
		Planning					
TOTAL	DPF	Dedicated Purpose Fund	\$	45,798,380	\$	16,733,744	84059
		Group					
		Federal Fund Group					84060
3370	763515	COVID Relief -	\$	150,000,000	\$	150,000,000	84061
		Federal					
3370	763609	Federal Disaster	\$	69,948,672	\$	69,948,672	84062
		Relief					

3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	30,000	\$	30,000	84063
3GL0	768619	Justice Assistance Grants - FFY15	\$	12,500,000	\$	12,500,000	84064
3GT0	767691	Investigative Unit Federal Equity Share	\$	100,000	\$	100,000	84065
3GU0	769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$	1,400,000	\$	1,400,000	84066
3GU0	769631	Homeland Security Disaster Grants	\$	800,000	\$	800,000	84067
3HT0	768699	Coronavirus Emergency Support Funding	\$	5,000,000	\$	850,000	84068
3L50	768604	Justice Program	\$	12,600,000	\$	12,600,000	84069
TOTAL FED		Federal Fund Group	\$	252,378,672	\$	248,228,672	84070
TOTAL ALL BUDGET FUND GROUPS			\$	355,827,449	\$	323,121,344	84071

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 84073

Of the foregoing appropriation item 761403, Recovery Ohio Law 84074
Enforcement, up to \$6,575,000 in fiscal year 2022 and \$6,655,000 84075
in fiscal year 2023 may be used to operate and maintain a highly 84076
specialized Narcotics Intelligence Center consisting of personnel 84077
assigned to intelligence and computer forensic analysis that will 84078
assist Ohio narcotics task forces and law enforcement agencies. 84079

Of the foregoing appropriation item 761403, Recovery Ohio Law 84080
Enforcement, up to \$3,400,000 in each fiscal year may be used by 84081
the Office of Criminal Justice Services to support local law 84082
enforcement narcotics task forces that focus on cartel trafficking 84083
interdiction. The interdiction task forces shall be designated 84084
Ohio Organized Crime Commission task forces subject to approval 84085
and supervision of the Commission. This earmarked amount may also 84086
be used to provide funding to local law enforcement agencies, the 84087

Commission for task force related equipment purchases, and for 84088
operating expenses of the Office of Criminal Justice Services 84089
related to the narcotics interdiction task force program. 84090

Of the foregoing appropriation item 761403, Recovery Ohio Law 84091
Enforcement, up to \$2,500,000 in each fiscal year may be used by 84092
the Office of Criminal Justice Services for Ohio's narcotics task 84093
forces in order to build new and strengthen existing partnerships 84094
with local law enforcement. This earmarked amount may also be used 84095
to provide funding to local law enforcement agencies and for 84096
operating expenses of the Office of Criminal Justice Services 84097
related to the Ohio narcotics task force program. 84098

Of the foregoing appropriation item 761403, Recovery Ohio Law 84099
Enforcement, up to \$600,000 in each fiscal year may be used to 84100
partner with the Office of Information Technology in the 84101
Department of Administrative Services to enhance and maintain a 84102
uniform records management and data intelligence system, and 84103
provide case management, collaboration, data sharing, and data 84104
analytics tools for Ohio narcotics task forces and law enforcement 84105
agencies. 84106

LAKE COUNTY EMERGENCY MANAGEMENT AGENCY 84107

Of the foregoing appropriation item 763403, EMA Operating, 84108
\$300,000 in fiscal year 2022 shall be distributed to the Lake 84109
County Emergency Management Agency to improve wireless and 84110
microwave communication for emergency operations. 84111

JUSTICE PROGRAM SERVICES 84112

Of the foregoing appropriation item 768425, Justice Program 84113
Services, up to \$5,000,000 in each fiscal year shall be used by 84114
the Office of Criminal Justice Services to administer and 84115
distribute grants to state and local law enforcement agencies to 84116
implement or enhance body-worn camera programs. 84117

Of the foregoing appropriation item 768425, Justice Program 84118

Services, up to \$4,000,000 in each fiscal year shall be used by 84119
the Office of Criminal Justice Services to administer and 84120
distribute grants to state and local law enforcement agencies to 84121
assist local communities in reducing and preventing crime through 84122
the use of promising or proven crime reduction strategies. The use 84123
of the grants includes, but is not limited to, overtime, 84124
equipment, technical assistance, and analytical support to 84125
implement crime reduction strategies. The disbursement of the 84126
grants requires approval by the Controlling Board. 84127

Of the foregoing appropriation item 768425, Justice Program 84128
Services, up to \$1,000,000 in each fiscal year shall be used by 84129
the Office of Criminal Justice Services to distribute grants to 84130
state and/or local law enforcement to conduct investigations on 84131
sexual assault kit testing results and related expenses. 84132

Of the foregoing appropriation item 768425, Justice Program 84133
Services, up to \$500,000 in each fiscal year shall be used by the 84134
Office of Criminal Justice Services to support state and local law 84135
enforcement agencies in the recruitment, hiring, and training of 84136
qualified individuals to serve as peace officers. 84137

Of the foregoing appropriation item 768425, Justice Program 84138
Services, up to \$200,000 in each fiscal year shall be used by the 84139
Office of Criminal Justice Services to implement recommendations 84140
of the Governor's Warrant Task Force. 84141

YOUTHFUL DRIVER SAFETY 84142

The foregoing appropriation item 769407, Youthful Driver 84143
Safety, shall be used to enhance driver training for a statewide 84144
youthful driver safety program. The program will use best 84145
practices and technology to focus on behind-the-wheel driver 84146
training for drivers aged sixteen to twenty-four in order to 84147
reduce the number of at-fault youthful fatal car crashes. 84148

SCHOOL SAFETY 84149

The foregoing appropriation item 769501, School Safety, shall 84150
be used by the Department of Public Safety for the operations of 84151
the Ohio School Safety Center, including maintaining and promoting 84152
the Safer Ohio Schools Tip Line and assisting local schools and 84153
first responders in preventing, preparing for, and responding to 84154
threats and acts of violence, including self-harm, through a 84155
holistic, solutions-based approach to improving school safety. 84156

LOCAL DISASTER ASSISTANCE 84157

An amount equal to the unexpended, unencumbered balance of 84158
appropriation item 763511, Local Disaster Assistance, at the end 84159
of fiscal year 2021 is hereby reappropriated for the April 17, 84160
2018, and April 8, 2019, Major Disaster Declarations for fiscal 84161
year 2022. 84162

An amount equal to the unexpended, unencumbered balance of 84163
appropriation item 763511, Local Disaster Assistance, at the end 84164
of fiscal year 2022 is hereby reappropriated for the April 17, 84165
2018, and April 8, 2019, Major Disaster Declarations for fiscal 84166
year 2023. 84167

STATE DISASTER RELIEF 84168

On July 1 of each fiscal year, or as soon as possible 84169
thereafter, the Director of Budget and Management may transfer 84170
\$1,875,000 cash from the Disaster Services Fund (Fund 5E20) to the 84171
State Disaster Relief Fund (Fund 5330) to be used to pay for 84172
estimated program administrative costs and Emergency Operations 84173
Center activation costs for that fiscal year. 84174

The State Disaster Relief Fund (Fund 5330) may accept 84175
transfers of cash or appropriations from Controlling Board 84176
appropriation items for the Ohio Emergency Management Agency 84177
disaster response costs and disaster program management costs, and 84178
may also be used for the following purposes: 84179

(A) To accept transfers of cash or appropriations from 84180

Controlling Board appropriation items for Ohio Emergency 84181
Management Agency recovery and mitigation program match costs to 84182
reimburse eligible local governments and private nonprofit 84183
organizations for costs related to disasters; 84184

(B) To accept transfers of cash or appropriations from 84185
Controlling Board appropriation items to cover costs incurred and 84186
to reimburse government entities for Emergency Management 84187
Assistance Compact (EMAC) missions; 84188

(C) To accept disaster related reimbursement from federal, 84189
state, and local governments. The Director of Budget and 84190
Management may transfer cash from reimbursements received by this 84191
fund to other funds of the state from which transfers were 84192
originally approved by the Controlling Board. 84193

(D) To accept transfers of cash or appropriations from 84194
Controlling Board appropriation items to fund the State Disaster 84195
Relief Program, for disasters that qualify for the program by 84196
written authorization of the Governor, and the State Individual 84197
Assistance Program for disasters that have been declared by the 84198
federal Small Business Administration and that qualify for the 84199
program by written authorization from the Governor. 84200

(E) The State Disaster Relief Fund (Fund 5330) may accept, 84201
hold, administer, and expend any cash received from a gift, 84202
donation, bequest, devise, or contribution. 84203

Section 373.30. TRANSFER FROM STATE FIRE MARSHAL FUND TO 84204
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 84205

On July 1 of each fiscal year, or as soon as possible 84206
thereafter, the Director of Budget and Management shall transfer 84207
\$450,000 cash from the State Fire Marshall Fund (Fund 5460) to the 84208
Emergency Management Agency Service and Reimbursement Fund (Fund 84209
4V30). 84210

Of the foregoing appropriation item 763662, EMA Service and Reimbursements, \$200,000 in each fiscal year shall be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

Of the foregoing appropriation item 763662, EMA Service and Reimbursements, \$250,000 in each fiscal year shall be distributed to the Ohio Task Force One - Urban Search and Rescue Unit to pay for its operating expenses and developing new programs.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2022 and 2023, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.

COMMUNITY POLICE RELATIONS

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a database on use of force and officer involved shootings, a public awareness campaign, and state-provided assistance with policy-making and manuals.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

SECURITY GRANTS

(A) The foregoing appropriation item 763513, Security Grants,

shall be used to make competitive grants of up to \$100,000 to 84241
nonprofit organizations, houses of worship, chartered nonpublic 84242
schools, and licensed preschools for eligible security 84243
improvements that assist the organization in preventing, preparing 84244
for, or responding to acts of terrorism, to acquire or retain the 84245
services of a resource officer, special duty police officer, or 84246
licensed armed security guards, or for the purchase of qualified 84247
equipment, including equipment for emergency and crisis 84248
communication, crisis management, or trauma and crisis response to 84249
assist in preventing, preparing for, or responding to acts of 84250
terrorism. 84251

The Emergency Management Agency shall allow for a portion of 84252
the funds granted to acquire or retain the services of a resource 84253
officer, special duty police officer, or licensed armed security 84254
guard to be used for training, licensing, or certification of such 84255
as resource officers. 84256

(B) The Emergency Management Agency shall administer and 84257
award the grants described in division (A) of this section. The 84258
Agency shall establish procedures and forms by which applicants 84259
may apply for a grant, a competitive process for ranking 84260
applicants and awarding the grants, and procedures for 84261
distributing grants to recipients. The procedures shall require 84262
each applicant to do all of the following: 84263

(1) Identify and substantiate prior threats or attacks by a 84264
terrorist organization, network, or cell against the nonprofit 84265
organization, house of worship, chartered nonpublic school, or 84266
licensed preschool; 84267

(2) Indicate the symbolic or strategic value of one or more 84268
sites that renders the site a possible target of terrorism; 84269

(3) Discuss potential consequences to the organization if the 84270
site is damaged, destroyed, or disrupted by a terrorist; 84271

(4) Describe how the grant will be used to integrate 84272
organizational preparedness with broader state and local 84273
preparedness efforts; 84274

(5) Submit either a vulnerability assessment conducted by 84275
experienced security, law enforcement, or military personnel, or a 84276
credible intelligence and threat analysis from one or more 84277
qualified homeland security, counterintelligence, or 84278
anti-terrorism experts, and a description of how the grant will be 84279
used to address the vulnerabilities identified in the assessment. 84280

The Agency shall consider all of the above factors in 84281
evaluating grant applications. The grantee shall have twenty-four 84282
months from the date of the first disbursement to meet program 84283
requirements. 84284

The Emergency Management Agency may prioritize a portion of 84285
funding, but not more than \$1,000,000 in each fiscal year, for 84286
innovative community-public safety partnerships addressing 84287
counterterrorism prevention, provided the grantee is eligible to 84288
receive the grant as a nonprofit organization that is at risk of 84289
terror attack. 84290

(C) Any grant submission described in division (I) of section 84291
3313.536 of the Revised Code or section 149.433 of the Revised 84292
Code is not a public record under section 149.43 of the Revised 84293
Code and is not subject to mandatory release or disclosure under 84294
that section. 84295

(D) The Emergency Management Agency may use up to two and 84296
one-half per cent of the total amount appropriated to administer 84297
the program, a portion of which may be used to pay costs incurred 84298
by the Department of Public Safety to provide security-related or 84299
specialized assistance in reviewing vulnerability assessments and 84300
prioritizing grant applications. 84301

(E) As used in this section: 84302

- (1) "Eligible security improvements" means any of the following: 84303
84304
- (a) Physical security enhancement equipment or inspection and screening equipment included on the Authorized Equipment List published by the United States Department of Homeland Security; 84305
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84307
- (b) Attendance fees and associated materials, supplies, and equipment costs for security-related training courses and programs regarding the protection of critical infrastructure and key resources, physical and cyber security, target hardening, or terrorism awareness or preparedness. Personnel and travel costs associated with training shall not be considered an eligible expense of the grant; 84308
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- (c) The purchase, upgrade, or maintenance of high-speed internet for those utilizing it for security purposes. 84315
84316
- (2) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(c)(3), as amended. 84317
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- (3) "Resource officer" means any law enforcement officer of an accredited local law enforcement agency providing special duty services in a school setting to create or maintain a safe, secure, and orderly environment. A resource officer may include a special duty police officer, off-duty police officer, deputy sheriff, or other peace officer of the applicable local law enforcement agency in which the chartered nonpublic school or licensed preschool is located or qualifying personnel of an accredited local law enforcement agency for any jurisdiction in this state. 84322
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- (4) "Terrorism" means any act taken by a group or individual used to intimidate or coerce a nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool, its 84331
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employees, and anyone who is or in the future may be associated 84334
with it, as well as their families; to influence the policy of the 84335
nonprofit organization, house of worship, chartered nonpublic 84336
school, or licensed preschool; and to affect the conduct of the 84337
nonprofit organization, house of worship, chartered nonpublic 84338
school, or licensed preschool. 84339

(F) Effective July 1, 2021, the Director of Budget and 84340
Management shall cancel any existing encumbrances against 84341
appropriation item 763514, Security Grants - Personnel, and 84342
reestablish them against appropriation item 763513, Security 84343
Grants. The reestablished encumbrance amounts are hereby 84344
appropriated. 84345

(G) An amount equal to the unexpended, unencumbered balance 84346
of the foregoing appropriation item 763513, Security Grants, at 84347
the end of fiscal year 2021 is hereby reappropriated for the same 84348
purpose in fiscal year 2022. 84349

(H) An amount equal to the unexpended, unencumbered balance 84350
of the foregoing appropriation item 763513, Security Grants, at 84351
the end of fiscal year 2022 is hereby reappropriated for the same 84352
purpose in fiscal year 2023. 84353

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 84354

Dedicated Purpose Fund Group 84355

4A30 870614 Grade Crossing \$ 2,200,000 \$ 2,200,000 84356
Protection
Devices-State

4L80 870617 Pipeline Safety-State \$ 346,253 \$ 346,253 84357

5610 870606 Power Siting Board \$ 1,205,185 \$ 1,205,185 84358

5F60 870622 Utility and Railroad \$ 36,615,760 \$ 36,615,760 84359
Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 84360

5LT0	870640	Intrastate Registration	\$	195,000	\$	195,000	84361
5LT0	870641	Unified Carrier Registration	\$	450,000	\$	450,000	84362
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$	299,942	\$	299,942	84363
5LT0	870644	Hazardous Materials Civil Forfeiture	\$	1,165,000	\$	1,165,000	84364
5LT0	870645	Motor Carrier Enforcement	\$	4,919,696	\$	4,919,696	84365
5Q50	870626	Telecommunications Relay Service	\$	3,000,000	\$	3,000,000	84366
5QR0	870646	Underground Facilities Protection	\$	50,000	\$	50,000	84367
5QS0	870647	Underground Facilities Administration	\$	316,000	\$	316,000	84368
TOTAL DPF		Dedicated Purpose Fund Group	\$	50,847,836	\$	50,847,836	84369
Federal Fund		Group					84370
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959	84371
3500	870608	Motor Carrier Safety	\$	10,082,069	\$	10,082,069	84372
3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	\$	450,000	\$	450,000	84373
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	21,000	\$	0	84374
TOTAL FED		Federal Fund Group	\$	11,951,028	\$	11,930,028	84375
TOTAL ALL BUDGET		FUND GROUPS	\$	62,798,864	\$	62,777,864	84376

Section 377.10. PWC PUBLIC WORKS COMMISSION				84378
General Revenue Fund				84379
GRF	150904	Conservation General	\$ 50,500,000 \$ 53,500,000	84380
		Obligation Bond Debt		
		Service		
GRF	150907	Infrastructure	\$ 246,500,000 \$ 237,000,000	84381
		Improvement General		
		Obligation Bond Debt		
		Service		
TOTAL GRF General Revenue Fund			\$ 297,000,000 \$ 290,500,000	84382
Capital Projects Fund Group				84383
7038	150321	State Capital	\$ 937,244 \$ 946,036	84384
		Improvements Program		
		- Operating Expenses		
7056	150403	Clean Ohio	\$ 304,822 \$ 307,922	84385
		Conservation		
		Operating		
TOTAL CPF Capital Projects Fund			\$ 1,242,066 \$ 1,253,958	84386
Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 298,242,066 \$ 291,753,958	84387
 Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT				84389
SERVICE				84390
The foregoing appropriation item 150904, Conservation General				84391
Obligation Bond Debt Service, shall be used to pay all debt				84392
service and related financing costs during the period from July 1,				84393
2021, through June 30, 2023, on obligations issued under sections				84394
151.01 and 151.09 of the Revised Code.				84395
 INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT				84396
SERVICE				84397
The foregoing appropriation item 150907, Infrastructure				84398

Improvement General Obligation Bond Debt Service, shall be used to 84399
pay all debt service and related financing costs during the period 84400
from July 1, 2021, through June 30, 2023, on obligations issued 84401
under sections 151.01 and 151.08 of the Revised Code. 84402

CLEAN OHIO CONSERVATION OPERATING 84403

The foregoing appropriation item 150403, Clean Ohio 84404
Conservation Operating, shall be used by the Ohio Public Works 84405
Commission in administering Clean Ohio Conservation Fund (Fund 84406
7056) projects pursuant to sections 164.20 to 164.27 of the 84407
Revised Code. 84408

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 84409

The foregoing appropriation item 150321, State Capital 84410
Improvements Program - Operating Expenses, shall be used by the 84411
Ohio Public Works Commission to administer the State Capital 84412
Improvement Program under sections 164.01 to 164.16 of the Revised 84413
Code. 84414

DISTRICT ADMINISTRATION COSTS 84415

The Director of the Public Works Commission is authorized to 84416
create a District Administration Costs Program from proceeds of 84417
the Capital Improvements Fund and Local Transportation Improvement 84418
Program Fund. The program shall be used to provide for the direct 84419
costs of district administration of the nineteen public works 84420
districts. Districts choosing to participate in the program shall 84421
only expend State Capital Improvements Fund moneys for State 84422
Capital Improvements Fund costs and Local Transportation 84423
Improvement Program Fund moneys for Local Transportation 84424
Improvement Program Fund costs. The District Administration Costs 84425
Program account shall not exceed \$1,235,000 per fiscal year. Each 84426
public works district may be eligible for up to \$65,000 per fiscal 84427
year from its district allocation as provided in sections 164.08 84428
and 164.14 of the Revised Code. 84429

The Director, by rule, shall define allowable and non-allowable costs for the purpose of the District Administration Costs Program. Non-allowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District Administration Costs Program without the approval of those costs by the district public works committee under section 164.04 of the Revised Code.

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program for districts represented by natural resource assistance councils. This program shall be funded from proceeds of the Clean Ohio Conservation Fund. The program shall be used by natural resource assistance councils in order to provide for administration costs of the nineteen natural resource assistance councils for the direct costs of council administration. Councils choosing to participate in this program may be eligible for up to \$15,000 per fiscal year from its district allocation as provided in section 164.27 of the Revised Code.

The Director shall define allowable and non-allowable costs for the purpose of the District Administration Costs Program. Non-allowable costs include indirect costs, elected official salaries and benefits, and project-specific costs.

Section 379.10. RAC STATE RACING COMMISSION

Dedicated Purpose Fund Group				84455
5620	875601	Thoroughbred Development	\$ 1,200,000 \$ 1,200,000	84456
5630	875602	Standardbred Development	\$ 1,550,000 \$ 1,550,000	84457

5650	875604	Racing Commission	\$	4,070,948	\$	4,070,948	84458
		Operating					
5JK0	875610	Horse Racing	\$	8,512,095	\$	8,512,095	84459
		Development-Casino					
5NL0	875611	Revenue	\$	8,200,000	\$	8,200,000	84460
		Redistribution					
TOTAL DPF		Dedicated Purpose Fund	\$	23,533,043	\$	23,533,043	84461
		Group					
		Fiduciary Fund Group					84462
5C40	875607	Simulcast Horse	\$	7,000,000	\$	7,000,000	84463
		Racing Purse					
TOTAL FID		Fiduciary Fund Group	\$	7,000,000	\$	7,000,000	84464
		Group					
		Holding Account Fund Group					84465
R021	875605	Bond Reimbursements	\$	100,000	\$	100,000	84466
TOTAL HLD		Holding Account Fund	\$	100,000	\$	100,000	84467
		Group					
TOTAL ALL BUDGET FUND GROUPS			\$	30,633,043	\$	30,633,043	84468
		Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION					84470
		General Revenue Fund					84471
GRF 235321		Operating Expenses	\$	5,742,147	\$	5,914,411	84472
GRF 235402		Sea Grants	\$	299,250	\$	299,250	84473
GRF 235406		Articulation and	\$	1,818,947	\$	1,873,515	84474
		Transfer					
GRF 235408		Midwest Higher	\$	116,725	\$	118,476	84475
		Education Compact					
GRF 235414		Grants and Scholarship	\$	850,729	\$	876,251	84476
		Administration					
GRF 235417		Technology Maintenance	\$	3,530,641	\$	3,636,561	84477
		and Operations					
GRF 235428		Appalachian New	\$	3,228,000	\$	3,228,000	84478
		Economy Workforce					

	Partnership					
GRF 235438	Choose Ohio First	\$	25,000,000	\$	28,000,000	84479
	Scholarship					
GRF 235443	Adult Basic and	\$	7,083,344	\$	7,083,344	84480
	Literacy Education -					
	State					
GRF 235444	Ohio Technical Centers	\$	21,310,120	\$	21,810,120	84481
GRF 235474	Area Health Education	\$	873,000	\$	873,000	84482
	Centers Program					
	Support					
GRF 235492	Campus Safety and	\$	612,000	\$	630,360	84483
	Training					
GRF 235495	Northeast Ohio Medical	\$	1,000,000	\$	1,000,000	84484
	University Dental					
	School					
GRF 235501	State Share of	\$	2,056,678,116	\$	2,075,761,402	84485
	Instruction					
GRF 235504	War Orphans and	\$	14,000,000	\$	15,500,000	84486
	Severely Disabled					
	Veterans' Children					
	Scholarships					
GRF 235507	OhioLINK	\$	5,654,164	\$	5,752,427	84487
GRF 235508	Air Force Institute of	\$	1,824,219	\$	1,863,387	84488
	Technology					
GRF 235510	Ohio Supercomputer	\$	4,294,160	\$	4,422,984	84489
	Center					
GRF 235511	The Ohio State	\$	23,952,913	\$	24,354,677	84490
	University Extension					
	Service					
GRF 235514	Central State	\$	11,843,339	\$	11,977,652	84491
	Supplement					
GRF 235515	Case Western Reserve	\$	2,038,940	\$	2,038,940	84492
	University School of					

	Medicine				
GRF 235519	Family Practice	\$	3,007,876	\$	3,007,876 84493
GRF 235520	Shawnee State	\$	4,636,500	\$	5,409,250 84494
	Supplement				
GRF 235525	Geriatric Medicine	\$	496,043	\$	496,043 84495
GRF 235526	Primary Care	\$	1,425,000	\$	1,425,000 84496
	Residencies				
GRF 235533	Program and Project	\$	700,000	\$	500,000 84497
	Support				
GRF 235535	Ohio Agricultural	\$	34,895,612	\$	35,493,396 84498
	Research and				
	Development Center				
GRF 235536	The Ohio State	\$	9,185,494	\$	9,185,494 84499
	University Clinical				
	Teaching				
GRF 235537	University of	\$	8,334,944	\$	8,334,944 84500
	Cincinnati Clinical				
	Teaching				
GRF 235538	University of Toledo	\$	5,888,670	\$	5,888,670 84501
	Clinical Teaching				
GRF 235540	Ohio University	\$	2,765,651	\$	2,765,651 84502
	Clinical Teaching				
GRF 235541	Northeast Ohio Medical	\$	2,844,469	\$	2,844,469 84503
	University Clinical				
	Teaching				
GRF 235543	Kent State University	\$	450,000	\$	500,000 84504
	College of Podiatric				
	Medicine Clinic				
	Subsidy				
GRF 235546	Central State	\$	4,482,130	\$	4,482,130 84505
	Agricultural Research				
	and Development				
GRF 235548	Central State	\$	4,544,568	\$	4,544,568 84506

	Cooperative Extension Services				
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491 84507
GRF 235555	Library Depositories	\$	1,310,702	\$	1,326,762 84508
GRF 235556	Ohio Academic Resources Network	\$	2,915,605	\$	2,978,512 84509
GRF 235558	Long-term Care Research	\$	309,035	\$	309,035 84510
GRF 235563	Ohio College Opportunity Grant	\$	105,256,352	\$	111,000,000 84511
GRF 235569	The Ohio State University College of Veterinary Medicine Supplement	\$	4,000,000	\$	5,000,000 84512
GRF 235572	The Ohio State University Clinic Support	\$	728,206	\$	728,206 84513
GRF 235578	Federal Research Network	\$	4,950,000	\$	4,950,000 84514
GRF 235591	Co-Op Internship Program	\$	815,000	\$	815,000 84515
GRF 235598	Rural University Program	\$	400,000	\$	400,000 84516
GRF 235599	National Guard Scholarship Program	\$	19,000,000	\$	19,000,000 84517
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	331,000,000	\$	301,000,000 84518
TOTAL GRF	General Revenue Fund	\$	2,747,677,102	\$	2,750,984,254 84519
	Dedicated Purpose Fund Group				84520
2200 235614	Program Approval and Reauthorization	\$	800,485	\$	825,000 84521
4560 235603	Sales and Services	\$	199,250	\$	199,250 84522

4E80	235602	Higher Educational Facility Commission Administration	\$	63,000	\$	65,000	84523
5D40	235675	Conference/Special Purposes	\$	1,000,000	\$	1,000,000	84524
5FR0	235650	State and Non-Federal Grants and Award	\$	1,402,150	\$	1,402,150	84525
5JC0	235649	MAGNET Apprenticeship Program	\$	200,000	\$	200,000	84526
5NH0	235517	Short-Term Certificates	\$	5,000,000	\$	5,000,000	84527
5P30	235663	Variable Savings Plan	\$	8,049,501	\$	8,159,165	84528
5RA0	235616	Workforce and Higher Education Programs	\$	1,194,000	\$	1,194,000	84529
5YD0	235494	Second Chance Grant Pilot Program	\$	3,000,000		0	84530
6450	235664	Guaranteed Savings Plan	\$	1,035,116	\$	1,047,209	84531
6820	235606	Nursing Loan Program	\$	1,116,842	\$	1,116,842	84532
TOTAL DPF		Dedicated Purpose Fund Group	\$	23,060,344	\$	20,208,616	84533
Bond Research and Development Fund Group							84534
7011	235634	Research Incentive Third Frontier	\$	6,000,000	\$	6,000,000	84535
7014	235639	Research Incentive Third Frontier - Tax	\$	3,000,000	\$	3,000,000	84536
TOTAL BRD		Bond Research and Development Fund Group	\$	9,000,000	\$	9,000,000	84537
Federal Fund Group							84538
3120	235577	Education, Research, Development, and Dissemination	\$	25,691	\$	25,691	84539
3120	235611	Gear-up Grant	\$	2,000,000	\$	2,000,000	84540

3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$	1,350,000	84541
3120	235641	Adult Basic and Literacy Education - Federal	\$	17,600,000	\$	17,600,000	84542
3BG0	235651	Gear Up Grant Scholarships	\$	1,750,000	\$	1,750,000	84543
3N60	235658	John R. Justice Student Loan Repayment Program	\$	70,000	\$	70,000	84544
TOTAL FED Federal Fund Group			\$	22,795,691	\$	22,795,691	84545
TOTAL ALL BUDGET FUND GROUPS			\$	2,802,533,137	\$	2,802,988,561	84546

Section 381.20. SEA GRANTS 84548

The foregoing appropriation item 235402, Sea Grants, shall be 84549
used to match federal dollars and leverage additional support by 84550
The Ohio State University's Sea Grant program, including Stone 84551
Laboratory, for research, education, and outreach to enhance the 84552
economic value, public utilization, and responsible management of 84553
Lake Erie and Ohio's coastal resources. 84554

Section 381.30. ARTICULATION AND TRANSFER 84555

The foregoing appropriation item 235406, Articulation and 84556
Transfer, shall be used by the Chancellor of Higher Education to 84557
maintain and expand the work of the Articulation and Transfer 84558
Network Advisory Council to develop a system of transfer policies 84559
to ensure that students at state institutions of higher education 84560
can transfer and have coursework apply to their majors and degrees 84561
at any other state institution of higher education without 84562
unnecessary duplication or institutional barriers under sections 84563
3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 84564

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 84565

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code. 84566
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Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION 84569

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program. 84570
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Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 84579

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH). 84580
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Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The 84587
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funds shall be used by eStudent Services to develop and promote 84594
learning and assessment through the use of technology, to test and 84595
provide advice on emerging learning-directed technologies, to 84596
facilitate cost-effectiveness through shared educational 84597
technology investments, and for any other strategic priorities of 84598
the Chancellor of Higher Education. 84599

Of the foregoing appropriation item 235417, Technology 84600
Maintenance and Operations, a portion in each fiscal year shall be 84601
used by the Chancellor to implement a high priority data 84602
warehouse, advanced analytics, and visualization integration 84603
services associated with the Higher Education Information (HEI) 84604
system. The services may be facilitated by OH-TECH. 84605

Of the foregoing appropriation item 235417, Technology 84606
Maintenance and Operations, \$150,000 in each fiscal year shall be 84607
used to support Ohio Reach to provide mentoring and support 84608
services to former foster youth attending college. 84609

Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 84610

Of the foregoing appropriation item 235428, Appalachian New 84611
Economy Workforce Partnership, \$500,000 in each fiscal year shall 84612
be allocated to the Mahoning Valley Innovation and 84613
Commercialization Center. 84614

The remainder of the foregoing appropriation item 235428, 84615
Appalachian New Economy Workforce Partnership, shall be 84616
distributed to Ohio University to continue a multi-campus and 84617
multi-agency coordinated effort to link Appalachia to the new 84618
economy. Ohio University shall use these funds to provide 84619
leadership in the development and implementation of initiatives in 84620
the areas of entrepreneurship, management, education, and 84621
technology. 84622

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 84623

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

Section 381.90. ASPIRE

The foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the Aspire program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

Section 381.100. OHIO TECHNICAL CENTERS FUNDING

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students 84654
for state subsidy purposes, the Chancellor shall exclude all 84655
students who are not residents of Ohio. 84656

(b) A full-time equivalent student shall be defined as a 84657
student who completes 450 hours. Those students that complete some 84658
portion of 450 hours shall be counted as a partial full-time 84659
equivalent for funding purposes, while students that complete more 84660
than 450 hours shall be counted as proportionally greater than one 84661
full-time equivalent. 84662

(c) In calculating each Ohio Technical Center's full-time 84663
equivalent students, the Chancellor shall use a three-year 84664
average. 84665

(d) Ohio Technical Centers shall operate with, or be an 84666
active candidate for, accreditation by an accreditor authorized by 84667
the United States Department of Education to be eligible to 84668
receive subsidies from the foregoing appropriation item 235444, 84669
Ohio Technical Centers. 84670

(2) In each fiscal year, 25 per cent of the allocation for 84671
Ohio Technical Centers shall be distributed based on the 84672
proportion of each Center's full-time equivalent students to the 84673
total full-time equivalent students who complete a post-secondary 84674
technical workforce training program approved by the Chancellor 84675
with a grade of C or better or a grade of pass if the program is 84676
evaluated on a pass/fail basis. 84677

(3) In each fiscal year, 20 per cent of the allocation for 84678
Ohio Technical Centers shall be distributed based on the 84679
proportion of each Center's full-time equivalent students to the 84680
total full-time equivalent students who complete 50 per cent of a 84681
program of study as a measure of student retention. 84682

(4) In each fiscal year, 50 per cent of the allocation for 84683
Ohio Technical Centers shall be distributed based on the 84684

proportion of each Center's full-time equivalent students to the 84685
total full-time equivalent students who have found employment, 84686
entered military service, or enrolled in additional post-secondary 84687
education and training in accordance with the placement 84688
definitions of the Strengthening Career and Technical Education 84689
for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The 84690
calculation for eligible full-time equivalent students shall be 84691
based on the per cent of Perkins placements for students who have 84692
completed at least 50 per cent of a program of study. 84693

(5) In each fiscal year, five per cent of the allocation for 84694
Ohio Technical Centers shall be distributed based on the 84695
proportion of each Center's full-time equivalent students to the 84696
total full-time equivalent students who have earned a credential 84697
from an industry-recognized third party. 84698

(B) Of the foregoing appropriation item 235444, Ohio 84699
Technical Centers, up to 2.38 per cent in each fiscal year may be 84700
distributed by the Chancellor to the Ohio Central School System, 84701
up to \$48,000 in each fiscal year may be utilized for assistance 84702
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 84703
year may be distributed by the Chancellor to Ohio Technical 84704
Centers that provide customized training and business consultation 84705
services with matching local dollars, with preference to 84706
industries on the in-demand jobs list created under section 84707
6301.11 of the Revised Code, industries in regionally emerging 84708
fields, or local businesses and industries. Each center meeting 84709
this requirement shall receive at least \$25,000 but not more than 84710
a maximum amount determined by the Chancellor. 84711

(C) The remainder of the foregoing appropriation item 235444, 84712
Ohio Technical Centers, in each fiscal year shall be distributed 84713
in accordance with division (A) of this section. 84714

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 84715
CENTERS 84716

(1) In each fiscal year, no Ohio Technical Center shall 84717
receive performance funding calculated under division (A) of this 84718
section, excluding funding for third party credentials calculated 84719
under division (A)(5) of this section, that is less than 50 per 84720
cent of the average allocation the Center received, excluding 84721
funding for third party credentials, in the three prior fiscal 84722
years. 84723

(2) In order to ensure that no Center receives less than the 84724
amounts identified for each fiscal year in accordance with 84725
division (D)(1) of this section, funds shall be made available to 84726
support the phase-in allocation by proportionally reducing formula 84727
earnings from each Center not receiving phase-in funding. 84728

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 84729
SUPPORT 84730

The foregoing appropriation item 235474, Area Health 84731
Education Centers Program Support, shall be used by the Chancellor 84732
of Higher Education to support the medical school regional area 84733
health education centers' educational programs for the continued 84734
support of medical and other health professions education and for 84735
support of the Area Health Education Center Program. 84736

Section 381.120. CAMPUS SAFETY AND TRAINING 84737

The foregoing appropriation item 235492, Campus Safety and 84738
Training, shall be used by the Chancellor of Higher Education for 84739
the purpose of developing model best practices for preventing and 84740
responding to power and gender-based violence on campus. The 84741
Chancellor, in consultation with state institutions of higher 84742
education as defined in section 3345.011 of the Revised Code and 84743
private nonprofit institutions of higher education holding 84744
certificates of authorization under Chapter 1713. of the Revised 84745
Code, shall continue to develop model best practices in line with 84746

emerging trends, research, and evidence-based training for 84747
preventing and responding to power and gender-based violence and 84748
protecting students and staff who are victims of power and 84749
gender-based violence on campus. The Chancellor shall convene 84750
state institutions of higher education and private nonprofit 84751
institutions of higher education in the training and 84752
implementation of best practices regarding campus power and 84753
gender-based violence. 84754

NORTHEAST OHIO MEDICAL UNIVERSITY DENTAL SCHOOL 84755

The foregoing appropriation item 235495, Northeast Ohio 84756
Medical University Dental School, shall be distributed to 84757
Northeast Ohio Medical University to support the creation of its 84758
dental school. Northeast Ohio Medical University shall match any 84759
moneys it receives from the state. 84760

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS 84761

The Chancellor of Higher Education shall establish procedures 84762
to allocate the foregoing appropriation item 235501, State Share 84763
of Instruction, based on the formulas detailed in this section 84764
that utilize the enrollment, course completion, degree attainment, 84765
and student achievement factors reported annually by each state 84766
institution of higher education participating in the Higher 84767
Education Information (HEI) system. 84768

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 84769
COMPLETIONS 84770

(1) As soon as possible during each fiscal year of the 84771
biennium ending June 30, 2023, in accordance with instructions of 84772
the Department of Higher Education, each state institution of 84773
higher education shall report its actual data, consistent with the 84774
definitions in the Higher Education Information (HEI) system's 84775
enrollment files, to the Chancellor of Higher Education. 84776

(2) In defining the number of full-time equivalent students 84777
for state subsidy instructional cost purposes, the Chancellor 84778
shall exclude all undergraduate students who are not residents of 84779
Ohio or who do not meet the definition of residency for state 84780
subsidy and tuition surcharge purposes, except those charged 84781
in-state fees in accordance with reciprocity agreements made under 84782
section 3333.17 of the Revised Code or employer contracts entered 84783
into under section 3333.32 of the Revised Code. 84784

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 84785

For purposes of calculating state share of instruction 84786
allocations, the total instructional costs per full-time 84787
equivalent student shall be: 84788

Model	Fiscal Year 2022	Fiscal Year 2023	
ARTS AND HUMANITIES 1	\$9,482	\$9,663	84790
ARTS AND HUMANITIES 2	\$13,675	\$13,936	84791
ARTS AND HUMANITIES 3	\$16,402	\$16,715	84792
ARTS AND HUMANITIES 4	\$24,051	\$24,511	84793
ARTS AND HUMANITIES 5	\$42,322	\$43,131	84794
ARTS AND HUMANITIES 6	\$40,174	\$40,942	84795
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$9,167	\$9,342	84796
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,756	\$9,943	84797
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,701	\$12,944	84798
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,599	\$14,878	84799
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,626	\$24,077	84800
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$26,009	\$26,507	84801
BUSINESS, EDUCATION &	\$36,053	\$36,742	84802

SOCIAL SCIENCES 7			
DOCTORAL 1	\$49,062	\$50,000	84803
DOCTORAL 2	\$53,655	\$54,681	84804
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$9,077	\$9,251	84805
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,912	\$12,139	84806
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$13,624	\$13,884	84807
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,737	\$16,038	84808
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,380	\$19,750	84809
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,044	\$21,446	84810
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$25,629	\$26,119	84811
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$40,444	\$41,217	84812
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$54,427	\$55,467	84813

Doctoral I and Doctoral II models shall be allocated in 84814
accordance with division (D)(2) of this section. 84815

Medical I and Medical II models shall be allocated in 84816

accordance with divisions (D)(3) and (D)(4) of this section. 84817

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 84818
AND GRADUATE WEIGHTS 84819

For the purpose of implementing the recommendations of the 84820
2006 State Share of Instruction Consultation and the Higher 84821
Education Funding Study Council that priority be given to 84822
maintaining state support for science, technology, engineering, 84823
mathematics, medicine, and graduate programs, the costs in 84824
division (B) of this section shall be weighted by the amounts 84825
provided below: 84826

Model	Fiscal Year 2022	Fiscal Year 2023	
ARTS AND HUMANITIES 1	1.0000	1.0000	84827
ARTS AND HUMANITIES 2	1.0000	1.0000	84828
ARTS AND HUMANITIES 3	1.0000	1.0000	84829
ARTS AND HUMANITIES 4	1.0000	1.0000	84830
ARTS AND HUMANITIES 5	1.0425	1.0425	84831
ARTS AND HUMANITIES 6	1.0425	1.0425	84832
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	84833
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	84834
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	84835
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	84836
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	84837
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	84838
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	84839
DOCTORAL 1	1.0000	1.0000	84840
			84841

DOCTORAL 2	1.0000	1.0000	84842
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	84843
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	84844
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	84845
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	84846
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	84847
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	84848
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	84849
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	84850
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	84851
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			84852
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			84853
(1) Of the foregoing appropriation item 235501, State Share			84854
of Instruction, 50 per cent of the appropriation for universities,			84855
as established in division (A)(2) of the section of this act			84856

entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 84857
2023," in each fiscal year shall be reserved for support of 84858
associate, baccalaureate, master's, and professional level degree 84859
attainment. 84860

The degree attainment funding shall be allocated to 84861
universities in proportion to each campus's share of the total 84862
statewide degrees granted, weighted by the cost of the degree 84863
programs. The degree cost calculations shall include the model 84864
cost weights for the science, technology, engineering, 84865
mathematics, and medicine models as established in division (C) of 84866
this section. 84867

For degrees including credits earned at multiple 84868
institutions, degree attainment funding shall be allocated to 84869
universities in proportion to each campus's share of the 84870
student-specific cost of earned credits for the degree. Each 84871
institution shall receive its prorated share of degree funding for 84872
credits earned at that institution. Cost of credits not earned at 84873
a university main or regional campus shall be credited to the 84874
degree-granting institution for the first degree earned by a 84875
student at each degree level. The cost credited to the 84876
degree-granting institution shall not be eligible for at-risk 84877
weights and shall be limited to 12.5 per cent of the 84878
student-specific degree costs. However, the 12.5 per cent 84879
limitation shall not apply if the student transferred 12 or fewer 84880
credits into the degree granting institution. 84881

In calculating the subsidy entitlements for degree attainment 84882
for universities, the Chancellor shall use the following count of 84883
degrees and degree costs: 84884

(a) The subsidy eligible undergraduate degrees shall be 84885
defined as follows: 84886

(i) The subsidy eligible degrees conferred to students 84887

identified as residents of the state of Ohio in any term of their 84888
studies, as reported through the Higher Education Information 84889
(HEI) system student enrollment file, shall be weighted by a 84890
factor of 1. 84891

(ii) The subsidy eligible degrees conferred to students 84892
identified as out-of-state residents during all terms of their 84893
studies, as reported through the Higher Education Information 84894
(HEI) system student enrollment file, who remain in the state of 84895
Ohio at least one year after graduation, as calculated based on 84896
the three-year average in-state residency rate using the 84897
Unemployment Wage data for out-of-state graduates at each 84898
institution, shall be weighted by a factor of 50 per cent. 84899

(iii) Subsidy eligible associate degrees are defined as those 84900
earned by students attending any state-supported university main 84901
or regional campus. 84902

(b) In calculating each campus's count of degrees, the 84903
Chancellor shall use the three-year average associate, 84904
baccalaureate, master's, and professional degrees awarded for the 84905
most recent completed three-year period that is practicable as 84906
agreed to by the Inter-University Council and the Chancellor. 84907

(i) If a student is awarded an associate degree and, 84908
subsequently, is awarded a baccalaureate degree, the amount funded 84909
for the baccalaureate degree shall be limited to either the 84910
difference in cost between the cost of the baccalaureate degree 84911
and the cost of the associate degree paid previously, or if the 84912
associate degree has a higher cost than the baccalaureate degree, 84913
the cost of the credits earned by the student after the associate 84914
degree was awarded. 84915

(ii) If a student earns an associate degree then, 84916
subsequently, earns a baccalaureate degree, the associate degree 84917
granting institution shall only receive the prorated share of the 84918

baccalaureate degree funding for the credits earned at that 84919
institution after the associate degree is awarded. 84920

(iii) If a student earns more than one degree at the same 84921
institution at the same degree level in the same fiscal year, the 84922
funding for the highest cost degree shall be prorated among 84923
institutions based on where the credits were earned and additional 84924
degrees shall be funded at 25 per cent of the cost of the degrees. 84925

(c) Associate degrees and baccalaureate degrees earned by a 84926
student defined as at-risk based on academic underpreparation, 84927
age, minority status, financial status, or first generation 84928
post-secondary status based on neither parent completing any 84929
education beyond high school, shall be defined as degrees earned 84930
by an at-risk student and shall be weighted by the following: 84931

A student-specific degree completion weight, where the weight 84932
is calculated based on the at-risk factors of the individual 84933
student, determined by calculating the difference between the 84934
percentage of students with each risk factor who earned a degree 84935
and the percentage of non-at-risk students who earned a degree. 84936

(2) Of the foregoing appropriation item 235501, State Share 84937
of Instruction, up to 11.78 per cent of the appropriation for 84938
universities, as established in division (A)(2) of the section of 84939
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 84940
2022 AND 2023," in each fiscal year shall be reserved for support 84941
of doctoral programs to implement the funding recommendations made 84942
by representatives of the universities. The amount so reserved 84943
shall be referred to as the doctoral set-aside. 84944

In each fiscal year, the doctoral set-aside funding 84945
allocation shall be allocated to universities as follows: 84946

(a) 25 per cent of the doctoral set-aside shall be allocated 84947
to universities in proportion to their share of the statewide 84948
total earnings of each state institution's three-year average 84949

course completions. The subsidy eligible enrollments by model 84950
shall equal only those FTE students who successfully complete the 84951
course as defined and reported through the Higher Education 84952
Information (HEI) system course enrollment file. Course completion 84953
earnings shall be determined by multiplying the amounts listed 84954
above in divisions (B) and (C) of this section by the 84955
subsidy-eligible FTEs for the most recent completed three-year 84956
period that is practicable as agreed to by the Inter-University 84957
Council and the Chancellor for all doctoral enrollments in 84958
graduate-level models. 84959

(b) 50 per cent of the doctoral set-aside shall be allocated 84960
to universities in proportion to each campus's share of the total 84961
statewide doctoral degrees, weighted by the cost of the doctoral 84962
discipline. In calculating each campus's doctoral degrees the 84963
Chancellor shall use the three-year average doctoral degrees 84964
awarded for the most recent completed three-year period that is 84965
practicable as agreed to by the Inter-University Council and the 84966
Chancellor. 84967

(c) 25 per cent of the doctoral set-aside shall be allocated 84968
to universities in proportion to their share of research grant 84969
activity. Funding for this component shall be allocated to 84970
eligible universities in proportion to their share of research 84971
grant activity published by the National Science Foundation. Grant 84972
awards from the Department of Health and Human Services shall be 84973
weighted at 50 per cent. 84974

(3) Of the foregoing appropriation item 235501, State Share 84975
of Instruction, 6.41 per cent of the appropriation for 84976
universities, as established in division (A)(2) of the section of 84977
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 84978
2022 AND 2023," in each fiscal year shall be reserved for support 84979
of Medical II FTEs. The amount so reserved shall be referred to as 84980
the medical II set-aside. 84981

The medical II set-aside shall be allocated to universities 84982
in proportion to their share of the statewide total of each state 84983
institution's three-year average Medical II FTEs as calculated in 84984
division (A) of this section. 84985

In calculating the core subsidy entitlements for Medical II 84986
models only, students repeating terms may be no more than five per 84987
cent of current year enrollment. 84988

(4) Of the foregoing appropriation item 235501, State Share 84989
of Instruction, 1.48 per cent of the appropriation for 84990
universities, as established in division (A)(2) of the section of 84991
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 84992
2022 AND 2023," in each fiscal year shall be reserved for support 84993
of Medical I FTEs. The amount so reserved shall be referred to as 84994
the medical I set-aside. 84995

The medical I set-aside shall be allocated to universities in 84996
proportion to their share of the statewide total of each state 84997
institution's three-year average Medical I FTEs as calculated in 84998
division (A) of this section. 84999

(5) In calculating the course completion funding for 85000
universities, the Chancellor shall use the following count of FTE 85001
students: 85002

(a) The subsidy eligible enrollments by model shall equal 85003
only those FTE students who successfully complete the course as 85004
defined and reported through the Higher Education Information 85005
(HEI) system course enrollment file; 85006

(b) Those undergraduate FTE students with successful course 85007
completions, identified in division (D)(5)(a) of this section, 85008
that are defined as at-risk based on academic under-preparation or 85009
financial status shall have their eligible completions weighted by 85010
the following: 85011

(i) Institution-specific course completion indexes, where the 85012

indexes are calculated based upon the number of at-risk students 85013
enrolled during the 2018-2020 academic years; and 85014

(ii) A statewide average at-risk course completion weight 85015
determined for each subsidy model. The statewide average at-risk 85016
course completion weight shall be determined by calculating the 85017
difference between the percentage of traditional students who 85018
complete a course and the percentage of at-risk students who 85019
complete the same course. 85020

(c) The course completion earnings shall be determined by 85021
multiplying the amounts listed above in divisions (B) and (C) of 85022
this section by the subsidy-eligible FTEs for the most recent 85023
completed three-year period that is practicable as agreed to by 85024
the Inter-University Council and the Chancellor for all models 85025
except Medical I and Medical II. 85026

(d) For universities, the Chancellor shall compute the course 85027
completion earnings by dividing the appropriation for 85028
universities, established in division (A)(2) of the section of 85029
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 85030
2022 AND 2023," less the degree attainment funding as calculated 85031
in division (D)(1) of this section, less the doctoral set-aside, 85032
less the medical I set-aside, and less the medical II set-aside, 85033
by the sum of all campuses' instructional costs as calculated in 85034
division (D)(5) of this section. 85035

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 85036
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 85037

(1) Of the foregoing appropriation item 235501, State Share 85038
of Instruction, 50 per cent of the appropriation for 85039
state-supported community colleges, state community colleges, and 85040
technical colleges as established in division (A)(1) of the 85041
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 85042
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 85043

for course completion FTEs as aggregated by the subsidy models 85044
defined in division (B) of this section. 85045

The course completion funding shall be allocated to campuses 85046
in proportion to each campus's share of the total sector's course 85047
completions, weighted by the instructional cost of the subsidy 85048
models. 85049

To calculate the subsidy entitlements for course completions 85050
at community colleges, state community colleges, and technical 85051
colleges, the Chancellor shall use the following calculations: 85052

(a) In calculating each campus's count of FTE course 85053
completions, the Chancellor shall use a three-year average for 85054
course completions for the three year period ending in the prior 85055
year for students identified as residents of the state of Ohio in 85056
any term of their studies, as reported through the Higher 85057
Education Information (HEI) system student enrollment file. 85058

(b) The subsidy eligible enrollments by model shall equal 85059
only those FTE students who successfully complete the course as 85060
defined and reported through the Higher Education Information 85061
(HEI) system course enrollment file. 85062

(c) Those students with successful course completions, that 85063
are defined as access students based on financial status, minority 85064
status, age, or academic under-preparation shall have their 85065
eligible course completions weighted by a statewide access weight. 85066
The weight given to any student that meets any access factor shall 85067
be 15 per cent for all course completions. 85068

(d) The model costs as used in the calculation shall be 85069
augmented by the model weights for science, technology, 85070
engineering, mathematics, and medicine models as established in 85071
division (C) of this section. 85072

(2) Of the foregoing appropriation item 235501, State Share 85073
of Instruction, 25 per cent of the appropriation for 85074

state-supported community colleges, state community colleges, and 85075
technical colleges as established in division (A)(1) of the 85076
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 85077
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 85078
for colleges in proportion to their share of college student 85079
success factors. 85080

Student success factors shall be awarded at the institutional 85081
level for each subsidy-eligible student that successfully: 85082

(a) Completes a college-level math course within the first 30 85083
hours of completed coursework. 85084

(b) Completes a college-level English course within the first 85085
30 hours of completed coursework. 85086

(c) Completes 12 semester credit hours of college-level 85087
coursework. 85088

(d) Completes 24 semester credit hours of college-level 85089
coursework. 85090

(e) Completes 36 semester credit hours of college-level 85091
coursework. 85092

(3) Of the foregoing appropriation item 235501, State Share 85093
of Instruction, 25 per cent of the appropriation for 85094
state-supported community colleges, state community colleges, and 85095
technical colleges as established in division (A)(1) of the 85096
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 85097
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 85098
for completion milestones. 85099

Completion milestones shall include associate degrees, 85100
technical certificates over 30 credit hours as designated by the 85101
Department of Higher Education, and students transferring to any 85102
four-year institution with at least 12 credit hours of 85103
college-level coursework earned at that community college, state 85104

community college, or technical college. 85105

The completion milestone funding shall be allocated to 85106
colleges in proportion to each institution's share of the sector's 85107
total completion milestones, weighted by the instructional cost of 85108
the associate degree, certificate, or transfer models. Costs for 85109
technical certificates over 30 hours shall be weighted at one-half 85110
of the associate degree model costs and transfers with at least 12 85111
credit hours of college-level coursework shall be weighted at 85112
one-fourth of the average cost for all associate degree model 85113
costs. 85114

(4) To calculate the subsidy entitlements for completions at 85115
community colleges, state community colleges, and technical 85116
colleges, the Chancellor shall use the following calculations: 85117

(a) In calculating each campus's count of completions, the 85118
Chancellor shall use a three-year average for completion 85119
milestones awarded to students identified as subsidy eligible in 85120
any term of their studies, as reported through the Higher 85121
Education Information (HEI) system student enrollment file. 85122

(b) The subsidy eligible completion milestones by model shall 85123
equal only those students who successfully complete an associate 85124
degree or technical certificate over 30 credit hours, or transfer 85125
to any four-year institution with at least 12 credit hours of 85126
college-level coursework as defined and reported in the Higher 85127
Education Information (HEI) system. Student completions reported 85128
in HEI shall have an accompanying course enrollment record in 85129
order to be subsidy eligible. 85130

(c) Those students with successful completions for associate 85131
degrees, technical certificates over 30 credit hours, or transfer 85132
to any four-year institution with at least 12 credit hours of 85133
college-level coursework, identified in division (E)(3) of this 85134
section, that are defined as access students based on financial 85135

status, minority status, age, or academic under-preparation shall 85136
have their eligible completions weighted by a statewide access 85137
weight. The weight shall be 25 per cent for students with one 85138
access factor, 66 per cent for students with two access factors, 85139
150 per cent for students with three access factors, and 200 per 85140
cent for students with four access factors. 85141

(d) For those students who complete more than one completion 85142
milestone, funding for each additional associate degree or 85143
technical certificate over 30 credit hours designated as such by 85144
the Department of Higher Education shall be funded at 50 per cent 85145
of the model costs as defined in division (E)(3) of this section. 85146

(5) For purposes of the calculations made in division (E) of 85147
this section, the Chancellor shall only include subsidy-eligible 85148
students identified as residents of the state of Ohio in any term 85149
of their studies, as reported through the Higher Education 85150
Information (HEI) system student enrollment file. The Chancellor 85151
shall be prohibited from including nonresident students as 85152
subsidy-eligible except for those students otherwise identified as 85153
subsidy-eligible in division (A)(2) of this section. 85154

(F) CAPITAL COMPONENT DEDUCTION 85155

After all other adjustments have been made, state share of 85156
instruction earnings shall be reduced for each campus by the 85157
amount, if any, by which debt service charged in H.B. 16 of the 85158
126th General Assembly, H.B. 699 of the 126th General Assembly, 85159
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 85160
General Assembly for that campus exceeds that campus's capital 85161
component earnings. The sum of the amounts deducted shall be 85162
transferred to appropriation item 235552, Capital Component, in 85163
each fiscal year. 85164

(G) EXCEPTIONAL CIRCUMSTANCES 85165

Adjustments may be made to the state share of instruction 85166

payments and other subsidies distributed by the Chancellor of 85167
Higher Education to state colleges and universities for 85168
exceptional circumstances. No adjustments for exceptional 85169
circumstances may be made without the recommendation of the 85170
Chancellor and the approval of the Controlling Board. 85171

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 85172
INSTRUCTION 85173

The standard provisions of the state share of instruction 85174
calculation as described in the preceding sections of temporary 85175
law shall apply to any reductions made to appropriation item 85176
235501, State Share of Instruction, before the Chancellor has 85177
formally approved the final allocation of the state share of 85178
instruction funds for any fiscal year. 85179

Any reductions made to appropriation item 235501, State Share 85180
of Instruction, after the Chancellor has formally approved the 85181
final allocation of the state share of instruction funds for any 85182
fiscal year, shall be uniformly applied to each campus in 85183
proportion to its share of the final allocation. 85184

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 85185

The state share of instruction payments to the institutions 85186
shall be in substantially equal monthly amounts during the fiscal 85187
year, unless otherwise determined by the Director of Budget and 85188
Management pursuant to section 126.09 of the Revised Code. 85189
Payments during the first six months of the fiscal year may be 85190
based upon the state share of instruction appropriation estimates 85191
made for the various institutions of higher education and payments 85192
during the last six months of the fiscal year may be based on the 85193
final data from the Chancellor. If agreed to by the Chancellor and 85194
the Inter-University Council, payments to universities in each 85195
month of a fiscal year shall be based on final data in the higher 85196
education information system for the selected three-year period 85197

that is acceptable to both parties. 85198

(J) STUDY ON THE USE OF AT-RISK WEIGHTS IN THE STATE SHARE OF 85199
INSTRUCTION FORMULAS 85200

The Chancellor of Higher Education, with the assistance of 85201
the Inter-University Council and the Ohio Association of Community 85202
Colleges, shall study the most appropriate definitions of at-risk 85203
students and formula weights for at-risk students that may be used 85204
in the distribution to universities and community colleges from 85205
the foregoing appropriation item 235501, State Share of 85206
Instruction, beginning in fiscal year 2024. The study shall do all 85207
of the following: 85208

(1) Examine and evaluate the impact on formula distributions 85209
of the at-risk weights that have been used in the state share of 85210
instruction formulas since the inception of a performance-based 85211
funding model in Ohio, including the overall level of at-risk 85212
funding, the distribution of such funding among the state 85213
institutions of higher education, and the impact of such funding 85214
on institutional outcomes such as course completion and degree or 85215
certificate completion; 85216

(2) Research the use of at-risk weights in the funding 85217
formulas of other states; 85218

(3) Survey the academic research on at-risk weights in higher 85219
education allocation formulas, particularly in the context of 85220
performance-based funding; 85221

(4) Make recommendations on the definitions of at-risk 85222
students, the funding formula weights for such identified 85223
students, and the level of funding for at-risk students. The 85224
recommendations should have as their objectives fairness, 85225
simplicity, transparency, and the provision of sufficient 85226
incentives to increase the course completion and degree completion 85227
of at-risk students in state institutions of higher education. 85228

Separate definitions and weighting schemes may be considered 85229
within each sector's share of the foregoing appropriation item 85230
235501, State Share of Instruction. 85231

The study shall be completed by June 30, 2022. 85232

Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 85233
2022 AND 2023 85234

(A) The foregoing appropriation item 235501, State Share of 85235
Instruction, shall be distributed according to the section of this 85236
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 85237

(1) Of the foregoing appropriation item 235501, State Share 85238
of Instruction, \$474,064,305 in fiscal year 2022 and \$478,463,002 85239
in fiscal year 2023 shall be distributed to state-supported 85240
community colleges, state community colleges, and technical 85241
colleges. 85242

(2) Of the foregoing appropriation item 235501, State Share 85243
of Instruction, \$1,582,613,811 in fiscal year 2022 and 85244
\$1,597,298,400 in fiscal year 2023 shall be distributed to 85245
state-supported university main and regional campuses. 85246

(B) Any increases in the amount distributed to an institution 85247
from appropriation item 235501, State Share of Instruction, above 85248
the prior year may be used by the institution to provide 85249
need-based aid and to provide counseling, support services, and 85250
workforce preparation services to students. 85251

Section 381.160. RESTRICTION ON FEE INCREASES 85252

(A) In fiscal years 2022 and 2023, the boards of trustees of 85253
state institutions of higher education shall restrain increases in 85254
in-state undergraduate instructional and general fees. 85255

(1) For the 2021-2022 and 2022-2023 academic years, all of 85256
the following shall apply: 85257

(a) Each state university or college, as defined in section 85258
3345.12 of the Revised Code and university branch established 85259
under Chapter 3355. of the Revised Code shall not increase its 85260
in-state undergraduate instructional and general fees by more than 85261
two per cent over what the institution charged for the previous 85262
academic year. 85263

(b) Each community college established under Chapter 3354., 85264
state community college established under Chapter 3358., or 85265
technical college established under Chapter 3357. of the Revised 85266
Code may increase its in-state undergraduate instructional and 85267
general fees by not more than five dollars per credit hour over 85268
what the institution charged for the previous academic year. 85269

(c) For state institutions of higher education, as defined in 85270
section 3345.011 of the Revised Code, increases for all other 85271
special fees, including the creation of new special fees, shall be 85272
subject to the approval of the Chancellor of Higher Education. 85273

(2) The limitations under division (A)(1) of this section do 85274
not apply to fees for auxiliary goods or services provided to 85275
students at the cost incurred to the institution, fees assessed to 85276
students as a pass-through for licensure and certification 85277
examinations, fees in elective courses associated with travel 85278
experiences, elective service charges, fines, and voluntary sales 85279
transactions. 85280

(B) The limitations under this section shall not apply to 85281
increases required to comply with institutional covenants related 85282
to their obligations or to meet unfunded legal mandates or legally 85283
binding obligations incurred or commitments made prior to the 85284
effective date of this section with respect to which the 85285
institution had identified such fee increases as the source of 85286
funds. Any increase required by such covenants and any such 85287
mandates, obligations, or commitments shall be reported by the 85288
Chancellor of Higher Education to the Controlling Board. These 85289

limitations may also be modified by the Chancellor, with the 85290
approval of the Controlling Board, to respond to exceptional 85291
circumstances as identified by the Chancellor. 85292

(C) Institutions offering an undergraduate tuition guarantee 85293
pursuant to section 3345.48 of the Revised Code may increase 85294
instructional and general fees pursuant to that section. 85295

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES 85296

(A) Funds appropriated for instructional subsidies at 85297
colleges and universities may be used to provide such branch or 85298
other off-campus undergraduate courses of study and such master's 85299
degree courses of study as may be approved by the Chancellor of 85300
Higher Education. 85301

(B) In providing instructional and other services to 85302
students, boards of trustees of state institutions of higher 85303
education shall supplement state subsidies with income from 85304
charges to students. Except as otherwise provided in this act, 85305
each board shall establish the fees to be charged to all students, 85306
including an instructional fee for educational and associated 85307
operational support of the institution and a general fee for 85308
noninstructional services, including locally financed student 85309
services facilities used for the benefit of enrolled students. The 85310
instructional fee and the general fee shall encompass all charges 85311
for services assessed uniformly to all enrolled students. Each 85312
board may also establish special purpose fees, service charges, 85313
and fines as required; such special purpose fees and service 85314
charges shall be for services or benefits furnished individual 85315
students or specific categories of students and shall not be 85316
applied uniformly to all enrolled students. A tuition surcharge 85317
shall be paid by all students who are not residents of Ohio. 85318

The board of trustees of a state institution of higher 85319
education shall not authorize a waiver or nonpayment of 85320

instructional fees or general fees for any particular student or 85321
any class of students other than waivers specifically authorized 85322
by law or approved by the Chancellor. This prohibition is not 85323
intended to limit the authority of boards of trustees to provide 85324
for payments to students for services rendered the institution, 85325
nor to prohibit the budgeting of income for staff benefits or for 85326
student assistance in the form of payment of such instructional 85327
and general fees. 85328

Each state institution of higher education in its statement 85329
of charges to students shall separately identify the instructional 85330
fee, the general fee, the tuition charge, and the tuition 85331
surcharge. Fee charges to students for instruction shall not be 85332
considered to be a price of service but shall be considered to be 85333
an integral part of the state government financing program in 85334
support of higher educational opportunity for students. 85335

(C) The boards of trustees of state institutions of higher 85336
education shall ensure that faculty members devote a proper and 85337
judicious part of their work week to the actual instruction of 85338
students. Total class credit hours of production per academic term 85339
per full-time faculty member is expected to meet the standards set 85340
forth in the budget data submitted by the Chancellor of Higher 85341
Education. 85342

(D) The authority of government vested by law in the boards 85343
of trustees of state institutions of higher education shall in 85344
fact be exercised by those boards. Boards of trustees may consult 85345
extensively with appropriate student and faculty groups. 85346
Administrative decisions about the utilization of available 85347
resources, about organizational structure, about disciplinary 85348
procedure, about the operation and staffing of all auxiliary 85349
facilities, and about administrative personnel shall be the 85350
exclusive prerogative of boards of trustees. Any delegation of 85351
authority by a board of trustees in other areas of responsibility 85352

shall be accompanied by appropriate standards of guidance 85353
concerning expected objectives in the exercise of such delegated 85354
authority and shall be accompanied by periodic review of the 85355
exercise of this delegated authority to the end that the public 85356
interest, in contrast to any institutional or special interest, 85357
shall be served. 85358

Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS' 85359
CHILDREN SCHOLARSHIPS 85360

The foregoing appropriation item 235504, War Orphans and 85361
Severely Disabled Veterans' Children Scholarships, shall be used 85362
to reimburse state institutions of higher education for waivers of 85363
instructional fees and general fees provided by them, to provide 85364
grants to institutions that have received a certificate of 85365
authorization from the Chancellor of Higher Education under 85366
Chapter 1713. of the Revised Code, in accordance with the 85367
provisions of section 5910.04 of the Revised Code, and to fund 85368
additional scholarship benefits provided by section 5910.032 of 85369
the Revised Code. 85370

During each fiscal year, the Chancellor, as soon as possible 85371
after cancellation, may certify to the Director of Budget and 85372
Management the amount of canceled prior-year encumbrances in 85373
appropriation item 235504, War Orphans and Severely Disabled 85374
Veterans' Children Scholarships. Upon receipt of the 85375
certification, the Director of Budget and Management may transfer 85376
cash, up to the certified amount, from the General Revenue Fund to 85377
the War Orphans and Severely Disabled Veterans' Children 85378
Scholarship Reserve Fund (Fund 5PW0). 85379

Section 381.200. OHIOLINK 85380

The foregoing appropriation item 235507, OhioLINK, shall be 85381
used by the Chancellor of Higher Education to support OhioLINK, a 85382

consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY

Of the foregoing appropriation item 235508, Air Force Institute of Technology, \$75,000 in each fiscal year shall be allocated to the Aerospace Professional Development Center in Dayton for statewide workforce development services in the aerospace industry.

The remainder of the foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Defense Associated Graduate Student Innovators, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

Section 381.220. OHIO SUPERCOMPUTER CENTER

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended

that the center be made accessible to private industry as 85413
appropriate. 85414

The Ohio Supercomputer Center's services shall support Ohio's 85415
colleges, universities, and businesses to make Ohio a leader in 85416
using computational science, modeling, and simulation to promote 85417
higher education, research, and economic competitiveness. 85418

Section 381.230. THE OHIO STATE UNIVERSITY EXTENSION SERVICE 85419

The foregoing appropriation item 235511, The Ohio State 85420
University Extension Service, shall be disbursed through the 85421
Chancellor of Higher Education to The Ohio State University in 85422
monthly payments, unless otherwise determined by the Director of 85423
Budget and Management under section 126.09 of the Revised Code. 85424

Section 381.240. CENTRAL STATE SUPPLEMENT 85425

The foregoing appropriation item 235514, Central State 85426
Supplement, shall be disbursed by the Chancellor of Higher 85427
Education to Central State University. Funds shall be used in a 85428
manner consistent with the goals of increasing enrollment, 85429
improving course completion, and increasing the number of degrees 85430
conferred. 85431

Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 85432
MEDICINE 85433

The foregoing appropriation item 235515, Case Western Reserve 85434
University School of Medicine, shall be disbursed to Case Western 85435
Reserve University through the Chancellor of Higher Education in 85436
accordance with agreements entered into under section 3333.10 of 85437
the Revised Code, provided that the state support per full-time 85438
medical student shall not exceed that provided to full-time 85439
medical students at state universities. 85440

Section 381.260. FAMILY PRACTICE 85441

The foregoing appropriation item 235519, Family Practice, 85442
shall be distributed in each fiscal year, based on each medical 85443
school's share of residents placed in a family practice and 85444
graduates practicing in a family practice. 85445

Section 381.270. SHAWNEE STATE SUPPLEMENT 85446

The foregoing appropriation item 235520, Shawnee State 85447
Supplement, shall be disbursed by the Chancellor of Higher 85448
Education to Shawnee State University. Funds shall be used in a 85449
manner consistent with the goals of improving course completion, 85450
increasing the number of degrees conferred, and furthering the 85451
university's mission of service to the Appalachian region. 85452

Section 381.280. GERIATRIC MEDICINE 85453

The Chancellor of Higher Education shall distribute 85454
appropriation item 235525, Geriatric Medicine, consistent with 85455
existing criteria and guidelines. 85456

Section 381.285. PRIMARY CARE RESIDENCIES 85457

The foregoing appropriation item 235526, Primary Care 85458
Residencies, shall be distributed in each fiscal year, based on 85459
each medical school's share of residents placed in a primary care 85460
field and graduates practicing in a primary care field. 85461

Section 381.287. PROGRAM AND PROJECT SUPPORT 85462

Of the foregoing appropriation item 235533, Program and 85463
Project Support, \$500,000 in each fiscal year shall be used to 85464
support the Ohio Aerospace Institute's Space Grant Consortium. 85465

Of the foregoing appropriation item 235533, Program and 85466
Project Support, \$200,000 in fiscal year 2022 shall be allocated 85467

to Youngstown State University to provide for initial staffing of 85468
the Mahoning Valley Workforce Partnership. 85469

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 85470
CENTER 85471

The foregoing appropriation item 235535, Ohio Agricultural 85472
Research and Development Center, shall be disbursed through the 85473
Chancellor of Higher Education to The Ohio State University in 85474
monthly payments, unless otherwise determined by the Director of 85475
Budget and Management under section 126.09 of the Revised Code. 85476

The Ohio Agricultural Research and Development Center, an 85477
entity of the College of Food, Agricultural, and Environmental 85478
Sciences of The Ohio State University, shall further its mission 85479
of enhancing Ohio's economic development and job creation by 85480
continuing to internally allocate on a competitive basis 85481
appropriated funding of programs based on demonstrated 85482
performance. Academic units, faculty, and faculty-driven programs 85483
shall be evaluated and rewarded consistent with agreed-upon 85484
performance expectations as called for in the College's 85485
Expectations and Criteria for Performance Assessment. 85486

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 85487

The foregoing appropriation items 235536, The Ohio State 85488
University Clinical Teaching; 235537, University of Cincinnati 85489
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 85490
235540, Ohio University Clinical Teaching; and 235541, Northeast 85491
Ohio Medical University Clinical Teaching, shall be distributed 85492
through the Chancellor of Higher Education. 85493

Of the foregoing appropriation item 235537, University of 85494
Cincinnati Clinical Teaching, \$500,000 in each fiscal year shall 85495
be provided to People Working Cooperatively for the Safe and 85496
Healthy at Home Initiative. The funds shall be used to make 85497

critical home modifications and emergency repairs for low-income 85498
and elderly homeowners and for health care and housing 85499
partnerships to address chronic housing related health care 85500
issues. 85501

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 85502
DEVELOPMENT 85503

The foregoing appropriation item 235546, Central State 85504
Agricultural Research and Development, shall be used in 85505
conjunction with appropriation item 235548, Central State 85506
Cooperative Extension Services, by Central State University for 85507
its state match requirement as an 1890 land grant university. 85508

Section 381.320. CAPITAL COMPONENT 85509

The foregoing appropriation item 235552, Capital Component, 85510
shall be used by the Chancellor of Higher Education to provide 85511
funding for prior commitments made pursuant to the state's former 85512
capital funding policy for state colleges and universities that 85513
was originally established in H.B. 748 of the 121st General 85514
Assembly. Appropriations from this item shall be distributed to 85515
all campuses for which the estimated campus debt service 85516
attributable to qualifying capital projects was less than the 85517
campus's formula-determined capital component allocation. Campus 85518
allocations shall be determined by subtracting the estimated 85519
campus debt service attributable to qualifying capital projects 85520
from the campus's formula-determined capital component allocation. 85521
Moneys distributed from this appropriation item shall be 85522
restricted to capital-related purposes. 85523

Any campus for which the estimated campus debt service 85524
attributable to qualifying capital projects is greater than the 85525
campus's formula-determined capital component allocation shall 85526
have the difference subtracted from its State Share of Instruction 85527

allocation in each fiscal year. Appropriation equal to the sum of 85528
all such amounts shall be transferred from appropriation item 85529
235501, State Share of Instruction, to appropriation item 235552, 85530
Capital Component. 85531

Section 381.330. LIBRARY DEPOSITORIES 85532

The foregoing appropriation item 235555, Library 85533
Depositories, shall be distributed to the state's five regional 85534
depository libraries for the cost-effective storage of and access 85535
to lesser-used materials in university library collections. The 85536
depositories shall be administrated by the Chancellor of Higher 85537
Education, or by OhioLINK at the discretion of the Chancellor. 85538

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 85539

The foregoing appropriation item 235556, Ohio Academic 85540
Resources Network, shall be used by the Chancellor of Higher 85541
Education to support the operations of the Ohio Academic Resources 85542
Network, a consortium organized under division (T) of section 85543
3333.04 of the Revised Code, which shall include support for 85544
Ohio's colleges and universities in maintaining and enhancing 85545
network connections, using new network technologies to improve 85546
research, education, and economic development programs, and 85547
sharing information technology services. To the extent network 85548
capacity is available, OARnet shall support allocating bandwidth 85549
to eligible programs directly supporting Ohio's economic 85550
development. 85551

Section 381.350. LONG-TERM CARE RESEARCH 85552

The foregoing appropriation item 235558, Long-term Care 85553
Research, shall be disbursed to Miami University for long-term 85554
care research. 85555

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT	85556
(A)(1) As used in this section:	85557
(a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.	85558 85559 85560
(b) The three "sectors" of institutions of higher education consist of the following:	85561 85562
(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;	85563 85564 85565
(ii) Eligible private nonprofit institutions of higher education;	85566 85567
(iii) Eligible private for-profit career colleges and schools.	85568 85569
(2) Awards for students attending an eligible institution shall be determined by the Chancellor.	85570 85571
For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.	85572 85573 85574
(3) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2022 and fiscal year 2023 based on the formula used in fiscal year 2021, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in	85575 85576 85577 85578 85579 85580 85581 85582 85583 85584 85585

division (A)(1) of this section in a manner determined by the 85586
Chancellor. The Chancellor shall notify the Controlling Board of 85587
the distribution method. Any formula calculated under this 85588
division shall be complete and established to coincide with the 85589
start of each academic year. 85590

(B) Prior to determining the amount of funds available to 85591
award under this section and section 3333.122 of the Revised Code, 85592
the Chancellor shall use the foregoing appropriation item 235563, 85593
Ohio College Opportunity Grant, to pay for waivers of tuition and 85594
student fees for eligible students under the Ohio Safety Officer's 85595
College Memorial Fund Program under sections 3333.26 of the 85596
Revised Code. 85597

In each fiscal year, with the exception of sections 3333.121 85598
and 3333.124 of the Revised Code and the section of this act 85599
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 85600
shall not distribute or obligate or commit to be distributed an 85601
amount greater than what is appropriated under the foregoing 85602
appropriation item 235563, Ohio College Opportunity Grant. 85603

(C) The Chancellor shall establish, and post on the 85604
Department of Higher Education's web site, award tables based on 85605
any formulas created under division (A) of this section. The 85606
Chancellor shall notify students and institutions of any 85607
reductions in awards under this section. 85608

(D) Notwithstanding section 3333.122 of the Revised Code, no 85609
student shall be eligible to receive an Ohio College Opportunity 85610
Grant for more than ten semesters, fifteen quarters, or the 85611
equivalent of five academic years, less the number of semesters or 85612
quarters in which the student received an Ohio Instructional 85613
Grant. 85614

(E) During each fiscal year, the Chancellor, as soon as 85615
possible after cancellation, may certify to the Director of Budget 85616

and Management the amount of canceled prior-year encumbrances in 85617
appropriation item 235563, Ohio College Opportunity Grant. Upon 85618
receipt of the certification, the Director of Budget and 85619
Management may transfer cash, up to the certified amount, from the 85620
General Revenue Fund to the Ohio College Opportunity Grant Program 85621
Reserve Fund (Fund 5PU0). 85622

Section 381.365. THE OHIO STATE UNIVERSITY COLLEGE OF 85623
VETERINARY MEDICINE SUPPLEMENT 85624

The foregoing appropriation item 235569, The Ohio State 85625
University College of Veterinary Medicine Supplement, shall be 85626
distributed through the Chancellor of Higher Education to The Ohio 85627
State University College of Veterinary Medicine to provide 85628
supplemental support for education, research, and operations. 85629

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 85630

The foregoing appropriation item 235572, The Ohio State 85631
University Clinic Support, shall be distributed through the 85632
Chancellor of Higher Education to The Ohio State University for 85633
support of dental and veterinary medicine clinics. 85634

Section 381.373. FEDERAL RESEARCH NETWORK 85635

The foregoing appropriation item 235578, Federal Research 85636
Network, shall be allocated to The Ohio State University to 85637
collaborate with federal installations in Ohio, state institutions 85638
of higher education as defined in section 3345.011 of the Revised 85639
Code, private nonprofit institutions of higher education holding 85640
certificates of authorization under Chapter 1713. of the Revised 85641
Code, and the private sector to align the state's research assets 85642
with emerging missions and job growth opportunities emanating from 85643
federal installations, strengthen related workforce development 85644
and technology commercialization programs, and better position the 85645

state's university system to directly impact new job creation in 85646
Ohio. A portion of the foregoing appropriation item 235578, 85647
Federal Research Network, shall be used to support the growth of 85648
small business federal contractors in the state and to expand the 85649
participation of Ohio businesses in the federal Small Business 85650
Innovation Research Program and related federal programs. 85651

Section 381.375. CO-OP INTERNSHIP PROGRAM 85652

Of the foregoing appropriation item 235591, Co-Op Internship 85653
Program, \$165,000 in each fiscal year shall be used to support the 85654
operations of Ohio University's Voinovich School. 85655

Of the foregoing appropriation item 235591, Co-Op Internship 85656
Program, \$150,000 in each fiscal year shall be used to support 85657
students who attend institutions of higher education in Ohio and 85658
participate in the internship program of The Washington Center. 85659

Of the foregoing appropriation item 235591, Co-Op Internship 85660
Program, \$62,500 in each fiscal year shall be used to support the 85661
operations of The Ohio State University's John Glenn College of 85662
Public Affairs. 85663

Of the foregoing appropriation item 235591, Co-Op Internship 85664
Program, \$62,500 in each fiscal year shall be used to support the 85665
Bliss Institute of Applied Politics at the University of Akron. 85666

Of the foregoing appropriation item 235591, Co-Op Internship 85667
Program, \$50,000 in each fiscal year shall be used to support the 85668
Center for Public Management and Regional Affairs at Miami 85669
University. 85670

Of the foregoing appropriation item 235591, Co-Op Internship 85671
Program, \$50,000 in each fiscal year shall be used to support the 85672
Ohio Center for the Advancement of Women in Public Service at the 85673
Maxine Goodman Levin College of Urban Affairs at Cleveland State 85674
University. 85675

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program. 85676
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Washington Program in National Issues. 85679
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Columbus Program. 85682
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center. 85685
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University. 85688
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$25,000 in each fiscal year shall be used to support the Shawnee State University Institute for Appalachian Public Policy. 85692
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Section 381.376. RURAL UNIVERSITY PROGRAM 85695

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four participating universities shall receive \$100,000 in each fiscal year to support their respective programs. 85696
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Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 85704

The Chancellor of Higher Education shall disburse funds from 85705
appropriation item 235599, National Guard Scholarship Program. 85706
During each fiscal year, the Chancellor, as soon as possible after 85707
cancellation, may certify to the Director of Budget and Management 85708
the amount of canceled prior-year encumbrances in appropriation 85709
item 235599, National Guard Scholarship Program. Upon receipt of 85710
the certification, the Director of Budget and Management may 85711
transfer cash, up to the certified amount, from the General 85712
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 85713
5BM0). 85714

Section 381.390. PLEDGE OF FEES 85715

Any new pledge of fees, or new agreement for adjustment of 85716
fees, made in the biennium ending June 30, 2023, to secure bonds 85717
or notes of a state institution of higher education for a project 85718
for which bonds or notes were not outstanding on the effective 85719
date of this section or to secure a refund of prior debt that is 85720
anticipated to increase the total cost of retiring the original 85721
debt shall be effective only after approval by the Chancellor of 85722
Higher Education, unless approved in a previous biennium. 85723

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND 85724
DEBT SERVICE 85725

The foregoing appropriation item 235909, Higher Education 85726
General Obligation Bond Debt Service, shall be used to pay all 85727
debt service and related financing costs during the period from 85728
July 1, 2021, through June 30, 2023, for obligations issued under 85729
sections 151.01 and 151.04 of the Revised Code. 85730

Section 381.410. SALES AND SERVICES 85731

The Chancellor of Higher Education is authorized to charge 85732
and accept payment for the provision of goods and services. Such 85733

charges shall be reasonably related to the cost of producing the 85734
goods and services. Except as otherwise provided by law, no 85735
charges may be levied for goods or services that are produced as 85736
part of the routine responsibilities or duties of the Chancellor. 85737
All revenues received by the Chancellor shall be deposited into 85738
Fund 4560, and may be used by the Chancellor to pay for the costs 85739
of producing the goods and services. 85740

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 85741
ADMINISTRATION 85742

The foregoing appropriation item 235602, Higher Educational 85743
Facility Commission Administration, shall be used by the 85744
Chancellor of Higher Education for operating expenses related to 85745
the Chancellor's support of the activities of the Ohio Higher 85746
Educational Facility Commission. Upon the request of the 85747
Chancellor, the Director of Budget and Management may transfer 85748
cash in an amount up to the amount appropriated from the foregoing 85749
appropriation item 235602, Higher Educational Facility Commission 85750
Administration, in each fiscal year from the HEFC Operating 85751
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 85752
4E80). 85753

Section 381.430. MAGNET APPRENTICESHIP PROGRAM 85754

The foregoing appropriation item 235649, MAGNET 85755
Apprenticeship Program, shall be used by the Chancellor of Higher 85756
Education to support the development and implementation of an 85757
apprenticeship program administered through the Manufacturing 85758
Advocacy and Growth Network's (MAGNET) Early College Early Career 85759
Program. The apprenticeship program shall place high school 85760
students in a participating local private business that will 85761
employ the student and provide the training necessary for the 85762
student to earn a technical certification in Computer Integrated 85763

Manufacturing (CIM), machining, or welding. 85764

Section 381.440. SHORT-TERM CERTIFICATES 85765

The foregoing appropriation item 235517, Short-Term 85766
Certificates, shall be used by the Chancellor of Higher Education 85767
to award need-based financial aid to students who are enrolled in 85768
a state-supported community college, state community college, or a 85769
technical college in a program that may be completed in less than 85770
one year and for which a certificate or industry-recognized 85771
credential is awarded in an in-demand job. 85772

Section 381.450. WORKFORCE AND HIGHER EDUCATION PROGRAMS 85773

(A)(1) Of the foregoing appropriation item 235616, Workforce 85774
and Higher Education Programs, \$1,000,000 in each fiscal year 85775
shall be distributed by the Chancellor of Higher Education to the 85776
Ohio Academy of Science, in collaboration with Entrepreneurial 85777
Engagement Ohio, for the continuing development and implementation 85778
of recommendations of the Ohio Board of Regents that seek to 85779
create an innovation pathway between Ohio's K-12 education system 85780
and Ohio's colleges and universities and post-secondary career 85781
centers and vocational schools. The purpose of this program is to 85782
help create a "Culture of Innovation" in Ohio high schools, junior 85783
high schools, and middle schools, to encourage students to 85784
continue their educations and careers in Ohio, to provide college 85785
scholarships to encourage Ohio's most innovative and 85786
entrepreneurial high school students to remain in Ohio by focusing 85787
on the practical application of science, technology, engineering, 85788
and mathematics and related fields, and to prepare students for 85789
the future through the development of an entrepreneurial mindset 85790
and critical thinking skills that will be needed in the future by 85791
Ohio's workforce and job creators, especially as Ohio emerges from 85792
the COVID-19 pandemic and seeks to rebuild the economy. 85793

(2) The STEM Entrepreneurship and Innovation Program for 85794
Students to Help Develop Ohio's Future Workforce shall include: 85795

(a) A comprehensive professional development program for 85796
teachers in grades 7-12 to help them develop a 'Culture of 85797
Innovation' in their schools; 85798

(b) In-school STEM Innovation and Entrepreneurship programs 85799
and STEM Commercialization Plan and STEM Business Plan 85800
competitions for students in grades 7-12 that include student 85801
incentive awards for competition winners and related curriculum, 85802
content, and other program support to teachers and students; 85803

(c) Mentoring programs in collaboration with Ohio colleges 85804
and universities and other innovation or entrepreneurship 85805
organizations, with a special emphasis on underserved urban and 85806
rural schools; 85807

(d) A statewide STEM Commercialization Plan and STEM Business 85808
Plan competition, open to the winners of related local high school 85809
competition award winners, that includes scholarships to attend 85810
any Ohio college, university, post-secondary career center, or 85811
vocational school; 85812

(e) A statewide STEM Scholarship Program that recognizes 85813
students in grades 11 and 12 in each Ohio Senate and Ohio House of 85814
Representatives District for their contributions to STEM 85815
innovation and entrepreneurship. Scholarships of up to \$2,500 85816
shall be awarded to students to be used at any Ohio college, 85817
university, post-secondary career center, or vocational school. 85818
The program shall also introduce participating students to the 85819
Department of Higher Education's Choose Ohio First Scholarship 85820
Program. 85821

(3) All aspects of the STEM Entrepreneurship and Innovation 85822
Program for Students to Help Develop Ohio's Future Workforce shall 85823
be open to any Ohio high school, junior high school, and middle 85824

school student, with an emphasis on minority, rural and 85825
economically disadvantaged students. 85826

(4) The STEM Entrepreneurship and Innovation Program for 85827
Students to Help Develop Ohio's Future Workforce shall collaborate 85828
with Ohio's colleges and universities, and existing STEM, 85829
innovation, and entrepreneurship programs to implement these 85830
provisions and encourage enrollment at Ohio institutions of 85831
post-secondary and higher education. 85832

(B) Of the foregoing appropriation item 235616, Workforce and 85833
Higher Education Programs, \$194,000 in each fiscal year shall be 85834
allocated to support the Seeds of Literacy organization in 85835
Cleveland. 85836

Section 381.470. STATE FINANCIAL AID RECONCILIATION 85837

By the first day of September in each fiscal year, or as soon 85838
as possible thereafter, the Chancellor of Higher Education shall 85839
certify to the Director of Budget and Management the amount 85840
necessary to pay any outstanding prior year obligations to higher 85841
education institutions for the state's financial aid programs. The 85842
amounts certified are hereby appropriated to appropriation item 85843
235618, State Financial Aid Reconciliation, from revenues received 85844
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 85845

Section 381.480. SECOND CHANCE GRANT PILOT PROGRAM 85846

The foregoing appropriation item 235494, Second Chance Grant 85847
Pilot Program, shall be distributed by the Chancellor of Higher 85848
Education to qualifying institutions of higher education and Ohio 85849
Technical Centers to provide grants to eligible students under the 85850
Second Chance Grant Pilot Program. 85851

NURSING LOAN PROGRAM 85852

The foregoing appropriation item 235606, Nursing Loan 85853

Program, shall be used to administer the nurse education 85854
assistance program. 85855

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 85856

The foregoing appropriation items 235634, Research Incentive 85857
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 85858
shall be used by the Chancellor of Higher Education to advance 85859
collaborative research at institutions of higher education. Of the 85860
foregoing appropriation items 235634, Research Incentive Third 85861
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 85862
to \$2,500,000 in each fiscal year may be allocated toward research 85863
regarding the improvement of water quality, up to \$1,500,000 in 85864
each fiscal year may be allocated for spinal cord research, up to 85865
\$1,000,000 in each fiscal year may be allocated toward research 85866
regarding the reduction of infant mortality, up to \$1,000,000 in 85867
each fiscal year may be allocated toward research regarding opiate 85868
addiction issues in Ohio, up to \$1,000,000 in each fiscal year may 85869
be used to support the Ohio Industrial Collaborative, up to 85870
\$750,000 in each fiscal year may be allocated toward research 85871
regarding cyber security initiatives, up to \$300,000 in each 85872
fiscal year may be allocated toward the I-Corps@Ohio program, and 85873
up to \$200,000 in each fiscal year may be allocated toward the 85874
Ohio Innovation Exchange program. 85875

Section 381.530. VETERANS PREFERENCES 85876

The Chancellor of Higher Education shall work with the 85877
Department of Veterans Services to develop specific veterans 85878
preference guidelines for higher education institutions. These 85879
guidelines shall ensure that the institutions' hiring practices 85880
are in accordance with the intent of Ohio's veterans preference 85881
laws. 85882

Section 381.540. (A) As used in this section: 85883

(1) "Board of trustees" includes the managing authority of a university branch district. 85884
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(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 85886
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(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits. 85888
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Section 381.550. EFFICIENCY REPORTS 85893

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code. 85894
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MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 85898

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating. 85899
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Section 381.580. The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange 85912
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for the purpose of showcasing the research expertise of Ohio's university and college faculty in a variety of fields, including, but not limited to, engineering, biomedicine, and information technology, and to identify institutional research equipment available in the state.

Section 381.620. FUND NAME CHANGES

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall rename the Publications Fund (Fund 4560) the Sales and Services Fund (Fund 4560) and the OIG Reconciliation Fund (Fund 5Y50) the State Financial Aid Reconciliation Fund (Fund 5Y50).

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION

General Revenue Fund

GRF 501321	Institutional Operations	\$ 1,162,990,471	\$ 1,205,111,140	85928
GRF 501405	Halfway House	\$ 70,019,786	\$ 70,019,786	85929
GRF 501406	Adult Correctional Facilities Lease Rental Bond Payments	\$ 85,000,000	\$ 85,000,000	85930
GRF 501407	Community Nonresidential Programs	\$ 96,659,360	\$ 96,659,360	85931
GRF 501408	Community Misdemeanor Programs	\$ 9,340,276	\$ 9,340,276	85932
GRF 501501	Community Residential Programs - Community Based Correctional Facilities	\$ 84,757,815	\$ 88,835,863	85933
GRF 503321	Parole and Community	\$ 96,680,240	\$ 106,525,655	85934

		Operations					
GRF	504321	Administrative	\$	24,658,204	\$	25,132,130	85935
		Operations					
GRF	505321	Institution Medical	\$	290,898,936	\$	302,940,702	85936
		Services					
GRF	506321	Institution Education	\$	34,887,328	\$	35,665,119	85937
		Services					
TOTAL GRF	General Revenue Fund		\$	1,955,892,416	\$	2,025,230,031	85938
		Dedicated Purpose Fund Group					85939
4B00	501601	Sewer Treatment	\$	1,200,000	\$	1,200,000	85940
		Services					
4D40	501603	Prisoner Programs	\$	400,000	\$	400,000	85941
4L40	501604	Transitional Control	\$	2,450,000	\$	2,450,000	85942
4S50	501608	Education Services	\$	4,660,000	\$	4,660,000	85943
5AF0	501609	State and Non-Federal	\$	1,300,000	\$	1,300,000	85944
		Awards					
5CV1	501627	Coronavirus Relief -	\$	18,000,000	\$	0	85945
		DRC					
5H80	501617	Offender Financial	\$	1,860,000	\$	1,860,000	85946
		Responsibility					
5TZ0	501610	Probation Improvement	\$	5,000,000	\$	5,000,000	85947
		and Incentive Grants					
TOTAL DPF	Dedicated Purpose Fund		\$	34,870,000	\$	16,870,000	85948
		Group					
		Internal Service Activity Fund Group					85949
1480	501602	Institutional	\$	2,850,000	\$	2,850,000	85950
		Services					
2000	501607	Ohio Penal Industries	\$	46,515,000	\$	46,515,000	85951
4830	501605	Leased Property	\$	2,000,000	\$	2,000,000	85952
		Maintenance and					
		Operating					
5710	501606	Corrections Training	\$	980,000	\$	980,000	85953

	Maintenance and					
	Operating					
5L60 501611	Information	\$	500,000	\$	500,000	85954
	Technology Services					
TOTAL ISA	Internal Activity					85955
Fund Group		\$	52,845,000	\$	52,845,000	85956
Federal Fund Group						85957
3230 501619	Federal Grants	\$	3,040,000	\$	3,040,000	85958
3CW0 501622	Federal Equitable	\$	300,000	\$	300,000	85959
	Sharing					
TOTAL FED	Federal					85960
Fund Group		\$	3,340,000	\$	3,340,000	85961
TOTAL ALL BUDGET FUND GROUPS		\$	2,046,947,416	\$	2,098,285,031	85962
	EXPEDITED PARDON INITIATIVE					85963
	Of the foregoing appropriation item 501321, Institutional					85964
	Operations, up to \$100,000 in each fiscal year may be used by the					85965
	Department of Rehabilitation and Correction to distribute grants					85966
	to create up to five regional collaborative partnership pilot					85967
	projects connecting rehabilitated citizens with community partners					85968
	to advance the expedited pardon initiative and help eligible					85969
	individuals navigate the process and access clemency.					85970
	OSU MEDICAL CHARGES					85971
	Notwithstanding section 341.192 of the Revised Code, at the					85972
	request of the Department of Rehabilitation and Correction, the					85973
	Ohio State University Medical Center, including the Arthur G.					85974
	James Cancer Hospital and Richard J. Solove Research Institute and					85975
	the Richard M. Ross Heart Hospital, shall provide necessary care					85976
	to persons who are confined in state adult correctional					85977
	facilities. The provision of necessary inpatient care billed to					85978
	the Department shall be reimbursed at a rate not to exceed the					85979
	authorized reimbursement rate for the same service established by					85980
	the Department of Medicaid under the Medicaid Program.					85981

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 85982

The foregoing appropriation item 501406, Adult Correctional 85983
Facilities Lease Rental Bond Payments, shall be used to meet all 85984
payments during the period from July 1, 2021, through June 30, 85985
2023, by the Department of Rehabilitation and Correction pursuant 85986
to leases and agreements for facilities made under Chapters 152. 85987
and 154. of the Revised Code. These appropriations are the source 85988
of funds pledged for bond service charges on related obligations 85989
issued under Chapters 152. and 154. of the Revised Code. 85990

TARGETED COMMUNITY ALTERNATIVES TO PRISON PROGRAM 85991

Of the foregoing appropriation item 501407, Community 85992
Nonresidential Programs, \$29,014,497 in each fiscal year shall be 85993
used for grants to counties to supervise and sanction eligible 85994
fifth degree felony offenders locally under the Targeted Community 85995
Alternatives to Prison (T-CAP) program. 85996

Of the foregoing appropriation item 501407, Community 85997
Nonresidential Programs, \$29,014,497 in each fiscal year shall be 85998
used for grants to counties to supervise and sanction eligible 85999
fourth degree felony offenders locally under the T-CAP program. 86000

REENTRY EMPLOYMENT GRANTS 86001

(A) Of the foregoing appropriation item 503321, Parole and 86002
Community Operations, \$275,000 in each fiscal year shall be used 86003
by the Department of Rehabilitation and Correction to create and 86004
implement a program to award grants to at least one nonprofit 86005
organization that operates reentry employment programs that meet 86006
all of the following criteria: 86007

(1) Serve parolees, releasees, and probationers assessed by 86008
the Department as moderate or high risk to recidivate and referred 86009
by the Adult Parole Authority or probation for services; 86010

(2) Provide job readiness training, transitional employment, 86011

job coaching and placement, and post-placement retention services;	86012
(3) Have been independently and rigorously evaluated and	86013
shown to reduce recidivism;	86014
(4) Have the ability to serve multiple large jurisdictions	86015
across the state.	86016
(B) The Department shall establish guidelines, procedures,	86017
all forms by which applicants may apply for grants, and	86018
outcome-based criteria upon which performance, under the terms of	86019
the grant awards, is evaluated. The outcomes, as defined by the	86020
Department, shall include enrollment, job placement, and job	86021
retention.	86022
PROBATION IMPROVEMENT AND INCENTIVE GRANTS	86023
The foregoing appropriation item 501610, Probation	86024
Improvement and Incentive Grants, shall be allocated by the	86025
Department of Rehabilitation and Correction to municipalities as	86026
Probation Improvement and Incentive Grants with an emphasis on:	86027
(1) providing services to those addicted to opiates and other	86028
illegal substances, and (2) supplementing the programs and	86029
services funded by grants distributed from the foregoing	86030
appropriation item 501407, Community Nonresidential Programs.	86031
Section 387.10. RDF STATE REVENUE DISTRIBUTIONS	86032
General Revenue Fund Group	86033
GRF 110908 Property Tax \$ 651,400,000 \$ 658,400,000	86034
Reimbursement - Local	
Government	
GRF 200903 Property Tax \$ 1,183,000,000 \$ 1,195,600,000	86035
Reimbursement -	
Education	
TOTAL GRF General Revenue Fund \$ 1,834,400,000 \$ 1,854,000,000	86036
Group	

Revenue Distribution Fund Group					86037
5JG0 110633	Gross Casino Revenue	\$ 150,000,000	\$ 153,000,000		86038
	Payments-County				
5JH0 110634	Gross Casino Revenue	\$ 99,800,000	\$ 101,800,000		86039
	Payments- School				
	Districts				
5JJ0 110636	Gross Casino Revenue	\$ 14,700,000	\$ 15,000,000		86040
	- Host City				
7047 200902	Property Tax	\$ 83,157,236	\$ 72,308,288		86041
	Replacement Phase				
	Out-Education				
7049 336900	Indigent Drivers	\$ 2,250,000	\$ 0		86042
	Alcohol Treatment				
7050 762900	International	\$ 23,000,000	\$ 23,000,000		86043
	Registration Plan				
	Distribution				
7051 762901	Auto Registration	\$ 328,000,000	\$ 328,000,000		86044
	Distribution				
7060 110960	Gasoline Excise Tax	\$ 900,000,000	\$ 920,000,000		86045
	Fund				
7065 110965	Public Library Fund	\$ 439,000,000	\$ 454,000,000		86046
7066 800966	Undivided Liquor	\$ 14,600,000	\$ 14,600,000		86047
	Permits				
7069 110969	Local Government Fund	\$ 428,000,000	\$ 443,000,000		86048
7081 110907	Property Tax	\$ 7,000,000	\$ 6,000,000		86049
	Replacement Phase				
	Out-Local Government				
7082 110982	Horse Racing Tax	\$ 60,000	\$ 60,000		86050
7083 700900	Ohio Fairs Fund	\$ 1,000,000	\$ 1,000,000		86051
TOTAL RDF Revenue Distribution					86052
Fund Group		\$ 2,490,567,236	\$ 2,531,768,288		86053
Fiduciary Fund Group					86054

4P80	001698	Cash Management Improvement Fund	\$	3,100,000	\$	3,100,000	86055
5VR0	110902	Municipal Net Profit Tax	\$	70,000,000	\$	75,000,000	86056
6080	001699	Investment Earnings	\$	120,000,000	\$	120,000,000	86057
7001	110996	Horse Racing Tax Local Government Payments	\$	240,000	\$	240,000	86058
7062	110962	Resort Area Excise Tax Distribution	\$	1,500,000	\$	1,500,000	86059
7063	110963	Permissive Sales Tax Distribution	\$	2,928,800,000	\$	3,057,700,000	86060
7067	110967	School District Income Tax Distribution	\$	560,900,000	\$	594,000,000	86061
7085	800985	Volunteer Firemen's Dependents Fund	\$	300,000	\$	300,000	86062
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000	86063
7094	110641	Wireless 9-1-1 Government Assistance	\$	25,900,000	\$	26,000,000	86064
7095	110995	Municipal Income Tax	\$	20,000,000	\$	20,000,000	86065
7099	762902	Permissive Tax Distribution - Auto Registration	\$	235,000,000	\$	242,000,000	86066
TOTAL FID		Fiduciary Fund Group	\$	3,966,740,000	\$	4,140,840,000	86067
		Holding Account Fund Group					86068
R045	110617	International Fuel Tax Distribution	\$	56,100,000	\$	56,100,000	86069
TOTAL HLD		Holding Account Fund Group	\$	56,100,000	\$	56,100,000	86070
TOTAL ALL BUDGET FUND GROUPS			\$	8,347,807,236	\$	8,582,708,288	86071

Appropriation items in Section 387.10 of this act shall be 86074
used for the purpose of administering and distributing the 86075
designated revenue distribution funds according to the Revised 86076
Code. If it is determined that additional appropriations are 86077
necessary for this purpose in any appropriation items in Section 86078
387.10 of this act, such amounts are hereby appropriated. 86079

GENERAL REVENUE FUND TRANSFERS 86080

Notwithstanding any provision of law to the contrary, in 86081
fiscal year 2022 and fiscal year 2023, the Director of Budget and 86082
Management may transfer from the General Revenue Fund to the Local 86083
Government Tangible Property Tax Replacement Fund (Fund 7081) and 86084
the School District Tangible Property Tax Replacement Fund (Fund 86085
7047) in the Revenue Distribution Fund Group, those amounts 86086
necessary to reimburse local taxing units and school districts 86087
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 86088
fiscal year 2022 and fiscal year 2023, the Director of Budget and 86089
Management may make temporary transfers from the General Revenue 86090
Fund to ensure sufficient balances in the Local Government 86091
Tangible Property Tax Replacement Fund (Fund 7081) and the School 86092
District Tangible Property Tax Replacement Fund (Fund 7047) and to 86093
replenish the General Revenue Fund for such transfers. 86094

PROPERTY TAX REIMBURSEMENT - EDUCATION 86095

The foregoing appropriation item 200903, Property Tax 86096
Reimbursement - Education, is appropriated to pay for the state's 86097
costs incurred because of the homestead exemption, the property 86098
tax rollback, and payments required under division (C) of section 86099
5705.2110 of the Revised Code. In cooperation with the Department 86100
of Taxation, the Department of Education shall distribute these 86101
funds directly to the appropriate school districts of the state, 86102
notwithstanding sections 321.24 and 323.156 of the Revised Code, 86103
which provide for payment of the homestead exemption and property 86104
tax rollback by the Tax Commissioner to the appropriate county 86105

treasurer and the subsequent redistribution of these funds to the 86106
appropriate local taxing districts by the county auditor. 86107

Upon receipt of these amounts, each school district shall 86108
distribute the amount among the proper funds as if it had been 86109
paid as real or tangible personal property taxes. Payments for the 86110
costs of administration shall continue to be paid to the county 86111
treasurer and county auditor as provided for in sections 319.54, 86112
321.26, and 323.156 of the Revised Code. 86113

Any sums, in addition to the amount specifically appropriated 86114
in appropriation item 200903, Property Tax Reimbursement - 86115
Education, for the homestead exemption and the property tax 86116
rollback payments, and payments required under division (C) of 86117
section 5705.2110 of the Revised Code, which are determined to be 86118
necessary for these purposes, are hereby appropriated. 86119

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 86120

The foregoing appropriation item 110908, Property Tax 86121
Reimbursement-Local Government, is hereby appropriated to pay for 86122
the state's costs incurred due to the Homestead Exemption, the 86123
Manufactured Home Property Tax Rollback, and the Property Tax 86124
Rollback. The Tax Commissioner shall distribute these funds 86125
directly to the appropriate local taxing districts, except for 86126
school districts, notwithstanding the provisions in sections 86127
321.24 and 323.156 of the Revised Code, which provide for payment 86128
of the Homestead Exemption, the Manufactured Home Property Tax 86129
Rollback, and Property Tax Rollback by the Tax Commissioner to the 86130
appropriate county treasurer and the subsequent redistribution of 86131
these funds to the appropriate local taxing districts by the 86132
county auditor. 86133

Upon receipt of these amounts, each local taxing district 86134
shall distribute the amount among the proper funds as if it had 86135
been paid as real property taxes. Payments for the costs of 86136

administration shall continue to be paid to the county treasurer 86137
and county auditor as provided for in sections 319.54, 321.26, and 86138
323.156 of the Revised Code. 86139

Any sums, in addition to the amounts specifically 86140
appropriated in appropriation item 110908, Property Tax Allocation 86141
- Local Government, for the Homestead Exemption, the Manufactured 86142
Home Property Tax Rollback, and the Property Tax Rollback 86143
payments, which are determined to be necessary for these purposes, 86144
are hereby appropriated. 86145

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 86146

Notwithstanding any provision of law to the contrary, in 86147
fiscal years 2022 and 2023, any city, local, or exempted village 86148
school district that has a nuclear power plant located within its 86149
territory shall receive the same payment amount under section 86150
5709.92 of the Revised Code as in fiscal year 2017. 86151

MUNICIPAL INCOME TAX 86152

The foregoing appropriation item 110995, Municipal Income 86153
Tax, shall be used to make payments to municipal corporations 86154
under section 5745.05 of the Revised Code. If it is determined 86155
that additional appropriations are necessary to make such 86156
payments, such amounts are hereby appropriated. 86157

MUNICIPAL NET PROFIT TAX 86158

The foregoing appropriation item 110902, Municipal Net Profit 86159
Tax, shall be used to make payments to municipal corporations 86160
under section 718.83 of the Revised Code. If it is determined that 86161
additional amounts are necessary to make such payments, such 86162
amounts are hereby appropriated. 86163

During fiscal year 2022 and fiscal year 2023, if the Tax 86164
Commissioner determines that there is insufficient cash in the 86165
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 86166

distribution obligations under section 718.83 of the Revised Code, 86167
the Tax Commissioner shall certify to the Director of Budget and 86168
Management the amount of additional cash necessary to satisfy 86169
those obligations. In addition, the Commissioner shall submit a 86170
plan to the Director requesting the necessary cash be transferred 86171
from one or a combination of the following funds: the Municipal 86172
Income Tax Administrative Fund, the Local Sales Tax Administrative 86173
Fund, the General School District Income Tax Administrative Fund, 86174
the Motor Fuel Tax Administrative Fund, the Property Tax 86175
Administrative Fund, or the General Revenue Fund. This plan shall 86176
include a proposed repayment schedule to reimburse those funds for 86177
any cash transferred in accordance with this section. After 86178
receiving the certification and funding plan from the Tax 86179
Commissioner and if the Director determines that sufficient cash 86180
is available, the Director may transfer the cash to the Municipal 86181
Net Profit Tax Fund in accordance with the plan submitted by the 86182
Tax Commissioner or as otherwise determined by the Director of 86183
Budget and Management. The Director of Budget and Management may 86184
transfer cash from the Municipal Net Profit Tax Fund to reimburse 86185
the funds from which cash was transferred for the purpose outlined 86186
in this section. 86187

PUBLIC LIBRARY FUND 86188

Notwithstanding the requirement in division (B) of section 86189
131.51 of the Revised Code that the Director of Budget and 86190
Management shall credit to the Public Library Fund one and 86191
sixty-six one-hundredths per cent of the total tax revenue 86192
credited to the General Revenue Fund during the preceding month, 86193
the Director shall instead calculate these amounts during fiscal 86194
year 2022 and fiscal year 2023 using one and seven tenths as the 86195
percentage. 86196

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND 86197

General Revenue Fund				86198
GRF 226321 Operations	\$	12,599,774	\$ 12,801,135	86199
TOTAL GRF General Revenue Fund	\$	12,599,774	\$ 12,801,135	86200
Dedicated Purpose Fund Group				86201
4H80 226602 Education Reform	\$	200,000	\$ 200,000	86202
Grants				
4M50 226601 Work Study and	\$	300,000	\$ 300,000	86203
Technology Investment				
5NJ0 226622 Food Service Program	\$	10,500	\$ 10,500	86204
TOTAL DPF Dedicated Purpose Fund	\$	510,500	\$ 510,500	86205
Group				
Federal Fund Group				86206
3100 226626 Federal Grants	\$	842,850	\$ 842,850	86207
3DT0 226621 Ohio Transition	\$	265,000	\$ 265,000	86208
Collaborative				
3P50 226643 Medicaid Professional	\$	100,000	\$ 100,000	86209
Services				
Reimbursement				
TOTAL FED Federal Fund Group	\$	1,207,850	\$ 1,207,850	86210
TOTAL ALL BUDGET FUND GROUPS	\$	14,318,124	\$ 14,519,485	86211
Section 393.10. OSD OHIO SCHOOL FOR THE DEAF				86213
General Revenue Fund				86214
GRF 221321 Operations	\$	13,940,430	\$ 14,164,662	86215
TOTAL GRF General Revenue Fund	\$	13,940,430	\$ 14,164,662	86216
Dedicated Purpose Fund Group				86217
4M00 221601 Educational Program	\$	200,000	\$ 200,000	86218
Expenses				
4M10 221602 Education Reform	\$	210,000	\$ 210,000	86219
Grants				
5H60 221609 Even Start Fees and	\$	53,000	\$ 53,000	86220

				Gifts		
5NK0	221610	Food Service Program	\$	10,500	\$	10,500 86221
TOTAL	DPF	Dedicated Purpose Fund	\$	473,500	\$	473,500 86222
Group						
Federal Fund Group						86223
3110	221625	Federal Grants	\$	281,000	\$	281,000 86224
3R00	221684	Medicaid Professional	\$	206,000	\$	206,000 86225
				Services		
				Reimbursement		
TOTAL	FED	Federal Fund Group	\$	487,000	\$	487,000 86226
TOTAL	ALL BUDGET	FUND GROUPS	\$	14,900,930	\$	15,125,162 86227
 Section 395.10. SOS SECRETARY OF STATE						86229
General Revenue Fund						86230
GRF	050321	Operating Expenses	\$	890,000	\$	890,000 86231
GRF	050407	Poll Workers Training	\$	234,196	\$	234,196 86232
GRF	050509	County Voting Systems	\$	12,500,000	\$	12,500,000 86233
				Lease Rental Payments		
TOTAL	GRF	General Revenue Fund	\$	13,624,196	\$	13,624,196 86234
Dedicated Purpose Fund Group						86235
4120	050609	Notary Commission	\$	475,000	\$	475,000 86236
4S80	050610	Board of Voting	\$	14,400	\$	14,400 86237
				Machine Examiners		
5990	050603	Business Services	\$	17,923,793	\$	16,872,298 86238
				Operating Expenses		
5990	050629	Statewide Voter	\$	700,000	\$	700,000 86239
				Registration Database		
5990	050630	Elections Support	\$	2,390,000	\$	2,500,000 86240
				Supplement		
5FG0	050620	BOE Reimbursement and	\$	200,000	\$	200,000 86241
				Education		
5SN0	050626	Address	\$	200,000	\$	200,000 86242

Confidentiality			
TOTAL DPF Dedicated Purpose Fund Group	\$	21,903,193	\$ 20,961,698 86243
Holding Account Fund Group			86244
R002 050606 Corporate/Business	\$	85,000	\$ 85,000 86245
Filing Refunds			
TOTAL HLD Holding Account Fund Group	\$	85,000	\$ 85,000 86246
Federal Fund Group			86247
3AS0 050616 Help America Vote Act (HAVA)	\$	1,500,000	\$ 1,500,000 86248
TOTAL FED Federal Fund Group	\$	1,500,000	\$ 1,500,000 86249
TOTAL ALL BUDGET FUND GROUPS	\$	37,112,389	\$ 36,170,894 86250

Section 395.20. POLL WORKERS TRAINING 86252

The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training at the end of fiscal year 2022 is hereby reappropriated to fiscal year 2023 for the same purpose. 86253-86259

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 86260

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems. 86261-86267

BOARD OF VOTING MACHINE EXAMINERS 86268

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS

Notwithstanding division (G) of section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2022.

ADDRESS CONFIDENTIALITY PROGRAM

Upon the request of the Secretary of State, the Director of

Budget and Management may transfer up to \$200,000 per fiscal year 86300
in cash from the Business Services Operating Expenses Fund (Fund 86301
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 86302

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION 86303

The foregoing appropriation item 050634, Women's Suffrage 86304
Centennial Commission, shall be used to carry out the duties of 86305
the Womens' Suffrage Commission in accordance with S.B. 30 of the 86306
133rd General Assembly. An amount equal to the unexpended, 86307
unencumbered portion of the foregoing appropriation item 050634, 86308
Women's Suffrage Centennial Commission, at the end of fiscal year 86309
2021 is hereby reappropriated to fiscal year 2022 for the same 86310
purpose. 86311

An amount equal to the unexpended, unencumbered, portion of 86312
the foregoing appropriation item 050634, Women's Suffrage 86313
Centennial Commission, at the end of fiscal year 2022 is hereby 86314
reappropriated in fiscal year 2023 for the same purpose. 86315

CORPORATE/BUSINESS FILING REFUNDS 86316

The foregoing appropriation item 050606, Corporate/Business 86317
Filing Refunds, shall be used to hold revenues until they are 86318
directed to the appropriate accounts or until they are refunded. 86319
If it is determined by the Secretary of State that additional 86320
appropriation amounts are necessary, the Secretary of State may 86321
request that the Director of Budget and Management approve such 86322
amounts. Upon approval of the Director of Budget and Management, 86323
such amounts are hereby appropriated. 86324

HAVA FUNDS 86325

An amount equal to the unexpended, unencumbered portion of 86326
appropriation item 050616, Help America Vote Act (HAVA), at the 86327
end of fiscal year 2021 is hereby reappropriated for the same 86328
purpose in fiscal year 2022. 86329

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

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Section 397.10. SEN THE OHIO SENATE

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GRF 020321 Operating Expenses \$ 15,902,029 \$ 15,902,029
TOTAL GRF General Revenue Fund \$ 15,902,029 \$ 15,902,029

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Internal Service Activity Fund Group

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1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800
4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497

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TOTAL ISA Internal Service Activity Fund Group \$ 460,297 \$ 460,297

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TOTAL ALL BUDGET FUND GROUPS \$ 16,362,326 \$ 16,362,326

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OPERATING EXPENSES

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On July 1, 2021, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

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On July 1, 2022, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

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Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM

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General Revenue Fund

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GRF 866321	CSV Operations	\$	529,252	\$	529,252	86360
TOTAL GRF	General Revenue Fund	\$	529,252	\$	529,252	86361
Dedicated Purpose Fund Group						86362
5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	86363
TOTAL DPF	Dedicated Purpose Fund	\$	30,000	\$	30,000	86364
Group						
Federal Fund Group						86365
3R70 866617	AmeriCorps Programs	\$	10,121,612	\$	10,144,716	86366
TOTAL FED	Federal Fund Group	\$	10,121,612	\$	10,144,716	86367
TOTAL ALL BUDGET FUND GROUPS		\$	10,680,864	\$	10,703,968	86368
Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND						86370
Debt Service Fund Group						86371
7070 155905	Third Frontier	\$	69,000,000	\$	76,000,000	86372
	Research and					
	Development Bond					
	Retirement Fund					
7072 155902	Highway Capital	\$	164,700,000	\$	164,700,000	86373
	Improvement Bond					
	Retirement Fund					
7073 155903	Natural Resources Bond	\$	20,600,000	\$	23,000,000	86374
	Retirement Fund					
7074 155904	Conservation Projects	\$	50,500,000	\$	53,500,000	86375
	Bond Retirement Fund					
7076 155906	Coal Research and	\$	7,300,000	\$	8,500,000	86376
	Development Bond					
	Retirement Fund					
7077 155907	State Capital	\$	246,500,000	\$	237,000,000	86377
	Improvement Bond					
	Retirement Fund					
7078 155908	Common Schools Bond	\$	427,000,000	\$	390,000,000	86378
	Retirement Fund					

7079	155909	Higher Education Bond Retirement Fund	\$	331,000,000	\$	301,000,000	86379
7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$	5,375,000	\$	5,000,000	86380
7090	155912	Job Ready Site Development Bond Retirement Fund	\$	4,605,000	\$	4,605,000	86381
TOTAL DSF		Debt Service Fund Group	\$	1,326,580,000	\$	1,263,305,000	86382
TOTAL ALL BUDGET FUND GROUPS			\$	1,326,580,000	\$	1,263,305,000	86383
ADDITIONAL APPROPRIATIONS							86384
Appropriation items in this section are for the purpose of							86385
paying debt service and financing costs during the period from							86386
July 1, 2021, through June 30, 2023, on bonds or notes of the							86387
state issued under the Ohio Constitution, Revised Code, and acts							86388
of the General Assembly. If it is determined that additional							86389
amounts are necessary for this purpose, such amounts are hereby							86390
appropriated.							86391
Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY							86392
DEVELOPMENT FOUNDATION							86393
Dedicated Purpose Fund Group							86394
5M90	945601	Operating Expenses	\$	98,270	\$	0	86395
TOTAL DPF		Dedicated Purpose Fund Group	\$	98,270	\$	0	86396
TOTAL ALL BUDGET FUND GROUPS			\$	98,270	\$	0	86397
Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS							86399
BOARD							86400
Dedicated Purpose Fund Group							86401
4K90	123609	Operating Expenses	\$	636,709	\$	636,709	86402

TOTAL DPF Dedicated Purpose Fund	\$	636,709	\$	636,709	86403
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	636,709	\$	636,709	86404
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Section 407.10. BTA BOARD OF TAX APPEALS 86406

General Revenue Fund					86407
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GRF 116321 Operating Expenses	\$	1,753,243	\$	1,803,160	86408
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TOTAL GRF General Revenue Fund	\$	1,753,243	\$	1,803,160	86409
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TOTAL ALL BUDGET FUND GROUPS	\$	1,753,243	\$	1,803,160	86410
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Section 409.10. TAX DEPARTMENT OF TAXATION 86412

General Revenue Fund					86413
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GRF 110321 Operating Expenses	\$	56,240,803	\$	56,504,746	86414
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GRF 110404 Tobacco Settlement	\$	150,810	\$	150,810	86415
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Enforcement

TOTAL GRF General Revenue Fund	\$	56,391,613	\$	56,655,556	86416
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Dedicated Purpose Fund Group					86417
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2280 110628 CAT Administration	\$	12,609,409	\$	12,609,409	86418
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4350 110607 Local Tax	\$	31,020,628	\$	31,020,628	86419
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Administration

4360 110608 Motor Vehicle Audit	\$	1,500,000	\$	1,500,000	86420
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Administration

4380 110609 School District	\$	9,000,000	\$	9,000,000	86421
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Income Tax

Administration

4C60 110616 International	\$	705,869	\$	705,869	86422
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Registration Plan

Administration

4R60 110610 Tire Tax	\$	180,000	\$	180,000	86423
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Administration

5BP0 110639 Wireless 9-1-1	\$	298,794	\$	298,794	86424
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Administration

5JM0	110637	Casino Tax Administration	\$	125,000	\$	125,000	86425
5N50	110605	Municipal Income Tax Administration	\$	200,000	\$	200,000	86426
5N60	110618	Kilowatt Hour Tax Administration	\$	100,000	\$	100,000	86427
5NY0	110643	Petroleum Activity Tax Administration	\$	1,000,000	\$	1,000,000	86428
5V70	110622	Motor Fuel Tax Administration	\$	6,000,000	\$	6,000,000	86429
5V80	110623	Property Tax Administration	\$	5,000,000	\$	5,000,000	86430
6390	110614	Cigarette Tax Enforcement	\$	1,450,000	\$	1,450,000	86431
6880	110615	Local Excise Tax Administration	\$	500,000	\$	500,000	86432
TOTAL DPF		Dedicated Purpose Fund Group	\$	69,689,700	\$	69,689,700	86433
		Fiduciary Fund Group					86434
4250	110635	Tax Refunds	\$	2,179,769,300	\$	2,179,769,300	86435
5CZ0	110631	Vendor's License Application	\$	380,000	\$	380,000	86436
TOTAL FID		Fiduciary Fund Group	\$	2,180,149,300	\$	2,180,149,300	86437
		Holding Account Fund Group					86438
R010	110611	Tax Distributions	\$	25,000	\$	25,000	86439
R011	110612	Miscellaneous Income Tax Receipts	\$	500	\$	500	86440
TOTAL HLD		Holding Account Fund Group	\$	25,500	\$	25,500	86441
TOTAL ALL BUDGET FUND GROUPS			\$	2,306,256,113	\$	2,306,520,056	86442
		Section 409.20. TAX REFUNDS					86444

The foregoing appropriation item 110635, Tax Refunds, shall 86445
be used to pay refunds under section 5703.052 of the Revised Code. 86446
If it is determined that additional appropriations are necessary 86447
for this purpose, such amounts are hereby appropriated. 86448

VENDOR'S LICENSE PAYMENTS 86449

The foregoing appropriation item 110631, Vendor's License 86450
Application, shall be used to make payments to county auditors 86451
under section 5739.17 of the Revised Code. If it is determined 86452
that additional appropriations are necessary to make such 86453
payments, such amounts are hereby appropriated. 86454

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 86455

The foregoing appropriation item 110616, International 86456
Registration Plan Administration, shall be used under section 86457
5703.12 of the Revised Code for audits of persons with vehicles 86458
registered under the International Registration Plan. 86459

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 86460

Of the foregoing appropriation item 110607, Local Tax 86461
Administration, the Tax Commissioner may disburse funds, if 86462
available, for the purposes of paying travel expenses incurred by 86463
members of Ohio's delegation to the Streamlined Sales Tax Project, 86464
as appointed under section 5740.02 of the Revised Code. Any travel 86465
expense reimbursement paid for by the Department of Taxation shall 86466
be done in accordance with applicable state laws and guidelines. 86467

TOBACCO SETTLEMENT ENFORCEMENT 86468

The foregoing appropriation item 110404, Tobacco Settlement 86469
Enforcement, shall be used by the Tax Commissioner to pay costs 86470
incurred in the enforcement of divisions (F) and (G) of section 86471
5743.03 of the Revised Code. 86472

PROPERTY TAX ADMINISTRATION 86473

Notwithstanding section 5703.80 or division (F) of section 86474

321.24 of the Revised Code, in fiscal year 2022, the Tax Commissioner shall not compute or certify the amounts calculated under divisions (A) and (B) of that section as amended by this act. The Director of Budget and Management shall not transfer any amounts from the General Revenue Fund to the Property Tax Administration Fund in fiscal year 2022. In fiscal year 2022, the Tax Commissioner shall not subtract any amounts computed under section 5703.80 of the Revised Code, as amended by this act, from the payments made from the General Revenue Fund to county treasurers under division (F) of section 321.24 of the Revised Code. In fiscal year 2023, the Property Tax Administration Fund shall be funded as provided in section 5703.80 and division (F) of section 321.24 of the Revised Code.

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION

General Revenue Fund					86489	
GRF 772502	Local Transportation	\$	150,000	\$	150,000	86490
	Projects					
GRF 776465	Rail Development	\$	2,000,000	\$	2,000,000	86491
GRF 777471	Airport Improvements	\$	6,419,687	\$	7,404,687	86492
	- State					
TOTAL GRF General Revenue Fund		\$	8,569,687	\$	9,554,687	86493
TOTAL ALL BUDGET FUND GROUPS		\$	8,569,687	\$	9,554,687	86494

Section 411.15. LOCAL TRANSPORTATION PROJECTS

The foregoing appropriation item 772502, Local Transportation Projects, shall be used to support the Regional Transportation Improvement Project in Carrol, Columbiana, and Stark counties.

Section 411.30. AIRPORT IMPROVEMENTS - STATE

The foregoing appropriation item 777471, Airport Improvements - State, shall be used for the Ohio Airport Grant Program in

supporting capital improvements, maintaining infrastructure, and 86503
ensuring safety at publicly owned, public use airports in Ohio. 86504

Section 413.10. TOS TREASURER OF STATE 86505

General Revenue Fund 86506

GRF 090321 Operating Expenses \$ 8,037,839 \$ 8,037,839 86507

GRF 090401 Office of the Sinking Fund \$ 463,662 \$ 463,662 86508

GRF 090402 Continuing Education \$ 175,000 \$ 175,000 86509

GRF 090406 Treasury Management System Lease Rental Payments \$ 1,125,000 \$ 1,120,000 86510

GRF 090613 STABLE Account Administration \$ 1,480,987 \$ 1,480,987 86511

TOTAL GRF General Revenue Fund \$ 11,282,488 \$ 11,277,488 86512

Dedicated Purpose Fund Group 86513

4E90 090603 Securities Lending Income \$ 7,843,565 \$ 7,843,565 86514

4X90 090614 Political Subdivision Obligation \$ 45,000 \$ 45,000 86515

5770 090605 Investment Pool Reimbursement \$ 1,050,000 \$ 1,050,000 86516

5C50 090602 County Treasurer Education \$ 240,057 \$ 240,057 86517

5NH0 090610 OhioMeansJobs Workforce Development \$ 250,000 \$ 250,000 86518

5VZ0 090615 State Pay for Success Contract Fund \$ 1,200,000 \$ 0 86519

6050 090609 Treasurer of State Administrative Fund \$ 700,000 \$ 700,000 86520

TOTAL DPF Dedicated Purpose 86521

Fund Group \$ 11,328,622 \$ 10,128,622 86522

Fiduciary Fund Group				86523
4250 090635 Tax Refunds	\$	12,000,000	\$ 12,000,000	86524
TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$ 12,000,000	86525
TOTAL ALL BUDGET FUND GROUPS	\$	34,611,110	\$ 33,406,110	86526

Section 413.20. OFFICE OF THE SINKING FUND 86528

The foregoing appropriation item 090401, Office of the 86529
Sinking Fund, shall be used for costs incurred by or on behalf of 86530
the Commissioners of the Sinking Fund and the Ohio Public 86531
Facilities Commission with respect to State of Ohio general 86532
obligation bonds or notes, and the Treasurer of State with respect 86533
to State of Ohio general obligation and special obligation bonds 86534
or notes, including, but not limited to, printing, advertising, 86535
delivery, rating fees and the procurement of ratings, professional 86536
publications, membership in professional organizations, and other 86537
services referred to in division (D) of section 151.01 of the 86538
Revised Code. The General Revenue Fund shall be reimbursed for 86539
such costs relating to the issuance and administration of Highway 86540
Capital Improvement bonds or notes authorized under Ohio 86541
Constitution, Article VIII, Section 2m and Chapter 151. of the 86542
Revised Code. That reimbursement shall be made from appropriation 86543
item 155902, Highway Capital Improvement Bond Retirement Fund, by 86544
intrastate transfer voucher pursuant to a certification by the 86545
Office of the Sinking Fund of the actual amounts used. The amounts 86546
necessary to make such a reimbursement are hereby appropriated 86547
from the Highway Capital Improvement Bond Retirement Fund created 86548
in section 151.06 of the Revised Code. 86549

STABLE ACCOUNT ADMINISTRATION 86550

The foregoing appropriation item 090613, STABLE Account 86551
Administration, shall be used for administration of an Achieve a 86552
Better Living Experience (ABLE) account program. 86553

TAX REFUNDS 86554

The foregoing appropriation item 090635, Tax Refunds, shall 86555
be used to pay refunds under section 5703.052 of the Revised Code. 86556
If the Director of Budget and Management determines that 86557
additional amounts are necessary for this purpose, such amounts 86558
are hereby appropriated. 86559

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 86560
PAYMENTS 86561

The foregoing appropriation item 090406, Treasury Management 86562
System Lease Rental Payments, shall be used to make payments 86563
during the period from July 1, 2021, through June 30, 2023, 86564
pursuant to leases and agreements entered into under Section 86565
701.20 of H.B. 497 of the 130th General Assembly and other prior 86566
acts of the General Assembly with respect to financing the costs 86567
associated with the acquisition, development, implementation, and 86568
integration of the Treasury Management System. 86569

Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 86570
LOAN PROGRAM 86571

The foregoing appropriation item 090610, OhioMeansJobs 86572
Workforce Development, shall be used for the OhioMeansJobs 86573
Workforce Development Revolving Loan Program to provide loans to 86574
individuals for workforce training. 86575

Of the foregoing appropriation item 090610, OhioMeansJobs 86576
Workforce Development, up to \$250,000 in fiscal year 2022 may be 86577
used by the Treasurer of State to administer the program. 86578

Any unexpended and unencumbered portion of the foregoing 86579
appropriation item 090610, OhioMeansJobs Workforce Development, at 86580
the end of fiscal year 2022 is hereby reappropriated for the same 86581
purpose in fiscal year 2023. To the extent that reappropriated 86582
funds are available, of the foregoing appropriation item 090610, 86583
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 86584

2023 may be used by the Treasurer of State to administer the program. 86585
86586

The Treasurer of State shall determine, during the second half of fiscal year 2023, if the cash balance and anticipated loan repayments to the OhioMeansJobs Workforce Development Revolving Loan Fund (Fund 5NH0), will be sufficient to meet the appropriation level of \$250,000 in fiscal year 2023. If those resources are insufficient, the Treasurer of State may submit a request to the Controlling Board for a transfer of up to \$325,000 cash from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0), to Fund 5NH0. 86587
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Section 413.50. STATE PAY FOR SUCCESS CONTRACT FUND 86596

The foregoing appropriation item 090615, State Pay for Success Contract Fund, shall be used to fund a pay for success contract pursuant to sections 113.60 to 113.62 of the Revised Code, and an independent evaluator contract. The Treasurer of State, in consultation with the Director of Administrative Services, shall enter into a pay for success contract with, a service intermediary, Foundation for Appalachian Ohio, and any service providers as required and as identified by the service intermediary, for the purpose of delivering a vision care project pursuant to a pay for success contract. As the service intermediary, Foundation for Appalachian Ohio may subcontract with one or more service providers to deliver the project, pursuant to section 113.60 of the Revised Code. The Treasurer of State, in consultation with the Director of Administrative Services, shall initiate a contract with an independent evaluator. 86597
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Any unexpended and unencumbered amount of the appropriation item 090615, State Pay for Success Contract Fund, remaining at the end of fiscal year 2022 is hereby reappropriated in fiscal year 2023, to be used for the same purpose. 86612
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	Section 414.10.	VTO VETERANS' ORGANIZATIONS				86616	
	General Revenue Fund					86617	
		VAP AMERICAN EX-PRISONERS OF WAR				86618	
GRF	743501	State Support	\$	40,000	\$	40,000	86619
		VAN ARMY AND NAVY UNION, USA, INC.				86620	
GRF	746501	State Support	\$	75,000	\$	75,000	86621
		VKW KOREAN WAR VETERANS				86622	
GRF	747501	State Support	\$	75,000	\$	75,000	86623
		VJW JEWISH WAR VETERANS				86624	
GRF	748501	State Support	\$	55,000	\$	55,000	86625
		VCW CATHOLIC WAR VETERANS				86626	
GRF	749501	State Support	\$	75,000	\$	75,000	86627
		VPH MILITARY ORDER OF THE PURPLE HEART				86628	
GRF	750501	State Support	\$	75,000	\$	75,000	86629
		VVV VIETNAM VETERANS OF AMERICA				86630	
GRF	751501	State Support	\$	275,000	\$	275,000	86631
		VAL AMERICAN LEGION OF OHIO				86632	
GRF	752501	State Support	\$	400,000	\$	400,000	86633
		VII AMVETS				86634	
GRF	753501	State Support	\$	400,000	\$	400,000	86635
		VAV DISABLED AMERICAN VETERANS				86636	
GRF	754501	State Support	\$	400,000	\$	400,000	86637
		VMC MARINE CORPS LEAGUE				86638	
GRF	756501	State Support	\$	190,000	\$	190,000	86639
		V37 37TH DIVISION VETERANS' ASSOCIATION				86640	
GRF	757501	State Support	\$	15,000	\$	15,000	86641
		VFW VETERANS OF FOREIGN WARS				86642	
GRF	758501	State Support	\$	400,000	\$	400,000	86643
TOTAL GRF	General Revenue Fund		\$	2,475,000	\$	2,475,000	86644
TOTAL ALL BUDGET FUND GROUPS			\$	2,475,000	\$	2,475,000	86645
	Section 415.10.	DVS DEPARTMENT OF VETERANS SERVICES				86647	

General Revenue Fund				86648
GRF	900321	Veterans' Homes	\$ 45,402,392 \$ 45,393,691	86649
GRF	900402	Hall of Fame	\$ 129,332 \$ 135,813	86650
GRF	900408	Department of Veterans Services	\$ 4,395,439 \$ 4,197,659	86651
GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$ 1,500,000 \$ 1,500,000	86652
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$ 5,375,000 \$ 5,000,000	86653
TOTAL GRF	General Revenue Fund		\$ 56,802,163 \$ 56,227,163	86654
Dedicated Purpose Fund Group				86655
4840	900603	Veterans' Homes Services	\$ 720,775 \$ 771,000	86656
4E20	900602	Veterans' Homes Operating	\$ 9,810,523 \$ 9,444,887	86657
5CV1	900607	COVID Safety - Ohio Veterans Homes	\$ 2,000,000 \$ 0	86658
5DB0	900643	Military Injury Relief Program	\$ 55,800 \$ 55,800	86659
5NX0	900646	State Opioid Response	\$ 701,752 \$ 172,541	86660
6040	900604	Veterans' Homes Improvement	\$ 500,000 \$ 500,000	86661
TOTAL DPF	Dedicated Purpose Fund Group		\$ 13,788,850 \$ 10,944,228	86662
Debt Service Fund Group				86663
7041	900615	Veteran Bonus Program - Administration	\$ 187,286 \$ 163,224	86664
7041	900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$ 609,411 \$ 221,420	86665

TOTAL DSF Debt Service				86666
Fund Group	\$	796,697	\$ 384,644	86667
Federal Fund Group				86668
3680 900614 Veterans Training	\$	903,149	\$ 922,108	86669
3BX0 900609 Medicare Services	\$	3,578,278	\$ 3,578,278	86670
3L20 900601 Veterans' Homes	\$	27,183,376	\$ 29,957,759	86671
Operations - Federal				
TOTAL FED Federal Fund Group	\$	31,664,803	\$ 34,458,145	86672
TOTAL ALL BUDGET FUND GROUPS	\$	103,052,513	\$ 102,014,180	86673
VETERANS ORGANIZATIONS' RENT				86674
The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.				86675 86676 86677 86678
VOLUNTEERS OF AMERICA CLEVELAND SHELTER FOR FEMALE VETERANS				86679
Of the foregoing appropriation item 900408, Department of Veterans Services, \$200,000 in fiscal year 2022 shall be distributed to Volunteers of America to construct temporary housing for female veterans in need and to provide related services to Ohio female veterans at their facility located in Cuyahoga County. All of this funding shall be spent in Ohio on Ohio female veterans.				86680 86681 86682 86683 86684 86685 86686
SAVE A WARRIOR				86687
Of the foregoing appropriation item 900408, Department of Veterans Services, \$100,000 in each fiscal year shall be distributed to Save a Warrior to provide post-traumatic stress rehabilitation services to Ohio veterans at their facility located in Highland County.				86688 86689 86690 86691 86692
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE				86693
The foregoing appropriation item 900901, Veterans				86694

Compensation General Obligation Bond Debt Service, shall be used 86695
to pay all debt service and related financing costs during the 86696
period from July 1, 2021, through June 30, 2023, on obligations 86697
issued under Section 2r of Article VIII, Ohio Constitution. 86698

Section 417.10. DVM VETERINARY MEDICAL LICENSING BOARD 86699

Dedicated Purpose Fund Group 86700

4K90 888609 Operating Expenses \$ 444,238 \$ 440,278 86701

TOTAL DPF Dedicated Purpose 86702

Fund Group \$ 444,238 \$ 440,278 86703

Internal Service Activity Fund Group 86704

5BU0 888602 Veterinary Student \$ 30,000 \$ 30,000 86705

Loan Program

TOTAL ISA Internal Service Activity 86706

Fund Group \$ 30,000 \$ 30,000 86707

TOTAL ALL BUDGET FUND GROUPS \$ 474,238 \$ 470,278 86708

Section 419.10. VPB STATE VISION PROFESSIONALS BOARD 86710

Dedicated Purpose Fund Group 86711

4K90 129609 Operating Expenses \$ 654,140 \$ 654,140 86712

TOTAL DPF Dedicated Purpose Fund \$ 654,140 \$ 654,140 86713

Group

TOTAL ALL BUDGET FUND GROUPS \$ 654,140 \$ 654,140 86714

Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES 86716

General Revenue Fund 86717

GRF 470401 RECLAIM Ohio \$ 166,336,645 \$ 168,744,852 86718

GRF 470412 Juvenile Correctional \$ 16,250,000 \$ 18,900,000 86719

Facilities Lease

Rental Bond Payments

GRF 470510 Youth Services \$ 16,702,728 \$ 16,702,728 86720

GRF 472321 Parole Operations \$ 9,899,086 \$ 10,050,852 86721

GRF 477321	Administrative	\$ 13,741,605	\$ 14,036,850	86722
	Operations			
TOTAL GRF	General Revenue Fund	\$ 222,930,064	\$ 228,435,282	86723
	Dedicated Purpose Fund Group			86724
1470 470612	Vocational Education	\$ 1,538,933	\$ 1,416,746	86725
1750 470613	Education Services	\$ 2,964,749	\$ 2,546,450	86726
4790 470609	Employee Food Service	\$ 20,300	\$ 20,300	86727
4A20 470602	Child Support	\$ 153,968	\$ 90,968	86728
4G60 470605	Juvenile Special	\$ 109,663	\$ 109,663	86729
	Revenue - Non-Federal			
5BN0 470629	E-Rate Program	\$ 59,000	\$ 59,000	86730
TOTAL DPF	Dedicated Purpose			86731
Fund Group		\$ 4,846,613	\$ 4,243,127	86732
	Federal Fund Group			86733
3210 470601	Education	\$ 974,805	\$ 987,656	86734
3210 470603	Juvenile Justice	\$ 2,289,557	\$ 2,294,382	86735
	Prevention			
3210 470606	Nutrition	\$ 930,000	\$ 930,000	86736
3210 470614	Title IV-E	\$ 3,386,344	\$ 3,449,344	86737
	Reimbursements			
3V50 470604	Juvenile	\$ 1,907,500	\$ 1,907,501	86738
	Justice/Delinquency			
	Prevention			
TOTAL FED	Federal			86739
Fund Group		\$ 9,488,206	\$ 9,568,883	86740
TOTAL ALL BUDGET FUND GROUPS		\$ 237,264,883	\$ 242,247,292	86741

COMMUNITY PROGRAMS 86742

For purposes of implementing juvenile sentencing reforms, and 86743
notwithstanding any provision of law to the contrary, the 86744
Department of Youth Services may use up to \$1,375,000 of the 86745
unexpended, unencumbered balance of the portion of appropriation 86746
item 470401, RECLAIM Ohio, that is allocated to juvenile 86747

correctional facilities in each fiscal year to expand Targeted RECLAIM, the Behavioral Health Juvenile Justice Initiative, and other evidence-based community programs.

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 470412, Juvenile Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Youth Services under the leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

EDUCATION SERVICES

The foregoing appropriation item 470613, Education Services, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment.

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

Section 503.10. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's

share of public employees' retirement, workers' compensation, 86778
disabled workers' relief, and insurance programs; the costs of 86779
centralized financial services, centralized payroll processing, 86780
and related reports and services; centralized human resources 86781
services, including affirmative action and equal employment 86782
opportunity programs; the Office of Collective Bargaining; 86783
centralized information technology management services; 86784
administering the enterprise resource planning system; and 86785
administering the state employee merit system as required by 86786
section 124.07 of the Revised Code. These costs shall be 86787
determined in conformity with the appropriate sections of law and 86788
paid in accordance with procedures specified by the Office of 86789
Budget and Management. Expenditures from appropriation item 86790
070601, Public Audit Expense - Intra-State, may be exempted from 86791
the requirements of this section. 86792

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 86793
AGAINST THE STATE 86794

Except as otherwise provided in this section, an 86795
appropriation in this act or any other act may be used for the 86796
purpose of satisfying judgments, settlements, or administrative 86797
awards ordered or approved by the Court of Claims or by any other 86798
court of competent jurisdiction in connection with civil actions 86799
against the state. This authorization does not apply to 86800
appropriations to be applied to or used for payment of guarantees 86801
by or on behalf of the state, or for payments under lease 86802
agreements relating to, or debt service on, bonds, notes, or other 86803
obligations of the state. Notwithstanding any other statute to the 86804
contrary, this authorization includes appropriations from funds 86805
into which proceeds of direct obligations of the state are 86806
deposited only to the extent that the judgment, settlement, or 86807
administrative award is for, or represents, capital costs for 86808
which the appropriation may otherwise be used and is consistent 86809

with the purpose for which any related obligations were issued or 86810
entered into. Nothing contained in this section is intended to 86811
subject the state to suit in any forum in which it is not 86812
otherwise subject to suit, and is not intended to waive or 86813
compromise any defense or right available to the state in any suit 86814
against it. 86815

Section 503.30. CAPITAL PROJECT SETTLEMENTS 86816

This section specifies an additional and supplemental 86817
procedure to provide for payments of judgments and settlements if 86818
the Director of Budget and Management determines, pursuant to 86819
division (C)(4) of section 2743.19 of the Revised Code, that 86820
sufficient unencumbered moneys do not exist in the fund to support 86821
a particular appropriation to pay the amount of a final judgment 86822
rendered against the state or a state agency, including the 86823
settlement of a claim approved by a court, in an action upon and 86824
arising out of a contractual obligation for the construction or 86825
improvement of a capital facility if the costs under the contract 86826
were payable in whole or in part from a state capital projects 86827
appropriation. In such a case, the Director may either proceed 86828
pursuant to division (C)(4) of section 2743.19 of the Revised Code 86829
or apply to the Controlling Board to increase an appropriation or 86830
create an appropriation out of any unencumbered moneys in the 86831
state treasury to the credit of the capital projects fund from 86832
which the initial state appropriation was made. The amount of an 86833
increase in appropriation or new appropriation approved by the 86834
Controlling Board is hereby appropriated from the applicable 86835
capital projects fund and made available for the payment of the 86836
judgment or settlement. 86837

If the Director does not make the application authorized by 86838
this section or the Controlling Board disapproves the application, 86839
and the Director does not make application under division (C)(4) 86840

of section 2743.19 of the Revised Code, the Director shall for the 86841
purpose of making that payment make a request to the General 86842
Assembly as provided for in division (C)(5) of that section. 86843

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 86844

In order to provide funds for the reissuance of voided 86845
warrants under section 126.37 of the Revised Code, there is hereby 86846
appropriated, out of moneys in the state treasury from the fund 86847
credited as provided in section 126.37 of the Revised Code, that 86848
amount sufficient to pay such warrants when approved by the Office 86849
of Budget and Management. 86850

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 86851
BALANCES OF OPERATING APPROPRIATIONS 86852

(A) Notwithstanding the original year of appropriation or 86853
encumbrance, the unexpended balance of an operating appropriation 86854
or reappropriation that a state agency lawfully encumbered prior 86855
to the close of fiscal year 2021 or fiscal year 2022 is hereby 86856
reappropriated on the first day of July of the following fiscal 86857
year from the fund from which it was originally appropriated or 86858
reappropriated for the period of time listed in this section and 86859
shall remain available only for the purpose of discharging the 86860
encumbrance: 86861

(1) For an encumbrance for personal services, maintenance, 86862
equipment, or items for resale not otherwise identified in this 86863
section, for a period of not more than five months from the end of 86864
the fiscal year; 86865

(2) For an encumbrance for an item of special order 86866
manufacture not available on state contract or in the open market, 86867
for a period of not more than five months from the end of the 86868
fiscal year or, with the written approval of the Director of 86869
Budget and Management, for a period of not more than twelve months 86870

from the end of the fiscal year; 86871

(3) For an encumbrance for reclamation of land or oil and gas 86872
wells, for a period ending when the encumbered appropriation is 86873
expended provided such period does not extend beyond the FY 2022 - 86874
FY 2023 biennium; 86875

(4) For an encumbrance for any other type of expense not 86876
otherwise identified in division (A)(1), (2), or (3) of this 86877
section, for such period as the Director approves, provided such 86878
period does not extend beyond the FY 2022 - FY 2023 biennium. 86879

(B) Any operating appropriations for which unexpended 86880
balances are reappropriated in fiscal year 2022 or fiscal year 86881
2023 pursuant to division (A)(2) of this section shall be reported 86882
to the Controlling Board by the Director of Budget and Management 86883
by the thirty-first day of December of each year. The report shall 86884
include the item, the cost of the item, and the name of the 86885
vendor. The report shall be updated on a quarterly basis for 86886
encumbrances remaining open. 86887

(C) Upon the expiration of the reappropriation period set out 86888
in division (A) of this section, a reappropriation made by this 86889
section lapses and the Director of Budget and Management shall 86890
cancel the encumbrance of the unexpended reappropriation not later 86891
than the end of the weekend following the expiration of the 86892
reappropriation period. 86893

(D) If the Controlling Board approved a purchase, that 86894
approval remains in effect so long as the appropriation used to 86895
make that purchase remains encumbered. 86896

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 86897

(A) The Director of Budget and Management may correct 86898
accounting errors committed by the staff of the Office of Budget 86899
and Management, such as reestablishing encumbrances or 86900

appropriations canceled in error, during the cancellation of 86901
operating encumbrances in November and of non-operating 86902
encumbrances in December. 86903

(B) The Director of Budget and Management may at any time 86904
correct accounting errors committed by staff or a state agency or 86905
state institution of higher education, as defined in section 86906
3345.011 of the Revised Code, such as reestablishing prior year 86907
non-operating encumbrances canceled or modified in error. The 86908
reestablished encumbrance amounts are hereby appropriated. 86909

Section 503.70. TEMPORARY REVENUE HOLDING 86910

The Director of Budget and Management may create funds in the 86911
state treasury solely for the purpose of temporarily holding 86912
revenue required to be credited to a fund in the state treasury, 86913
whose disposition is not immediately known at the time of receipt. 86914
Once identified, the Director shall credit the revenue to the 86915
appropriate fund in the state treasury. 86916

Upon certification by a director or head of a state agency, 86917
the Director of Budget and Management may create funds in the 86918
state treasury on behalf of an agency when the agency is required 86919
by law to detain funds in escrow. The Director of Budget and 86920
Management may transfer cash between funds within the state 86921
treasury to satisfy escrow requirements. 86922

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 86923
RE-ESTABLISHMENT OF ENCUMBRANCES 86924

Any cash transferred by the Director of Budget and Management 86925
under section 126.15 of the Revised Code is hereby appropriated. 86926
Any amounts necessary to re-establish appropriations or 86927
encumbrances under section 126.15 of the Revised Code are hereby 86928
appropriated. 86929

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 86930

The Director of Budget and Management may transfer 86931
appropriations between the Third Frontier Research and Development 86932
Fund (Fund 7011) and the Third Frontier Research and Development 86933
Taxable Bond Fund (Fund 7014) as necessary to maintain the 86934
exclusion from the calculation of gross income for federal income 86935
taxation purposes under the Internal Revenue Code with respect to 86936
obligations issued to fund projects appropriated from the Third 86937
Frontier Research and Development Fund (Fund 7011). 86938

The Director may also create new appropriation items within 86939
the Third Frontier Research and Development Taxable Bond Fund 86940
(Fund 7014) and make transfers of appropriations to them for 86941
projects originally funded from appropriations made from the Third 86942
Frontier Research and Development Fund (Fund 7011). 86943

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 86944

There are hereby appropriated out of any moneys in the state 86945
treasury to the credit of the General Revenue Fund, which are not 86946
otherwise appropriated, funds sufficient to make any payment 86947
required by division (B)(2) of section 5747.03 of the Revised 86948
Code. 86949

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 86950
APPROVED BY THE CONTROLLING BOARD 86951

Any money that the Controlling Board approves for expenditure 86952
or any increase in appropriation that the Controlling Board 86953
approves under sections 127.14, 131.35, and 131.39 of the Revised 86954
Code or any other provision of law is hereby appropriated for the 86955
period ending June 30, 2023. 86956

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 86957

RESIDENCE	86958
If the Governor's Residence Fund (Fund 4H20) receives payment	86959
for use of the residence pursuant to section 107.40 of the Revised	86960
Code, the amounts so received are hereby appropriated to	86961
appropriation item 100604, Governor's Residence Gift.	86962
Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS	86963
Certain appropriations are in this act for the purpose of	86964
paying debt service and financing costs on general obligation	86965
bonds or notes of the state issued pursuant to the Ohio	86966
Constitution, Revised Code, and acts of the General Assembly. If	86967
it is determined that additional appropriations are necessary for	86968
this purpose, such amounts are hereby appropriated.	86969
Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE	86970
Certain appropriations are in this act for the purpose of	86971
making lease rental payments pursuant to leases and agreements	86972
relating to bonds, notes, or other obligations issued by or on	86973
behalf of the state pursuant to the Ohio Constitution, Revised	86974
Code, and acts of the General Assembly. If it is determined that	86975
additional appropriations are necessary for this purpose, such	86976
amounts are hereby appropriated.	86977
Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM	86978
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS	86979
The Office of Budget and Management shall process payments	86980
from general obligation and lease rental payment appropriation	86981
items during the period from July 1, 2021, through June 30, 2023,	86982
relating to bonds, notes, or other obligations issued by or on	86983
behalf of the state pursuant to the Ohio Constitution, Revised	86984
Code, and acts of the General Assembly. Payments shall be made	86985

upon certification by the Treasurer of State of the dates and the 86986
amounts due on those dates. 86987

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 86988

If it is determined that a payment is necessary in the amount 86989
computed at the time to represent the portion of investment income 86990
to be rebated or amounts in lieu of or in addition to any rebate 86991
amount to be paid to the federal government in order to maintain 86992
the exclusion from gross income for federal income tax purposes of 86993
interest on those state obligations under section 148(f) of the 86994
Internal Revenue Code, such an amount is hereby appropriated from 86995
those funds designated by or pursuant to the applicable 86996
proceedings authorizing the issuance of state obligations. 86997

Payments for this purpose shall be approved and vouchered by 86998
the Office of Budget and Management. 86999

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 87000

Whenever the Director of Budget and Management determines 87001
that an appropriation made to a state agency from a fund of the 87002
state is insufficient to provide for the recovery of statewide 87003
indirect costs under section 126.12 of the Revised Code, the 87004
amount required for such purpose is hereby appropriated from the 87005
available receipts of such fund. 87006

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 87007
COST ALLOCATION PLAN 87008

The total transfers made from the General Revenue Fund by the 87009
Director of Budget and Management under this section shall not 87010
exceed the amounts transferred into the General Revenue Fund under 87011
section 126.12 of the Revised Code. 87012

The director of an agency may certify to the Director of 87013
Budget and Management the amount of expenses not allowed to be 87014

included in the Statewide Indirect Cost Allocation Plan under 87015
federal regulations, from any fund included in the Statewide 87016
Indirect Cost Allocation Plan, prepared as required by section 87017
126.12 of the Revised Code. 87018

Upon determining that no alternative source of funding is 87019
available to pay for such expenses, the Director of Budget and 87020
Management may transfer cash from the General Revenue Fund into 87021
the fund for which the certification is made, up to the amount of 87022
the certification. The director of the agency receiving such funds 87023
shall include, as part of the next budget submission prepared 87024
under section 126.02 of the Revised Code, a request for funding 87025
for such activities from an alternative source such that further 87026
federal disallowances would not be required. 87027

The director of an agency may certify to the Director of 87028
Budget and Management the amount of expenses paid in error from a 87029
fund included in the Statewide Indirect Cost Allocation Plan. The 87030
Director of Budget and Management may transfer cash from the fund 87031
from which the expenditure should have been made into the fund 87032
from which the expenses were erroneously paid, up to the amount of 87033
the certification. 87034

The director of an agency may certify to the Director of 87035
Budget and Management the amount of expenses or revenues not 87036
allowed to be included in the Statewide Indirect Cost Allocation 87037
Plan under federal regulations, for any fund included in the 87038
Statewide Indirect Cost Allocation Plan, for which the federal 87039
government requires payment. If the Director of Budget and 87040
Management determines that an appropriation made to a state agency 87041
from a fund of the state is insufficient to pay the amount 87042
required by the federal government, the amount required for such 87043
purpose is hereby appropriated from the available receipts of such 87044
fund, up to the amount of the certification. 87045

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 87046

Notwithstanding any provision of law to the contrary, on or 87047
before the first day of September of each fiscal year, the 87048
Director of Budget and Management, in order to reduce the payment 87049
of adjustments to the federal government, as determined by the 87050
plan prepared under division (A) of section 126.12 of the Revised 87051
Code, may designate such funds as the Director considers necessary 87052
to retain their own interest earnings. 87053

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 87054

Pursuant to the plan for compliance with the Federal Cash 87055
Management Improvement Act required by section 131.36 of the 87056
Revised Code, the Director of Budget and Management may cancel and 87057
re-establish all or part of encumbrances in like amounts within 87058
the funds identified by the plan. The amounts necessary to 87059
re-establish all or part of encumbrances are hereby appropriated. 87060

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 87061

Notwithstanding section 113.09 of the Revised Code, the 87062
Director of Budget and Management may designate any fund within 87063
the state treasury that receives federal revenue to be credited 87064
with investment earnings to comply with federal law. 87065

Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 87066
INTEREST EARNED 87067

Notwithstanding any provision of law to the contrary, the 87068
Director of Budget and Management, through June 30, 2023, may 87069
transfer interest earned by any state fund to the General Revenue 87070
Fund. This section does not apply to funds whose source of revenue 87071
is restricted or protected by the Ohio Constitution, federal tax 87072
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 87073

1058 (1990), 31 U.S.C. 6501 et seq., as amended. 87074

Section 509.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 87075
FROM NON-GRF FUNDS 87076

Notwithstanding any provision of law to the contrary, the 87077
Director of Budget and Management may transfer up to \$200,000,000 87078
cash, during the biennium ending June 30, 2023, from non-General 87079
Revenue Funds that are not constitutionally restricted to the 87080
General Revenue Fund. 87081

Section 509.25. TRANSFER FROM STATE PAY FOR SUCCESS FUND TO 87082
GENERAL REVENUE FUND 87083

On July 1, 2022, or as soon as possible thereafter, the 87084
Director of Budget and Management shall transfer \$5,000,000 cash 87085
from the State Pay for Success Fund (Fund 5VZ0) to the General 87086
Revenue Fund. 87087

Section 509.50. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 87088

On October 1, 2021, or as soon as possible thereafter, the 87089
Director of Commerce and the Executive Director of the Board of 87090
Pharmacy shall consult with the Director of Budget and Management 87091
to determine a repayment schedule for the biennium ending June 30, 87092
2023, to fully repay transfers on behalf of each agency from the 87093
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 87094
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 87095
Department of Commerce and the Board of Pharmacy in accordance 87096
with this repayment schedule shall be credited to the General 87097
Revenue Fund. 87098

Section 509.60. CASH TRANSFER FROM THE STATE FIRE MARSHAL 87099
FUND TO THE GENERAL REVENUE FUND 87100

On July 1 of each fiscal year, or as soon as possible 87101

thereafter, the Director of Budget and Management shall transfer 87102
\$1,500,000 cash from the State Fire Marshal Fund (Fund 5460) to 87103
the General Revenue Fund to reimburse the General Revenue Fund for 87104
the costs of providing MARCS fee offsets. 87105

Section 512.10. GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 87106
FUND 87107

On July 1, 2021, or as soon as possible thereafter, the 87108
Director of Budget and Management may transfer up to \$15,000,000 87109
cash from the General Revenue Fund to the Tourism Ohio Fund (Fund 87110
5MJ0). 87111

Section 512.20. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 87112
TREATMENT AND PREVENTION FUND 87113

Notwithstanding any provision of law to the contrary, in 87114
fiscal year 2022, the Director of Budget and Management may 87115
transfer up to \$10,000,000 cash from the General Revenue Fund to 87116
the Statewide Treatment and Prevention Fund (Fund 4750). 87117

Section 512.30. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 87118
COMMUNITY POLICE RELATIONS FUND 87119

Notwithstanding any provision of law to the contrary, in 87120
fiscal year 2023, the Director of Budget and Management may 87121
transfer up to \$1,150,000 cash from the General Revenue Fund to 87122
the Statewide Community Police Relations Fund (Fund 5RS0). 87123

Section 512.40. GENERAL REVENUE FUND TRANSFER TO TARGETED 87124
ADDICTION PROGRAM FUND 87125

Notwithstanding any provision of law to the contrary, in 87126
fiscal year 2022, the Director of Budget and Management may 87127
transfer up to \$48,000,000 cash from the General Revenue Fund to 87128
the Targeted Addiction Program Fund (Fund 5TZ0). 87129

Section 512.50. GENERAL REVENUE FUND TRANSFER TO STATE PAY 87130
FOR SUCCESS CONTRACT FUND 87131

The Director of Budget and Management shall transfer 87132
\$1,200,000 cash from the General Revenue Fund to the State Pay for 87133
Success Contract Fund (Fund 5VZ0) on July 1, 2021, or as soon as 87134
possible thereafter. 87135

Section 512.70. GENERAL REVENUE FUND TRANSFER TO FOUNDATION 87136
FUNDING - ALL STUDENTS 87137

Notwithstanding any provision of law to the contrary, the 87138
Director of Budget and Management may transfer up to \$661,000,000 87139
cash in fiscal year 2022 and up to \$842,000,000 cash in fiscal 87140
year 2023 from the General Revenue Fund to the Foundation Funding 87141
- All Students Fund (Fund 5VS0), which is hereby created in the 87142
state treasury. 87143

Section 512.75. GENERAL REVENUE FUND TRANSFER TO 87144
ELECTROENCEPHALOGRAM (EEG) COMBINED TRANSCRANIAL MAGNETIC 87145
STIMULATION FUND 87146

On July 1, 2021, or as soon as possible thereafter, the 87147
Director of Budget and Management shall transfer \$9,500,000 cash 87148
from the General Revenue Fund to the Electroencephalogram (EEG) 87149
Combined Transcranial Magnetic Stimulation Fund (Fund 5VV0). 87150

Section 512.100. GENERAL REVENUE FUND TRANSFER TO MEAT 87151
PROCESSING INVESTMENT FUND 87152

On July 1, 2021, or as soon as possible thereafter, the 87153
Director of Budget and Management shall transfer \$10,000,000 cash 87154
from the General Revenue Fund to the Meat Processing Investment 87155
Program Fund (Fund 5XX0), which is hereby created in the state 87156
treasury. 87157

Section 512.110. GENERAL REVENUE FUND TRANSFER TO OHIO 87158
INCUMBENT WORKFORCE JOB TRAINING FUND 87159

On July 1, 2021, or as soon as possible thereafter, the 87160
Director of Budget and Management shall transfer up to \$45,000,000 87161
cash from the General Revenue Fund to the Ohio Incumbent Workforce 87162
Job Training Fund (Fund 5HR0). 87163

Section 512.120. GENERAL REVENUE FUND TRANSFER TO THE 87164
OHIO MEANS JOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND 87165

On July 1, 2021, or as soon as possible thereafter, the 87166
Director of Budget and Management shall transfer \$10,000,000 cash 87167
from the General Revenue Fund to the OhioMeansJobs Workforce 87168
Development Revolving Loan Fund (Fund 5NH0) to support the 87169
appropriations made for need-based financial aid to students who 87170
are enrolled in a state institution of higher education in a 87171
program that may be completed in less than one year and for which 87172
a certificate or industry-recognized credential is awarded in an 87173
in-demand job. 87174

Section 512.130. GENERAL REVENUE FUND TRANSFER TO SPORTS 87175
EVENT GRANT FUND 87176

On October 1, 2021, or as soon as possible thereafter, the 87177
Director of Development shall certify to the Director of Budget 87178
and Management the amount of cash available in the Sports Event 87179
Grant Fund (Fund 5UY0). The Director of Budget and Management 87180
shall transfer an amount of cash equal to the lesser of \$5,000,000 87181
or an amount sufficient to restore the cash balance of Fund 5UY0 87182
to \$10,000,000 from the General Revenue Fund to Fund 5UY0. 87183

On June 1, 2023, or as soon as possible thereafter, the 87184
Director of Development shall certify to the Director of Budget 87185
and Management the amount of cash available in Fund 5UY0. The 87186

Director of Budget and Management shall transfer an amount of cash 87187
equal to the lesser of \$5,000,000 minus the amount transferred 87188
under the previous paragraph or an amount sufficient to restore 87189
the cash balance of Fund 5UY0 to \$10,000,000 from the General 87190
Revenue Fund to Fund 5UY0. 87191

Section 512.140. GENERAL REVENUE FUND TRANSFER TO THE SECOND 87192
CHANCE GRANT PILOT PROGRAM FUND 87193

On July 1, 2021, or as soon as possible thereafter, the 87194
Director of Budget and Management shall transfer up to \$3,000,000 87195
cash from the General Revenue Fund to the Second Chance Grant 87196
Pilot Program Fund (Fund 5YD0), which is hereby created in the 87197
state treasury. 87198

Section 512.150. GENERAL REVENUE FUND TRANSFER TO STATE PARK 87199
FUND 87200

On July 1, 2021, or as soon as possible thereafter, the 87201
Director of Budget and Management shall transfer \$2,800,000 cash 87202
from the General Revenue Fund to the State Park Fund (Fund 5120). 87203

Section 512.160. GENERAL REVENUE FUND TRANSFER TO THE 87204
WORKFORCE AND HIGHER EDUCATION PROGRAMS FUND 87205

On July 1, 2021, or as soon as possible thereafter, the 87206
Director of Budget and Management shall transfer \$2,388,000 cash 87207
from the General Revenue Fund to the Workforce and Higher 87208
Education Programs Fund (Fund 5RA0). 87209

Section 512.170. GENERAL REVENUE FUND TRANSFER TO COMMUNITY 87210
IMPROVEMENTS FUND 87211

On July 1, 2021, or as soon as possible thereafter, the 87212
Director of Budget and Management shall transfer \$1,000,000 cash 87213
from the General Revenue Fund to the Community Improvements Fund 87214

(Fund 5YC0), which is hereby created in the state treasury. 87215

Section 512.180. GENERAL REVENUE FUND TRANSFER TO OSU 87216
EXTENSION FUND 87217

On July 1, 2021, or as soon as possible thereafter, the 87218
Director of Budget and Management shall transfer \$500,000 cash 87219
from the General Revenue Fund to the OSU Extension Fund (Fund 87220
5YB0), which is hereby created in the state treasury. 87221

Section 512.190. GENERAL REVENUE TRANSFER TO INFORMATION 87222
TECHNOLOGY DEVELOPMENT FUND 87223

Upon the request of the Director of Administrative Services, 87224
the Director of Budget and Management may transfer up to 87225
\$12,000,000 in cash in fiscal year 2022 from the General Revenue 87226
Fund to the Information Technology Development Fund (Fund 5LJ0) to 87227
support the operations of the Office of InnovateOhio. 87228

Of the foregoing appropriation item 100661, IT Development, 87229
\$250,000 in fiscal year 2022 shall be used by the Office of 87230
InnovateOhio to support the web-based liquor permit project under 87231
the Department of Commerce. 87232

Section 513.10. FISCAL YEAR 2021 GENERAL REVENUE FUND ENDING 87233
BALANCE 87234

Notwithstanding section 131.44 of the Revised Code, the 87235
Director of Budget and Management shall determine the surplus 87236
General Revenue Fund revenue that existed on June 30, 2021. 87237
Notwithstanding any provision of law to the contrary, except for 87238
the transfers listed in this section, the surplus shall remain in 87239
the General Revenue Fund. The Director shall transfer cash, not to 87240
exceed the amount of the surplus revenue from the General Revenue 87241
Fund in the following order: 87242

(A) Up to \$1,200,000,000 cash to the Health and Human 87243

Services Fund (Fund 5SA4);				87244
(B) Up to \$155,000,000 cash to the Investing in Ohio Fund				87245
(Fund 5XM0);				87246
(C) Up to \$132,000,000 cash to the H2Ohio Fund (Fund 6H20);				87247
(D) Up to \$25,000,000 cash to the Emergency Purposes Fund				87248
(Fund 5KM0);				87249
(E) Up to \$25,000,000 cash to the Disaster Services Fund				87250
(Fund 5E20); and				87251
(F) Up to \$16,300,000 cash to the Tobacco Use Prevention Fund				87252
(Fund 5BX0).				87253
Section 513.20. FISCAL YEAR 2022 GENERAL REVENUE FUND ENDING				87254
BALANCE				87255
Notwithstanding section 131.44 of the Revised Code, the cash				87256
balance of the General Revenue Fund on June 30, 2022, shall remain				87257
in the General Revenue Fund.				87258
Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS				87259
Unless the agency and nuclear electric utility mutually agree				87260
to a higher amount by contract, the maximum amounts that may be				87261
assessed against nuclear electric utilities under division (B)(2)				87262
of section 4937.05 of the Revised Code and deposited into the				87263
specified funds are as follows:				87264
<u>Fund</u>	<u>User</u>	<u>FY 2022</u>	<u>FY 2023</u>	87265
Utility	Department of	\$ 101,130	\$ 101,130	87266
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,300,000	\$ 1,300,000	87267
Emergency	Health			
Response Fund				

(Fund 6100)

ER Radiological	Environmental	\$ 325,370	\$	332,287	87268
Safety Fund	Protection Agency				

(Fund 6440)

Emergency	Department of	\$1,368,624	\$	1,378,304	87269
Response Plan	Public Safety				

Fund (Fund 6570)

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 87270

(A) On July 1, 2021, or as soon as possible thereafter, the 87271
 Director of Budget and Management shall transfer the cash balance 87272
 from each of the funds as indicated in the table below to the fund 87273
 also indicated in the table below. Upon completion of each 87274
 transfer and on the effective date of its repeal by this act, 87275
 where applicable, the fund from which the cash balance was 87276
 transferred is hereby abolished. 87277

User	Transfer from:		Transfer to:		
Agency	Fund	Fund Name	Fund	Fund Name	
AG0	5L50	Law Enforcement Assistance Fund	4210	Peace Officer Training Academy Fee	87280
AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund	87281
BOR	5UK0	OhioCorps Fund	5PU0	Ohio College Opportunity Grant Program Reserve Fund	87282
DDD	5QM0	System Transformation Supports	5GE0	Operating and Services	87283
DNR	2040	Information Services	1570	Central Support Indirect Chargeback	87284
DNR	2050	Human Resources Direct Services	1570	Central Support Indirect Chargeback	87285

DNR	2230	Law Enforcement Administration	1570	Central Support Indirect Chargeback	87286
DNR	6350	Fountain Square Management	1570	Central Support Indirect Chargeback	87287
DPS	3290	Disaster Services Plan and Grant Administration	3370	Disaster Relief Fund	87288
DPS	3N50	US DOE Grant	3370	Disaster Relief Fund	87289
EDU	3FD0	Race to the Top	GRF	GRF	87290
EDU	4550	Commodity Foods Fund	1380	Computer Services Fund	87291
MCD	5SC0	Medicaid Services - Physical UPL	5AN0	Care Innovation and Community Improvement Program	87292

(B) The following funds are hereby abolished on the effective date of their repeal by this act: 87293
87294

User	Fund	Fund Name			
DPS	3DU0	Public Safety Federal Grants			87295
DPS	3FK0	Justice Assistance Grant FFY11			87296
DPS	3FY0	Justice Assistance Grant FFY12			87297
DPS	3FZ0	Justice Assistance Grant FFY13			87298
DPS	3GA0	Justice Assistance Grant FFY15			87299

Section 518.10. (A) As used in Sections 518.10 to 518.16 of this act: 87301
87302

(1) "Business certification programs" means the Minority Business Enterprise program, the Encouraging Diversity, Growth, and Equity program, the Women-owned Business Enterprise program, the Veteran-friendly Business Procurement program, and the contractor compliance program. 87303
87304
87305
87306
87307

(2) "Contractor compliance program" means the program administered before July 1, 2021, by the Department of 87308
87309

Administrative Services, under which a person desiring to bid on a public improvements contract under Chapter 153. or 5525. of the Revised Code may apply to certify that the person is compliant with state and federal affirmative action programs in order to be eligible for the contract, as described in sections 9.47 and 153.59 of the Revised Code, and under which all contractors from whom the state makes purchases are required to have an affirmative action plan and file that plan with the state in accordance with section 125.111 of the Revised Code.

(B) On July 1, 2021, the administration of the business certification programs shall be transferred from the Department of Administrative Services to the Department of Development.

(C) Business related to the business certification programs commenced but not completed by the Department of Administrative Services on July 1, 2021, shall be completed by the Department of Development, as appropriate, in the same manner, and with the same effect, as if completed by the Department of Administrative Services. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Director of Development or the Department of Development, as appropriate.

(D) The rules, orders, and determinations of the Department of Administrative Services pertaining to the business certification programs continue in effect as rules, orders, and determinations of the Department of Development until modified or rescinded by that agency.

(E) No judicial or administrative action or proceeding pending on July 1, 2021, is affected by the transfer of functions related to the business certification programs from the Director of Administrative Services or the Department of Administrative Services to the Director of Development or the Department of

Development, and those actions related to the administration of 87342
these programs shall be prosecuted or defended in the name of the 87343
Director of Development or the Department of Development, as 87344
appropriate. On application to the court or other tribunal, the 87345
Director of Development or the Department of Development, 87346
whichever is appropriate, shall be substituted as a party in such 87347
actions and proceedings. 87348

(F) When the Equal Employment Coordinator, the Director of 87349
Administrative Services, or the Department of Administrative 87350
Services is referred to in any rule, contract, grant, or other 87351
document related to the administration of the business 87352
certification programs, the reference is deemed to refer to the 87353
Director or Department of Development, as appropriate. 87354

(G) The Director of Development, not later than September 1, 87355
2023, and with the cooperation of the Director of Administrative 87356
Services, shall submit a report to the General Assembly and to the 87357
Governor regarding the effects of transferring the Minority 87358
Business Enterprise program, the Encouraging Diversity, Growth, 87359
and Equity program, the Women-owned Business Enterprise program, 87360
and the Veteran-friendly Business Procurement program from the 87361
Department of Administrative Services to the Department of 87362
Development. The report shall include all of the following: 87363

(1) Data regarding the number of businesses certified as 87364
participants in each applicable business certification program 87365
from the period beginning July 1, 2021, and ending on July 1, 87366
2023, compared to the number certified in the two years before 87367
July 1, 2021, by the Department of Administrative Services, if 87368
that data is available. 87369

(2) Data regarding the number of days required to complete 87370
the certification process for each applicable applicant to each 87371
business certification program during the period beginning July 1, 87372
2021, and ending on July 1, 2023, compared to the number of days 87373

required to complete the certification process for each applicant 87374
during the two years before July 1, 2021, by the Department of 87375
Administrative Services, if that data is available. 87376

(3) Information regarding the number of employees transferred 87377
and the number of employees laid off pursuant to Section 518.12 of 87378
this act. 87379

(4) The number of complaints received by the Department of 87380
Development from applicants to the applicable business 87381
certification programs, regarding the application and 87382
certification process, during the period beginning July 1, 2021, 87383
and ending on July 1, 2023, compared to the number received in the 87384
two years before July 1, 2021, by the Department of Administrative 87385
Services, if that data is available. 87386

Section 518.11. Notwithstanding sections 4117.08 and 4117.10 87387
of the Revised Code, the transfer of the business certification 87388
programs from the Department of Administrative Services to the 87389
Department of Development and the reassignment of certain 87390
functions and duties of the Department of Administrative Services 87391
by this act are not appropriate subjects for collective bargaining 87392
under Chapter 4117. of the Revised Code. 87393

Section 518.12. (A) Subject to the layoff provisions of 87394
sections 124.321 to 124.328 of the Revised Code, on July 1, 2021, 87395
those employees of the Department of Administrative Services who 87396
administer the business certification programs are transferred to 87397
the Department of Development. 87398

(B)(1) During the period beginning July 1, 2021, and ending 87399
June 30, 2022, the Director of Development may establish, change, 87400
and abolish positions of the Department of Development and assign, 87401
reassign, classify, reclassify, transfer, reduce, promote, or 87402
demote all employees of the Department who are not subject to 87403

Chapter 4117. of the Revised Code. 87404

(2) The authority granted under division (B)(1) of this 87405
section includes assigning or reassigning an exempt employee, as 87406
defined in section 124.152 of the Revised Code, to a bargaining 87407
unit classification if the Director determines that the bargaining 87408
unit classification is the proper classification for that 87409
employee. If an employee in the E-1 pay range is to be assigned, 87410
reassigned, classified, reclassified, transferred, reduced, or 87411
demoted to a position in a lower classification during the period 87412
specified in division (B)(1) of this section, the Director of 87413
Development, or in the case of transfer outside the Department of 87414
Development, the Director of Administrative Services, shall assign 87415
the employee to the appropriate classification and place the 87416
employee in Step X. The employee shall not receive any increase in 87417
compensation until the maximum rate of pay for that classification 87418
exceeds the employee's compensation. 87419

(3) Actions taken by the Director of Development pursuant to 87420
division (B)(1) of this section are not subject to appeal to the 87421
State Personnel Board of Review. 87422

Section 518.13. The Director of Development may enter into 87423
one or more contracts with private or government entities for 87424
staff training and development to facilitate the transfer of staff 87425
and duties related to the business certification programs from the 87426
Department of Administrative Services to the Department of 87427
Development. Division (B) of section 127.16 of the Revised Code 87428
does not apply to contracts entered into under this section. 87429

Section 518.14. Notwithstanding division (D) of section 87430
127.14 and section 131.35 of the Revised Code, except for the 87431
General Revenue Fund, the Controlling Board may, upon the request 87432
of the Director of Development, increase appropriations for any 87433

fund, as necessary, to assist in paying either or both of the 87434
following as a result of the transfer described in Sections 518.10 87435
to 518.13 of this act: (1) The costs of increases in employee 87436
compensation that occur on or after July 1, 2021, pursuant to 87437
collective bargaining agreements under Chapter 4117. of the 87438
Revised Code; (2) The costs of salary increases on or after July 87439
1, 2021, for employees who are exempt from collective bargaining 87440
that are provided under law. Such amounts are hereby appropriated. 87441

Section 518.15. (A) Notwithstanding any provision of the law 87442
to the contrary, on or after the effective date of this section, 87443
the Director of Budget and Management shall make budget and 87444
accounting changes made necessary by the transfer described in 87445
Section 518.10 of this act, including administrative organization, 87446
program transfers, the renaming of funds, the creating of new 87447
funds, the transfer of state funds and the consolidation of funds 87448
as authorized by Section 518.10 of this act. The Director may, if 87449
necessary, cancel or establish encumbrances or parts of 87450
encumbrances in fiscal years 2021 and 2022 in the appropriate fund 87451
and appropriation items for the same purpose and for payment to 87452
the same vendor. The established encumbrances are hereby 87453
appropriated. 87454

(B) All records, documents, files, equipment, assets, and 87455
other materials of the business certification programs are 87456
transferred from the Department of Administrative Services to the 87457
Department of Development. 87458

Section 518.16. (A) On and after July 1, 2021, the Director 87459
of the Legislative Service Commission shall renumber the rules of 87460
the Department of Administrative Services set forth in Chapter 87461
123:2-14 of the Ohio Administrative Code and Section 123:5-1-16 of 87462
the Ohio Administrative Code to reflect their transfer to the 87463

Department of Development. 87464

(B) Notwithstanding section 121.95 of the Revised Code, any 87465
new rules or amendments to the rules implementing sections 87466
122.921, 122.922, 121.924, or 122.925 of the Revised Code that are 87467
proposed before June 30, 2023, are not subject to division (F) of 87468
section 121.95 of the Revised Code. 87469

Section 518.20. On the effective date of this section, the 87470
Development Services Agency is renamed the Department of 87471
Development and the Director of Development Services is 87472
redesignated the Director of Development. 87473

All of the Development Services Agency's rules, orders, and 87474
determinations continue in effect as rules, orders, and 87475
determinations of the Department of Development until modified or 87476
rescinded by the Department. All employees of the Development 87477
Services Agency continue with the Department of Development and 87478
retain their positions and all benefits accruing thereto. Except 87479
as otherwise noted in law, whenever the Development Services 87480
Agency or the Director of Development Services is referred to in a 87481
statute, rule, contract, or other instrument, the reference is 87482
deemed to refer to the Department of Development or to the 87483
Director of Development, whichever is appropriate in context. No 87484
pending action or proceeding being prosecuted or defended in court 87485
or before an agency by the Development Services Agency or by the 87486
Director of Development Services is affected by the renaming and 87487
shall be prosecuted or defended in the name of the Department of 87488
Development or the Director of Development, whichever is 87489
appropriate. Upon application to the court or agency, the 87490
Department of Development or the Director of Development shall be 87491
substituted. 87492

Section 518.30. (A) On December 30, 2021, the Southern Ohio 87493

Agricultural Community Development Foundation is hereby abolished. 87494
The Department of Agriculture is successor to and assumes any 87495
remaining obligations and authority of the Foundation. Any 87496
business commenced, but not completed by the Foundation, shall be 87497
completed by the Department in the same manner and with the same 87498
effect as if completed by the Foundation. Any validation, right, 87499
cure, privilege, remedy, obligation, or liability is not lost or 87500
impaired solely by this abolishment and shall be administered by 87501
the Department. Any action or proceeding pending on the effective 87502
date of this section is not affected by the abolishment of the 87503
Foundation and shall be defended in the name of the Department. In 87504
all such actions and proceedings, the Department may be 87505
substituted as a party upon application to the court or other 87506
tribunal. 87507

(B) Notwithstanding any provision of law to the contrary, the 87508
Department of Agriculture shall designate the positions and 87509
employees of the Foundation, if any, to be transferred to the 87510
Department. Any employee transferred to the Department retains the 87511
employee's respective classification. However, the Department may 87512
reassign and reclassify the employee's position and compensation 87513
as the Department determines to be in the best interest of the 87514
Department. The Department shall assist with and provide payment 87515
for the filing fees of any required financial disclosure 87516
statements of members of the board of trustees or employees of the 87517
Foundation for calendar year 2021. 87518

(C) Notwithstanding section 145.297 of the Revised Code, the 87519
Department may, at the Department's discretion and with the 87520
approval of the Office of Budget and Management, establish a 87521
retirement incentive plan for eligible employees of the Foundation 87522
who are members of the Public Employee Retirement System. Any 87523
retirement incentive plan established pursuant to this section 87524
shall remain in effect until December 29, 2021. 87525

(D) On or before December 30, 2021, all equipment, assets, 87526
supplies, records, and other property of the Foundation are 87527
transferred to the Department of Agriculture or shall be disposed 87528
of in a lawful manner. 87529

(E) On December 30, 2021, all rules of the Foundation are 87530
hereby rescinded. 87531

(F) On December 30, 2021, or as soon as possible thereafter, 87532
the Director of Budget and Management shall transfer the cash 87533
balance in the Southern Ohio Agricultural and Community 87534
Development Operating Expenses Fund (Fund 5M90) to the Ohio Proud 87535
Marketing Fund (Fund 4R00). Upon completion of the transfer, the 87536
Southern Ohio Agricultural and Community Development Operating 87537
Expenses Fund (Fund 5M90) is hereby abolished. The Director of 87538
Budget and Management shall cancel any existing encumbrances 87539
against appropriation item 945601, Operating Expenses, and 87540
re-establish them against 700636, Ohio Proud Marketing. The 87541
re-established amounts are hereby appropriated. 87542

On December 30, 2021, or as soon as possible thereafter, the 87543
Treasurer of State shall remit the cash balance of the Southern 87544
Ohio Agricultural and Community Development Foundation Endowment 87545
Fund to the Ohio Proud Marketing Fund (Fund 4R00). Upon completion 87546
of this remittance, the Southern Ohio Agricultural and Community 87547
Development Foundation Endowment Fund is hereby abolished. 87548

No cash transferred or remitted under this division shall be 87549
used to hire an executive agency lobbyist as defined under section 87550
121.60 of the Revised Code, or a legislative agent, as defined 87551
under section 101.70 of the Revised Code. 87552

(G) Notwithstanding any provision of law to the contrary, the 87553
Department of Agriculture shall, in consultation with the 87554
Department of Administrative Services and the Office of Budget and 87555
Management, attend to any matters associated with winding up the 87556

affairs of the Southern Ohio Agricultural and Community 87557
Development Foundation including but not limited to coordination 87558
of a final audit of the Foundation. If it is determined by the 87559
Director of Agriculture that additional appropriation is necessary 87560
in appropriation item 945601, Operating Expenses, or after 87561
December 30, 2021, in appropriation item 700636, Ohio Proud 87562
Marketing, to wind up the affairs of the Foundation including to 87563
pay for any final audit or other expenditures of the Foundation, 87564
the Director of Agriculture shall certify the amount of additional 87565
appropriation needed to the Director of Budget and Management. 87566
Upon the approval of the Director of Budget and Management, 87567
amounts up to those certified by the Director of Agriculture are 87568
hereby appropriated for that purpose. 87569

(H) Notwithstanding any provision of law to the contrary, on 87570
or after the effective date of this section, the Director of 87571
Budget and Management may make accounting and budgeting changes 87572
necessary to effectuate this section. The Director may, if 87573
necessary, cancel or establish encumbrances or parts of 87574
encumbrances in fiscal years 2022 and 2023 in the appropriate fund 87575
and appropriation item for the same purpose and for payment to the 87576
same vendor. 87577

Section 520.10. Money distributed to Guernsey County from the 87578
Administrative Building Fund (Fund 7026) appropriation item 87579
C76027, Southeast Ohio Emergency Responder Facility, under H.B. 87580
562 of the 127th General Assembly may alternatively be used by 87581
Guernsey County to support Deerassic Park Education Center. 87582

Section 610.02. That Section 8 of S.B. 18 of the 134th 87583
General Assembly be amended to read as follows: 87584

Sec. 8. The election authorized under section 4141.321 of the 87585
Revised Code to withhold state income taxes applies to 87586

unemployment compensation benefits paid on or after January 1, 87587
~~2022~~ 2023. 87588

On or before December 1, ~~2021~~ 2022, the Director of Job and 87589
Family Services shall notify each individual that was receiving on 87590
that date, and that continues to receive, unemployment 87591
compensation benefits and that made an election under division (B) 87592
of that section with respect to federal income tax that the 87593
individual may elect to have state income tax withheld from those 87594
benefits for benefits paid on or after January 1, ~~2022~~ 2023, in 87595
accordance with that division. Such an election is not a change in 87596
withholding status for the purpose of division (A)(4) of that 87597
section. 87598

Section 610.03. That existing Section 8 of S.B. 18 of the 87599
134th General Assembly is hereby repealed. 87600

Section 610.04. That Section 5 of H.B. 123 of the 133rd 87601
General Assembly be amended to read as follows: 87602

Sec. 5. (A) As used in this section: 87603

(1) "Eligible internet- or computer-based community school" 87604
means the following: 87605

(a) For fiscal year 2021, an internet- or computer-based 87606
community school that was designated for the 2019-2020 school year 87607
as an internet- or computer-based community school in which a 87608
majority of the students were enrolled in a dropout prevention and 87609
recovery program and satisfies both of the following conditions: 87610

~~(a)~~(i) The school does not have a for-profit operator; 87611

~~(b)~~(ii) The school received a rating of "exceeds standards" 87612
on the combined graduation component of the most recent report 87613
card issued for the school under section 3314.017 of the Revised 87614

Code. 87615

(b) For fiscal years 2022 and 2023, an internet- or 87616
computer-based community school that participated in the program 87617
for fiscal year 2021. 87618

(2) "Formula amount" shall equal the following: 87619

(a) For fiscal year 2022, \$6,065; 87620

(b) For fiscal year 2023, the amount specified in division 87621
(F)(1)(a) of the section of H.B. ~~166 of the 133rd General Assembly~~ 87622
this act entitled "OPERATING FUNDING FOR FISCAL YEARS ~~2020~~ 2022 87623
and ~~2021~~ 2023." 87624

(3) "Internet- or computer-based community school" has the 87625
same meaning as in section 3314.02 of the Revised Code. 87626

(B) The Department of Education shall establish a pilot 87627
program to provide additional funding for students enrolled in 87628
grades eight through twelve in eligible internet- or 87629
computer-based community schools for fiscal ~~year~~ years 2021, 2022, 87630
and 2023. An eligible internet- or computer-based community school 87631
may choose to participate in the program by notifying the 87632
Department of Education not later than ten days after ~~the~~ 87633
~~effective date of this section~~ December 21, 2020. 87634

(C) For fiscal ~~year~~ years 2021, 2022, and 2023, the 87635
Department of Education shall require each eligible internet- or 87636
computer-based community school that chooses to participate in the 87637
pilot program to report all information that is necessary to make 87638
payments under division (D) of this section. 87639

(D) For fiscal ~~year~~ years 2021, 2022, and 2023, the 87640
Department shall calculate an additional payment for each eligible 87641
internet- or computer-based community school that chooses to 87642
participate in the pilot program, as follows: 87643

(1) Compute the lesser of the following for each student 87644

enrolled in grades eight through twelve: 87645

(a) The formula amount X the maximum full-time equivalency 87646
for the portion of the school year for which the student is 87647
enrolled in the school; 87648

(b) The sum of the following: 87649

(i) A one-time payment of \$1,750. In the case of a student 87650
enrolled in the school for the first time for the 2020-2021, 87651
2021-2022, or 2022-2023 school year, payment shall be made under 87652
division (D)(1)(b)(i) of this section at least thirty days after 87653
the student is considered to be enrolled in the school in 87654
accordance with division (H)(2) of section 3314.08 of the Revised 87655
Code, provided the student has been continuously enrolled in the 87656
school during that time, as determined by the Department. In the 87657
case of a student that was enrolled in the school for the 87658
2019-2020, 2020-2021, or 2021-2022 school year, payment shall be 87659
made under division (D)(1)(b)(i) of this section at least thirty 87660
days after the student has started to participate in learning 87661
opportunities for the 2020-2021, 2021-2022, or 2022-2023 school 87662
year, provided the student has been continuously enrolled in the 87663
school during that time, as determined by the Department. 87664

(ii) The formula amount X (1/920) X the lesser of the number 87665
of hours the student participates in learning opportunities in 87666
that fiscal year or 920; 87667

(iii) The lesser of (\$500 X either the number of courses 87668
completed by the student in that fiscal year, in the case of a 87669
student enrolled in grade eight, or the number of credits earned 87670
by the student in that fiscal year, in the case of a student 87671
enrolled in grades nine through twelve) or \$2,500. 87672

(2) Compute the sum of the amounts calculated under division 87673
(D)(1) of this section for all students enrolled in grades eight 87674
through twelve. 87675

(3) Compute the school's payment in accordance with the 87676
following formula: 87677

The amount determined under division (D)(2) of this section) 87678
- (the total amount paid to the school for the fiscal year ~~2021~~ 87679
for which the payment is calculated under this section under 87680
~~division (C)(1)(a) of section 3314.08~~ 3317.022 of the Revised Code 87681
for students enrolled in grades eight through twelve) 87682

If the amount computed under division (D)(3) is a negative 87683
number, the school shall not receive a payment under this section. 87684

(E)(1) The Department shall complete a review of the 87685
enrollment of each eligible internet- or computer-based community 87686
school that chooses to participate in the pilot program in 87687
accordance with division (K) of section 3314.08 of the Revised 87688
Code. If the Department determines a school has been overpaid 87689
based on a review completed under division (E)(1) of this section, 87690
the Department shall require a repayment of the overpaid funds and 87691
may require the school to establish a plan to improve the 87692
reporting of enrollment. 87693

(2) The Department may require each eligible internet- or 87694
computer-based community school that chooses to participate in the 87695
pilot program to create a debt reduction plan approved by the 87696
school's sponsor, if determined appropriate by the Department. 87697

(3) To the extent that an eligible internet- or 87698
computer-based community school that chooses to participate in the 87699
pilot program had, for the 2019-2020, 2020-2021, or 2021-2022 87700
school year, a percentage of student engagement in learning 87701
opportunities that was less than sixty-five per cent, the school 87702
shall provide to the Department a meaningful plan for increasing 87703
student engagement. 87704

(4) All eligible internet- or computer-based community 87705
schools that choose to participate in the pilot program shall 87706

implement programming or protocol which documents enrollment and 87707
participation in learning opportunities in order to participate in 87708
the program. 87709

(F) Upon completion of the pilot program, and not later than 87710
December 31, ~~2021~~ 2022, the Department shall issue a report on the 87711
program. For purposes of this report, the Department may request 87712
each eligible internet- or computer-based community school that 87713
chooses to participate in the pilot program to submit information 87714
to the Department on any of the following: 87715

(1) The time, resources, and cost associated with enrolling 87716
students in the school and preparing students to engage in 87717
learning opportunities; 87718

(2) The time and cost associated with providing counseling 87719
and other supports to students; 87720

(3) Student enrollment and participation data; 87721

(4) Individualized student plans; 87722

(5) An assessment of strategies used to improve student 87723
engagement and the percentage of participation in learning 87724
opportunities 87725

(6) Any other data the Department considers relevant. 87726

The Department shall submit copies of the report in 87727
accordance with section 101.68 of the Revised Code to the 87728
Governor, the President and Minority Leader of the Senate, the 87729
Speaker and Minority Leader of the House of Representatives, and 87730
the chairpersons and ranking members of the standing committees on 87731
primary and secondary education of the Senate and the House of 87732
Representatives. 87733

Section 610.05. That existing Section 5 of H.B. 123 of the 87734
133rd General Assembly is hereby repealed. 87735

Section 610.10. That Section 733.61 of H.B. 166 of the 133rd General Assembly be amended to read as follows:

Sec. 733.61. (A) Notwithstanding section 3319.236 of the Revised Code, for the 2019-2020 ~~and 2020-2021~~ school year through the 2022-2023 school ~~years~~ year only, a school district, community school established under Chapter 3314. of the Revised Code, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code may permit an individual who holds a valid educator license in any of grades seven through twelve to teach a computer science course if, prior to teaching the course, the individual completes a professional development program approved by the district superintendent or school principal that provides content knowledge specific to the course the individual will teach. The superintendent or principal shall approve any professional development program endorsed by the organization that creates and administers the national Advanced Placement examinations as appropriate for the course the individual will teach.

(B) Nothing in this section shall permit an individual described in division (A) of this section to teach a computer science course in a school district or school other than the school district or school that employed the individual at the time the individual completed the professional development program required by that division.

(C) Beginning July 1, ~~2021~~ 2023, a school district or public school shall permit an individual to teach a computer science course only in accordance with section 3319.236 of the Revised Code.

(D) Notwithstanding section 3301.012 of the Revised Code, as used in this section, "computer science course" means any course

that is reported in the education management information system 87766
established under section 3301.0714 of the Revised Code as a 87767
computer science course. 87768

Section 610.11. That existing Section 733.61 of H.B. 166 of 87769
the 133rd General Assembly is hereby repealed. 87770

Section 610.115. That Section 29 of H.B. 197 of the 133rd 87771
General Assembly be amended to read as follows: 87772

Sec. 29. (A) Notwithstanding section 718.011 of the Revised 87773
Code, and for the purposes of Chapter 718. of the Revised Code, 87774
during the period of the emergency declared by Executive Order 87775
2020-01D, issued on and after March 9, 2020, and for thirty days 87776
after the conclusion of that period but before January, 1, 2022, 87777
any day on which an employee, in response to the COVID-19 87778
pandemic, performs personal services at a location, including the 87779
employee's home, to which the employee is required to report for 87780
employment duties because of the declaration or other location 87781
that is not the employee's principal place of work shall be deemed 87782
to be a day performing personal services at the employee's 87783
principal place of work for the purpose of municipal income tax 87784
withholding under section 718.011 of the Revised Code and for the 87785
purpose of apportioning or situsing the employer's net profit 87786
under section 718.02 or 718.82 of the Revised Code. 87787

(B) Nothing in this section prohibits an employer from 87788
assigning an employee to a new or different work location that may 87789
result in a change to the employee's principal place of work 87790
during the time period described in division (A) of this section. 87791

(C) Nothing in this section prohibits an employer from 87792
withholding tax on an employee's qualifying wages in accordance 87793
with section 718.03 of the Revised Code. 87794

(D) This section does not apply 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. 87795
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Section 610.116. That existing Section 29 of H.B. 197 of the 133rd General Assembly is hereby repealed. 87800
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Section 610.117. That Section 2 of H.B. 308 of the 133rd General Assembly be amended to read as follows: 87802
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Sec. 2. (A) The Board of Trustees of the Ohio Police and Fire Pension Fund, in consultation with the entities listed in division (B) of this section, shall have prepared by its actuary or a disinterested third-party actuary an actuarial valuation of the funding requirements of the state post-traumatic stress fund established by section 126.65 of the Revised Code, as enacted by Section 1 of ~~this act~~ H.B. 308 of the 133rd General Assembly. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The Board shall be reimbursed by the Office of Budget and Management for up to five hundred thousand dollars for the expenses incurred in preparing the study. The actuary shall prepare a report of the actuarial analysis, which shall include only the following: 87804
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(1) A description of lost wage compensation and medical benefit amounts evaluated; 87818
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(2) A description of the participant group or groups included in the report; 87820
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(3) A projection of the number of participants eligible for compensation and benefits from the fund; 87822
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(4) A projection of the potential claims per year;	87824
(5) A projection of the average benefit amount based on weekly wage;	87825 87826
(6) A projection of the cost of health care and pharmacy benefits;	87827 87828
(7) A cost comparison showing the projected administrative costs differentials based on the Board of Trustees of the Ohio Police and Fire Pension Fund creating a program versus contracting with other private and public entities;	87829 87830 87831 87832
(8) A cost comparison as to which, if any, state retirement system or other administrator is best suited to administer the state post-traumatic stress fund;	87833 87834 87835
(9) A review of how other states administer funds that are similar to the state post-traumatic stress fund;	87836 87837
(10) An analysis of whether an administrative appeals process is necessary or useful to the resolution of claims for compensation, benefits, or both from the state post-traumatic stress fund;	87838 87839 87840 87841
(11) If it is determined that an administrative appeals process is necessary or useful to the resolution of claims, an analysis of which entity is best suited to administer the process;	87842 87843 87844
(12) An analysis of any other issue identified by the entities listed in division (B) of this section.	87845 87846
(B) With respect to the study and report required under division (A) of this section, the Board shall consult with all of the following entities:	87847 87848 87849
(1) The Ohio Chamber of Commerce;	87850
(2) The National Federation of Independent Business;	87851
(3) The Ohio Manufacturers' Association;	87852

(4) The County Commissioners Association of Ohio;	87853
(5) The Ohio Township Association;	87854
(6) The Ohio Municipal League;	87855
(7) The Fraternal Order of Police of Ohio;	87856
(8) The Ohio Association of Professional Firefighters;	87857
(9) The Public Employees Retirement Board;	87858
(10) The State Teachers Retirement Board;	87859
(11) The School Employees Retirement Board;	87860
(12) The State Highway Patrol Retirement Board.	87861
(C) The study and report required under division (A) of this	87862
section shall be completed not later than October 1 <u>December 15</u> ,	87863
2021. Copies of the report shall be transmitted to the Board of	87864
Trustees of the Ohio Police and Fire Pension Fund, the Director of	87865
Budget and Management, the Speaker and Minority Leader of the	87866
House of Representatives, and the President and Minority Leader of	87867
the Senate immediately on its availability.	87868
Section 610.118. That existing Section 2 of H.B. 308 of the	87869
133rd General Assembly is hereby repealed.	87870
Section 610.14. That Sections 213.10, 223.10, 223.15, 223.50,	87871
227.10, and 237.13 of S.B. 310 of the 133rd General Assembly be	87872
amended to read as follows:	87873
Sec. 213.10.	87874
DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	87875
Building Improvement Fund (Fund 5KZ0)	87876
C10035 Building Improvement \$ 33,054,775	87877
TOTAL Building Improvement Fund \$ 33,054,775	87878
Administrative Building Taxable Bond Fund (Fund 7016)	87879

C10041	MARCS - Taxable	\$	7,093,977	87880
<u>C10044</u>	<u>Lorain County MARCS Tower/Sheffield Lake</u>	\$	<u>150,000</u>	87881
<u>C10046</u>	<u>Richland County MARCS Tower</u>	\$	<u>400,000</u>	87882
<u>C10047</u>	<u>Fredericksburg MARCS Tower</u>	\$	<u>500,000</u>	87883
<u>C10048</u>	<u>Williams County MARCS Tower</u>	\$	<u>250,000</u>	87884
TOTAL Administrative Building Taxable Bond Fund		\$	7,093,977	87885
			<u>8,393,977</u>	
Administrative Building Fund (Fund 7026)				87886
C10034	Aronoff Center Systems Replacements & Upgrades	\$	375,000	87887
			<u>775,000</u>	
C10042	IT Projects	\$	11,000,000	87888
TOTAL Administrative Building Fund		\$	11,375,000	87889
			<u>11,775,000</u>	
TOTAL ALL FUNDS		\$	51,523,752	87890
			<u>53,223,752</u>	

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 87891

There is hereby continued a Multi-Agency Radio Communications System (MARCS) Steering Committee consisting of the designees of the Directors of Administrative Services, Public Safety, Natural Resources, Transportation, Rehabilitation and Correction, and Budget and Management, and the State Fire Marshal or the State Fire Marshal's designee. The Director of Administrative Services or the Director's designee shall chair the Committee. The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the Directors on the progress of MARCS implementation and the development of policies related to the system.

The Committee shall establish a subcommittee to represent

MARCS users on the local government level. The chairperson of the 87908
subcommittee shall serve as a member of the MARCS Steering 87909
Committee. 87910

The foregoing appropriation item C10041, MARCS - Taxable, 87911
shall be used to purchase or construct the components of MARCS 87912
that are not specific to any one agency. The equipment may 87913
include, but is not limited to, computer and telecommunications 87914
equipment used for the functioning and integration of the system, 87915
communications towers, tower sites, tower equipment, and linkages 87916
among towers. The Director of Administrative Services shall, with 87917
the concurrence of the MARCS Steering Committee, determine the 87918
specific use of funds. Expenditures from this appropriation shall 87919
not be subject to Chapters 123. and 153. of the Revised Code. 87920

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 87921

Administrative Building Fund (Fund 7026) 87922

C725D5 Fountain Square Building and \$4,000,000 87923
Telephone Improvement

C725E0 DNR Fairgrounds Area Upgrades \$1,000,000 87924

C725N7 District Office Renovations \$4,890,000 87925

TOTAL Administrative Building Fund \$9,890,000 87926

Ohio Parks and Natural Resources Fund (Fund 7031) 87927

C72549 Facilities Development \$14,370,000 87928

C725E1 Local Parks Projects Statewide \$4,875,750 87929

C725E5 Project Planning \$1,733,000 87930

C725N8 Forestry Equipment \$1,400,000 87931

C725T3 Healthy Lake Erie Initiative \$2,000,000 87932

TOTAL Ohio Parks and Natural Resources Fund \$24,378,750 87933

Parks and Recreation Improvement Fund (Fund 7035) 87934

C725A0 State Parks, Campgrounds, \$81,007,500 87935
Lodges, Cabins

C725B2	Parks Equipment	\$ 5,456,250	87936
C725C4	Muskingum River Lock and Dam	\$ 13,415,000	87937
C725E2	Local Parks, Recreation, and Conservation Projects	\$ 64,453,745 <u>64,791,245</u>	87938
C725E6	Project Planning	\$ 8,705,400	87939
C725L8	Statewide Trails Program	\$ 3,200,000	87940
C725N6	Wastewater/Water Systems Upgrades	\$ 18,440,000	87941
C725R3	State Parks Renovations/Upgrades	\$ 18,614,784	87942
C725R4	Dam Rehabilitation - Parks	\$ 42,585,000	87943
C725U7	Eagle Creek Watershed Flood Mitigation	\$ 15,000,000	87944
C725U8	Erosion Emergency Assistance	\$ 5,000,000	87945
TOTAL Parks and Recreation Improvement Fund		\$ 275,877,679 <u>276,215,179</u>	87946
Clean Ohio Trail Fund (Fund 7061)			87947
C72514	Clean Ohio Trail Fund	\$12,500,000	87948
TOTAL Clean Ohio Trail Fund		\$12,500,000	87949
TOTAL ALL FUNDS		\$ 322,646,429 <u>322,983,929</u>	87950

FEDERAL REIMBURSEMENT 87951

All reimbursements received from the federal government for 87952
any expenditures made pursuant to this section shall be deposited 87953
in the state treasury to the credit of the fund from which the 87954
expenditure originated. 87955

Sec. 223.15. The foregoing appropriation item C725E2, Local 87956
Parks, Recreation, and Conservation Projects, shall be used to 87957
support the projects listed in this section. An amount equal to 87958
two per cent of the projects listed may be used by the Department 87959
of Natural Resources for the administration of local projects. 87960

Project List		87961
Smale Riverfront Par	\$ 1,700,000	87962
Cincinnati Court Street Plaza	\$ 1,500,000	87963
Galloway Sports Complex One Field Project	\$ 1,500,000	87964
More Home to Roam	\$ 1,500,000	87965
Columbus Zoo Conservation Education Renovations	\$ 1,000,000	87966
Holmes County Park District Trail	\$ 1,000,000	87967
Loveland Parking Facility	\$ 900,000	87968
Conneaut Marina Improvement	\$ 850,000	87969
The Foundry	\$ 850,000	87970
Cleveland MetroParks Zoo	\$ 800,000	87971
Euclid Waterfront Improvement Plan Phase II	\$ 800,000	87972
Stubbs Park Improvements	\$ 800,000	87973
Toledo Zoo Entry Complex and Tiger and Bear Exhibit	\$ 800,000	87974
Auglaize Mercer Recreational Complex	\$ 750,000	87975
Chippewa Lake Park Project	\$ 750,000	87976
Hamilton Beltline Trail	\$ 750,000	87977
Hudson Greenway Trail	\$ 750,000	87978
Montgomery Quarter - Keystone Park	\$ 750,000	87979
Sandusky Bay Pathway/Landing Park	\$ 750,000	87980
Makino Park Inclusive Fields	\$ 675,000	87981
Harbin Park Pavilion	\$ 550,000	87982
Akron Zoo	\$ 500,000	87983
Alum Creek and Olentangy Trail Connector	\$ 500,000	87984
Flats East Bank Phase 3	\$ 500,000	87985
Forest Lawn Flood Plain Restoration and Wildlife Trail	\$ 500,000	87986
Great Miami River Recreation Bike Trail	\$ 500,000	87987
Healey Creek Flood Mitigation	\$ 500,000	87988
Jim Simmons Trail Reservoir Trail	\$ 500,000	87989
Kurt Tunnell Memorial Trail	\$ 500,000	87990
Massillon Reservoir Park Splash Pad	\$ 500,000	87991

Medina Weymouth Community Center	\$	500,000	87992
Megaland Replacement Project	\$	500,000	87993
North Canton Performing Arts Park	\$	500,000	87994
North Ridgeville Millcreek Conservation and Flood Control Round 3	\$	500,000	87995
Oak Harbor Waterfront	\$	500,000	87996
Scioto River Bridge and Trail	\$	500,000	87997
Springbrook Gardens Park Recreational Facility	\$	500,000	87998
Jackson Township Tam O'Shanter Park	\$	500,000	87999
The Wilds Overlook Cafe'	\$	500,000	88000
The Wilds RV Park	\$	500,000	88001
Westlake Clague Park Playground Renovation	\$	487,155	88002
Chagrin River and Lake Erie Boat Access	\$	475,000	88003
Pymatuning Valley Greenway Project	\$	450,000	88004
Sunbury Ohio to Erie trail Design and Construction	\$	450,000	88005
Ripley Freedom Landing Boat Dock	\$	425,000	88006
Wadsworth Memorial Park Improvements	\$	420,000	88007
Education Center at Wild Hearts African Farm	\$	400,000	88008
Fairport Harbor Docks and Marina Project	\$	400,000	88009
Forest Run Metro Park Timberman Project	\$	400,000	88010
Geneva Memorial Field Improvements	\$	400,000	88011
Memorable Morrow	\$	400,000	88012
Thaddeus Kosciuszko Park	\$	400,000	88013
Worthington McCord Park Renovations	\$	400,000	88014
Adams County Welcome Center	\$	350,000	88015
Crestline Pool and Park	\$	350,000	88016
Gateway Regional Sports Complex	\$	350,000	88017
Orrville Park Gateway Project	\$	350,000	88018
Shelby Black Fork Commons Plaza	\$	350,000	88019
Sidney Canal Feeder Trail	\$	350,000	88020
Wright Patterson AFB Main Gate Park Land Acquisition	\$	350,000	88021

Lane Avenue Shared Use Path Project	\$	338,000	88022
Sheffield Village French Creek Project	\$	325,000	88023
Ashland Freer Field Improvements	\$	300,000	88024
Flying Squirrel Preserve Morrow County Parks Expansion	\$	300,000	88025
Hayden Run Trail Extension	\$	300,000	88026
Lafayette Township Park Improvements	\$	300,000	88027
Little Miami River Access at Bass Island	\$	300,000	88028
Magic Mile Trail	\$	300,000	88029
Marshallville Preserve	\$	300,000	88030
Portage Lakes Drive Community Park	\$	300,000	88031
Rossford Marina and Veterans Memorial Park Safety Renovations	\$	300,000	88032
Alliance Park System Improvements	\$	250,000	88033
Canal Fulton Park Phase 2	\$	250,000	88034
Cave Lake Center for Community Leadership	\$	250,000	88035
Clay Township Park Pavilion & Playground Improvements	\$	250,000	88036
Conneaut Township Park Project	\$	250,000	88037
Cooper Lodge, Camp Lakota	\$	250,000	88038
Diamond Park	\$	250,000	88039
E. Milo Beck Park-Clearcreek Park-Hazel Woods Connector Trail	\$	250,000	88040
Faircrest Park Improvements	\$	250,000	88041
First Ladies' Library Improvements	\$	250,000	88042
Geneva-on-the-Lake Bike Trail	\$	250,000	88043
Heights to Hudson Trail	\$	250,000	88044
J. Babe Stern Ball Field	\$	250,000	88045
Kalida 4 Seasons Community Health/Fitness Track	\$	250,000	88046
Metzger Park Project	\$	250,000	88047
Millersport Canal Restoration - Phase I	\$	250,000	88048
Randolph Township Old School Playground	\$	250,000	88049
Recreational Field Improvements (Star Mill Park)	\$	250,000	88050

Wasson Way Uptown Connector Trail	\$	250,000	88051
Akron Children's Hospital	\$	225,000	88052
McDonald Commons Master Plan	\$	215,000	88053
Lawrence County Union Rome Trails and Walkways	\$	214,000	88054
<u>Bay Village Walker Road Retention Basin</u>	<u>\$</u>	<u>212,500</u>	88055
Ashland Main Street Town Square Park	\$	200,000	88056
Black River Community Multi-use Facility	\$	200,000	88057
Bradstreet's Landing Pier, Lakefront Access and Resiliency Improvements	\$	200,000	88058
Buckeye Lake Dredge	\$	200,000	88059
East Lincoln Street Connector Project	\$	200,000	88060
Elks CC Dam Repair Project	\$	200,000	88061
Holden Arboretum	\$	200,000	88062
Home Road Trail Extension	\$	200,000	88063
Kenton Memorial Park Golf Course Recreation Center	\$	200,000	88064
Kuliga Park Improvement Project Phase I	\$	200,000	88065
Lebanon Sports Complex Improvements	\$	200,000	88066
Lima All Ability Playground	\$	200,000	88067
Lorain County Metro Park Connector	\$	200,000	88068
Matthew Thomas Park Master Plan	\$	200,000	88069
Mayerson JCC Improvements	\$	200,000	88070
Munson Springs Nature Preserve & Historical Site	\$	200,000	88071
Opportunity Park Improvements	\$	200,000	88072
Perry Township Lakeshore Improvement Project	\$	200,000	88073
Red Brook Metropark Flagship Park	\$	200,000	88074
Shared Use Path Connector from Goosepond Road to the Licking County Health Department	\$	200,000	88075
Sheffield Village Trail	\$	200,000	88076
Sylvania Burnham Park Upgrade/Plummer Pool Renovations	\$	200,000	88077
Wellston Pride Park Revitalization Project Phase	\$	200,000	88078

West Jefferson Park	\$	200,000	88079
Fort Jennings Freedom Square	\$	175,000	88080
Lebanon Bicentennial Park Restroom	\$	175,000	88081
McKelvey Lake Park	\$	175,000	88082
3 Rivers Peninsula Project	\$	150,000	88083
Antrim Community Center	\$	150,000	88084
Bronson Park Multi-use Path	\$	150,000	88085
Crescent Park Regional Universal Play Area	\$	150,000	88086
Findlay Playground/Grant Park/Over-the-Rhine Recreation Center	\$	150,000	88087
Glass City Enrichment Center	\$	150,000	88088
Gorman Park Redevelopment Project	\$	150,000	88089
Grafton Reservoir Park Trail	\$	150,000	88090
Grandview Yard Recreational Trail	\$	150,000	88091
Harbin Park Loop Trail	\$	150,000	88092
Lancaster All Abilities <u>Playground Accessible</u> <u>Sports Complex and Park</u>	\$	150,000	88093
Little Hocking Community and Recreation Center	\$	150,000	88094
Moberly Branch Connector Trail	\$	150,000	88095
Delhi Township Neighborhood Playground Area	\$	150,000	88096
Ottawa Hills Recreation Field/Renovation	\$	150,000	88097
Ottawa Memorial Pool Improvements	\$	150,000	88098
Parker Square and Memorial Park Improvements Project	\$	150,000	88099
Pickerinton Soccer Association Facility Improvements	\$	150,000	88100
Piqua Downtown Riverfront Park Improvements	\$	150,000	88101
Powhatan Boat Ramp	\$	150,000	88102
Pump House Meadow and Mindfulness Trail	\$	150,000	88103
Rodger W. Young Park: Kiwanis Inclusive Play Park	\$	150,000	88104
Strongsville Ehrnfelt Center	\$	150,000	88105
Swanton Railroad Park	\$	150,000	88106

Horizon Education Playground Improvements	\$	140,000	88107
Lake Jinelle Rehabilitation <u>Rehabilitation</u>	\$	140,000	88108
Wadsworth Durling Park Improvements	\$	135,000	88109
Plymouth Community Pool	\$	125,000	88110
<u>Henry County Park Board Bridge Project</u>	\$	<u>125,000</u>	88111
Reagan Park and Trail	\$	122,000	88112
Freeman Road Park Project	\$	115,000	88113
Mary Rutan Tennis Court Project	\$	115,000	88114
Lodi's Richman Field Splash Pad	\$	105,000	88115
Avon Lake Weiss Field Park Pavilion Replacement Project	\$	100,000	88116
Avon Veterans Memorial Park Expansion	\$	100,000	88117
Caldwell Ice Rink Construction	\$	100,000	88118
Camp Butterworth	\$	100,000	88119
Camp Libbey	\$	100,000	88120
Camp Stoneybrook	\$	100,000	88121
Camp WhipPoorWill	\$	100,000	88122
Carlisle Township Veteran's Memorial	\$	100,000	88123
Central Avenue Pedestrian and Bike Trail	\$	100,000	88124
Circleville Ted Lewis Park Renovation	\$	100,000	88125
City of Brooklyn Trail Project	\$	100,000	88126
North Olmsted Clague Park Improvements	\$	100,000	88127
Columbia Township Wooster Pike Bike Trail	\$	100,000	88128
Concord Township Park Redevelopment Plan	\$	100,000	88129
Forest Park Central Park Improvements	\$	100,000	88130
Galion Park Square Renovation	\$	100,000	88131
Gratis Bicentennial Park	\$	100,000	88132
Great Stone Viaduct	\$	100,000	88133
Lisbon Greenway Bike Trail	\$	100,000	88134
Harvest Home Park Lodge 21st Century Improvements	\$	100,000	88135
Independence Civic Center Renovations	\$	100,000	88136
Lake to Lodge Accessible Trail Project at Burr	\$	100,000	88137

Oak State Park		
Lockbourne Magnolia Trail	\$ 100,000	88138
Mayfield Village Civic Center Upgrades	\$ 100,000	88139
Meigs County Pool	\$ 100,000	88140
Miracle Field Complex	\$ 100,000	88141
Mitchell Park Trail Connector	\$ 100,000	88142
Perrysville Weltmer Park Upgrades	\$ 100,000	88143
Poland Municipal Forest Restoration	\$ 100,000	88144
Rock Creek Connector Trail	\$ 100,000	88145
Rodger W. Young Park: Ball Diamond	\$ 100,000	88146
Schultz Campus for Jewish Life: Family Recreation and Accessibility Enhancements	\$ 100,000	88147
Stark County Firefighters Memorial Park	\$ 100,000	88148
Summit Metro Parks	\$ 100,000	88149
Village of Chagrin Falls Riverside Park Walking Path	\$ 100,000	88150
Whitehall Community Park Revitalization	\$ 100,000	88151
<u>Williams County West Unity Village Splash Pad</u>	<u>\$ 100,000</u>	88152
Waldo Community Center Walking Bridge	\$ 99,000	88153
Karohl Park CXT Restrooms	\$ 95,000	88154
Hobson Freedom Park	\$ 95,000	88155
Marion Township Greenway Phase 1	\$ 85,000	88156
Stanbery Park Shelter	\$ 80,000	88157
Lake Baccarat Richwood Park Improvements	\$ 76,739	88158
Bramble Recreation Area Nature Playscape	\$ 75,000	88159
Brecksville Blossom Hill Baseball Field Lighting	\$ 75,000	88160
Buckeye Lake Crystal Lagoon	\$ 75,000	88161
Geneva-on-the-Lake Shoreline Protection Project	\$ 75,000	88162
Hiestand Woods Improvement Project	\$ 75,000	88163
Lela McGuire Jeffrey Park Soccer Complex	\$ 75,000	88164
Lisbon Park Walking Track	\$ 75,000	88165
McConnelville Community Recreation Building	\$ 75,000	88166
Olmsted Falls Playground Enhancements	\$ 75,000	88167

Olmsted Township Brentwood Playground Development	\$	75,000	88168
Renovate Existing Fitzwater Train Yard Operations Building	\$	75,000	88169
Seven Hills Calvin Park Concession Project	\$	75,000	88170
Summit Lake Vision Plan	\$	75,000	88171
Van Wert Reservoir Trails	\$	75,000	88172
Vermillion Lakefront Revitalization	\$	75,000	88173
Village of Moreland Hills Forest Ridge Park Improvements	\$	75,000	88174
Wapakoneta Veterans Memorial Park Splash Pad	\$	75,000	88175
Wellsville Marina	\$	75,000	88176
Ray Mellert Park	\$	71,000	88177
Willard Park Playground	\$	60,000	88178
Gloria Glens Park Improvements	\$	56,000	88179
Heartland Trail	\$	55,000	88180
Willadale Segment-Southgate Connector Trail	\$	55,000	88181
Bay Village Interurban Pedestrian Bridge	\$	50,000	88182
Chardon Living Memorial Park Improvements	\$	50,000	88183
Earl Thomas Conley Park Improvements	\$	50,000	88184
Fayette Normal Memorial Park Community Splash Pad	\$	50,000	88185
Fox Island Inclusive Playground	\$	50,000	88186
Harmar Pedestrian Bridge Restoration Project	\$	50,000	88187
Jeromesville Square Park	\$	50,000	88188
Jewish Federation of Greater Dayton Nature Trail	\$	50,000	88189
Keener Park Renovations/Pickleball Courts	\$	50,000	88190
Kent State and Stark State Campus Trail	\$	50,000	88191
Kettlersville Village Park Improvement	\$	50,000	88192
Lebanese Cultural Garden	\$	50,000	88193
Leipsic Downtown Park and Stage	\$	50,000	88194
Lyndhurst Inclusive and Accessible Playground Project	\$	50,000	88195

Magnolia Flouring Mills Restoration	\$	50,000	88196
Middleburg Heights Public Park Pavilions Project	\$	50,000	88197
Milford Center Rail Depot	\$	50,000	88198
Moscow Riverfront Stabilization	\$	50,000	88199
Ohio and Erie Canal Way Towpath Trail	\$	50,000	88200
Ohio Township Swimming Pool	\$	50,000	88201
Perrysburg Inclusive Playground at Rotary Park	\$	50,000	88202
Pomeroy Multimodal Path	\$	50,000	88203
Red Cap Park Recreation Development	\$	50,000	88204
Revitalization of Short Park	\$	50,000	88205
Richwood Opera House	\$	50,000	88206
Silverton Town Commons	\$	50,000	88207
Stoner Pond at Ranger Park Fishing Dock	\$	50,000	88208
Construction			
Uptown Ecological Corridor	\$	50,000	88209
West Union Pedestrian Bike Path	\$	50,000	88210
Wooster Memorial Splash Pad Park	\$	50,000	88211
Thomas Lane Pocket Park Project	\$	46,740	88212
Ault Park Improvements	\$	46,000	88213
Carey Memorial Park Backsplash	\$	45,000	88214
Headwaters Nature Trail	\$	45,000	88215
Village of Lakemore Hinton Humniston Fitness	\$	45,000	88216
Park Renovations			
Austin Badger Park Path	\$	43,000	88217
African American Cultural Gardens	\$	40,000	88218
Gallipolis City Pool	\$	40,000	88219
Monroe Community Park Activity Center	\$	40,000	88220
Nimisilla Park Excavating	\$	40,000	88221
Rittman Youth Football Field	\$	40,000	88222
Spencer JB Firestone Park	\$	40,000	88223
Ashland County Corner Park Trail	\$	38,000	88224
Jeromesville Community Garden	\$	35,000	88225
Ray Mellert Dog Park Project	\$	35,000	88226

Bradley Park Playground	\$	32,279	88227
Kobak Baseball Field Lighting Project	\$	32,000	88228
Perry Township Community Recreation Center	\$	30,000	88229
Village of Weston Community Splash Pad	\$	30,000	88230
Weston Reservoir Restoration	\$	30,000	88231
New Richmond Liberty Landing Park	\$	25,000	88232
East Liverpool Park Improvements	\$	25,000	88233
Lucas Community Playground	\$	25,000	88234
New Bremen STEM Waterway	\$	25,000	88235
Rayland Friendship Park Restroom Project	\$	25,000	88236
Smiley Park Ball Field Fencing	\$	25,000	88237
Veterans Park of Wellsville	\$	25,000	88238
Willshire Ballpark Enhancements	\$	25,000	88239
Oakwood Community Park	\$	22,610	88240
Cleveland Cultural Gardens - Rusin Garden	\$	22,000	88241
Pirate Park Improvements	\$	21,000	88242
Payne Buckeye Park	\$	20,500	88243
Auglaize Village Handi-capable Heritage Trail	\$	20,000	88244
Kenton Municipal Pool improvements	\$	20,000	88245
Lyons Community Park Improvements	\$	20,000	88246
Wakeman Trail Connector	\$	17,000	88247
Lorain Pier Planning Project	\$	15,000	88248
Alger Park Ballfield Backstop	\$	12,000	88249
Outdoor Band Stage at Lucas Community Center	\$	10,000	88250
Antwerp Riverside Park Fitness Trail	\$	7,500	88251
New Bremen StoryWalk	\$	7,500	88252
Melrose Park Renovation	\$	7,000	88253
Grover Hill Welcome Park Playground	\$	5,598	88254
Broughton Park Playground	\$	4,124	88255

Sec. 223.50. The Treasurer of State is hereby authorized to 88256
issue and sell, in accordance with Section 2i of Article VIII, 88257
Ohio Constitution, and Chapter 154. of the Revised Code, 88258

particularly section 154.22, and other applicable sections of the 88259
 Revised Code, original obligations in an aggregate principal 88260
 amount not to exceed ~~\$255,000,000~~ \$258,000,000, in addition to the 88261
 original issuance of obligations heretofore authorized by prior 88262
 acts of the General Assembly. These authorized obligations shall 88263
 be issued, subject to applicable constitutional and statutory 88264
 limitations, as needed to provide sufficient moneys to the credit 88265
 of the Parks and Recreation Improvement Fund (Fund 7035) to pay 88266
 the costs of capital facilities for parks and recreation purposes. 88267

Sec. 227.10.

DPS DEPARTMENT OF PUBLIC SAFETY

Administrative Building Taxable Bond Fund (Fund 7016)			88270
C76068 Lorain County MARCS Tower/Sheffield Lake	\$	150,000	88271
C76071 Lewisburg MARCS Tower	\$	400,000	88272
C76072 Richland County MARCS Tower	\$	400,000	88273
C76073 Fredericksburg MARCS Tower	\$	250,000	88274
C76074 Williams County MARCS Tower	\$	250,000	88275
C76075 Bowling Green MARCS Tower	\$	500,000	88276
TOTAL Administrative Building Taxable Bond Fund	\$	1,950,000	88277
		<u>900,000</u>	
Administrative Building Fund (Fund 7026)			88278
C76000 Platform Scales Improvements	\$	350,000	88279
C76035 Alum Creek Facility Renovations and Upgrades	\$	950,000	88280
C76036 Shipley Building Renovations and Improvements	\$	1,235,000	88281
C76044 OSHP Headquarters/Post Renovations and Improvements	\$	4,511,542	88282
C76045 OSHP Academy Renovations and Improvements	\$	325,000	88283

C76049	EMA Building Renovations and Improvements	\$	650,000	88284
C76069	Medina County Safety Services Complex	\$	400,000	88285
C76070	Medina County Driving Skills Pad Garage	\$	50,000	88286
C76076	Ohio Task Force One (OH-TF1) Warehouse	\$	50,000	88287
TOTAL	Administrative Building Fund	\$	8,521,542	88288
TOTAL ALL FUNDS		\$	10,471,542 <u>9,421,542</u>	88289

Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS 88291

The foregoing appropriation item C230FM, Cultural and Sports 88292
Facilities Projects, shall be used to support the projects listed 88293
in this section. 88294

Project List 88295

FC Cincinnati		\$	16,000,000	88296
Cleveland Museum of Natural History: Investing in Science Education		\$	2,250,000	88297
Rock and Roll Hall of Fame and Great Lakes Science Center		\$	1,750,000	88298
Cincinnati Art Museum Master Plan		\$	1,400,000	88299
Lima Rotary Stage and Park		\$	1,250,000	88300
Ohio Theatre Restoration		\$	1,250,000	88301
West End Community Parking Garage		\$	1,250,000	88302
Baum-Taft House		\$	1,000,000	88303
Cincinnati Ballet Center		\$	1,000,000	88304
Directing the Future: A New Stage for Cincinnati's National Theatre		\$	1,000,000	88305
Jeep Museum		\$	1,000,000	88306
Dayton Air Credit Union Ballpark		\$	1,000,000	88307
Imagination District		\$	1,000,000	88308
20/20 Canton Cultural Center Renovations		\$	1,000,000	88309
Northwood Community Recreation Center		\$	1,000,000	88310
Cleveland Museum of Art		\$	750,000	88311

Crawford Auto Aviation Museum	\$	750,000	88312
Advancing Learning About Ohio in the Restored Cincinnati Union Terminal	\$	750,000	88313
Stan Hywet Hall & Gardens	\$	750,000	88314
Marion Palace Theatre	\$	550,000	88315
Schine's Theatre Restoration	\$	500,000	88316
Carnes Center	\$	500,000	88317
BAYarts	\$	500,000	88318
Restoration of James A. Garfield Memorial	\$	500,000	88319
Columbus Historical Society Engine House #6	\$	500,000	88320
Contemporary Arts Center Creativity Center	\$	500,000	88321
SeaGate Convention Centre	\$	500,000	88322
World Heritage and Visitor Center	\$	500,000	88323
Hale Farm	\$	500,000	88324
Marysville Avalon Theatre	\$	500,000	88325
Louis Sullivan Building of Newark Restoration and Adaptive Reuse	\$	489,000	88326
Lake Erie Nature and Science Center Wildlife Gardens Education Project	\$	450,000	88327
Ariel Opera House Energy Efficiency and Safety Updates	\$	400,000	88328
Cincinnati Opera House	\$	400,000	88329
Imagination Station	\$	400,000	88330
Arbogast Performing Arts Center	\$	400,000	88331
OH WOW! The Roger and Gloria Jones Children's Center for Science and Technology	\$	350,000	88332
Stambaugh Auditorium	\$	350,000	88333
Washington Court House Auditorium	\$	325,000	88334
Midland Theatre Project	\$	324,000	88335
Harveysburg First Free Black School	\$	322,500	88336
Champaign County Historical Museum	\$	300,000	88337
Creating Our Future-The Campaign for Beck Center	\$	300,000	88338

Barn at Stratford Roof Project	\$	300,000	88339
Norwich Township Veterans Memorial Relocation Project	\$	300,000	88340
Willoughby Amphitheater	\$	300,000	88341
Museum of Clay Industry and Folk Art	\$	300,000	88342
Logan Theater	\$	275,000	88343
Butler Institute of American Art	\$	275,000	88344
Springfield Museum of Art Renovation	\$	250,000	88345
O.P. Chaney/Historic Mill	\$	250,000	88346
Athletes in Action Chapel	\$	250,000	88347
Holmes County Center for the Arts	\$	250,000	88348
Norwalk Theater Rehabilitation Project	\$	250,000	88349
Tam O'Shanter Renovations	\$	250,000	88350
Heritage Hall and Education Center	\$	250,000	88351
Columbus Museum of Art Accessibility Upgrades	\$	225,000	88352
Ohio State Reformatory ADA Improvements	\$	225,000	88353
Ohio State Reformatory Pedestrian Bridge	\$	225,000	88354
Veterans Memorial Civic and Convention Center	\$	200,000	88355
Loudonville Opera House Improvements	\$	200,000	88356
Ohio Valley Museum of Discovery	\$	200,000	88357
Grove City Outdoor Cultural Arts Performance Facility	\$	200,000	88358
Grove City Historical Society Renovations	\$	200,000	88359
South Point Community Center Update and Modernize	\$	200,000	88360
Valentine Theatre HVAC System Upgrade	\$	200,000	88361
McDowell-Phillips Home and Museum Preservation	\$	200,000	88362
Protect Our Bones: Critical Infrastructure Improvements at the Boonshoft Museum	\$	200,000	88363
SteAm Collaboratory at K12 Gallery & TEJAS	\$	200,000	88364
Massillon Museum Mechanical Update	\$	200,000	88365
Warren Community Amphitheater Renovations	\$	200,000	88366
Niswonger Performing Arts Center Annex Project	\$	200,000	88367

Peoples Bank Theatre	\$	200,000	88368
Oak Street Theater Renovation	\$	200,000	88369
Buckeye Agricultural Museum and Education Center	\$	194,538	88370
Historic Township Hall Relocation and Restoration	\$	180,000	88371
African American Museum	\$	150,000	88372
FRONT: MidTown Arts Campus	\$	150,000	88373
Karamu House Phase III	\$	150,000	88374
Defiance Community Auditorium Renovation Project	\$	150,000	88375
Arts Castle Roof Skylight Project	\$	150,000	88376
Carnegie Center Historical Restorations	\$	150,000	88377
Invisible Gallery	\$	150,000	88378
Madison Place Fire House Renovation	\$	150,000	88379
Greenfield Historical Society Restoration Project	\$	150,000	88380
Toledo Museum of Art	\$	150,000	88381
Clearview Museum	\$	150,000	88382
Akron Art Museum	\$	150,000	88383
Baldwin-Buss House Restoration	\$	150,000	88384
Sally Buffalo Park Outdoor Stage	\$	140,000	88385
Packard Music Hall	\$	140,000	88386
Unionville Tavern Improvements	\$	125,000	88387
Pickaway County Memorial Hall	\$	125,000	88388
<u>Williams County Fountain City Amphitheater</u>	<u>\$</u>	<u>125,000</u>	88389
Zanesville Museum of Art Critical Facility Repairs	\$	107,500	88390
Wooster Amphitheater	\$	100,000	88391
Broadview Heights Community Amphitheater	\$	100,000	88392
City of Brook Park Municipal Campus Outdoor Amphitheater	\$	100,000	88393
Maltz Museum of Jewish Heritage Reimagine	\$	100,000	88394

Project			
North Royalton Memorial Park Amphitheater	\$	100,000	88395
The Music Settlement Center for Innovation, Education, and Technology	\$	100,000	88396
Jeffrey Mansion	\$	100,000	88397
Minerva Park Amphitheater Restoration	\$	100,000	88398
Rickenbacker Woods Museum	\$	100,000	88399
Fayette Opera House Roof Replacement	\$	100,000	88400
Covedale Center - Phase 6 Renovations	\$	100,000	88401
Evendale Cultural Arts Center ADA Compliance	\$	100,000	88402
Steubenville Grand Theater	\$	100,000	88403
West Liberty Town Hall Opera House Community Center Restoration and Renovation	\$	100,000	88404
Polish Cultural Center	\$	100,000	88405
Battle of Buffington Island Civil War Battlefield Museum	\$	100,000	88406
Meigs County Pioneer and Historical Society Renovations	\$	100,000	88407
Twin City Opera House	\$	100,000	88408
Gant Stadium Renovation	\$	100,000	88409
Octagon House	\$	100,000	88410
Circleville Historic City Hall Improvements	\$	100,000	88411
Pickaway County Historical Society Museum	\$	100,000	88412
Portage County Historical Society Renovation	\$	100,000	88413
Camden Opera House Second Floor Renovation	\$	100,000	88414
Southern Ohio War Memorial	\$	100,000	88415
McKinley Presidential Library and Museum	\$	100,000	88416
Stone Academy	\$	92,000	88417
Morgan History Center Renovation	\$	85,000	88418
Gerber Scribe Rule Barn Relocation	\$	80,000	88419
Southeast Ohio History Center	\$	75,000	88420
Muirfield Dr. Kinetic Arts Project	\$	75,000	88421
Gallipolis Railroad Freight Station Museum	\$	75,000	88422

Case-Barlow Farm Barn Improvements	\$	75,000	88423
Convoy Opera House Facility Renovation	\$	75,000	88424
Hune Covered Bridge Relocation	\$	75,000	88425
Medina Historic District Lighting Project	\$	65,000	88426
Burnison Barn	\$	64,000	88427
Village Productions Building Renovations	\$	50,000	88428
Fountain City Amphitheater	\$	50,000	88429
Soap Box Derby Track Resurfacing and Sidewalks Additions and Upgrades	\$	50,000	88430
Gaslight Theater	\$	50,000	88431
Sorg Opera House	\$	50,000	88432
Chagrin Falls Historical Society Campaign for the 1874 Italianate House	\$	50,000	88433
Parma Heights Cultural and Recreation Center Renovation Phase II (Cassidy Theatre)	\$	50,000	88434
Jewish Community Center JCC Youth Arts Project	\$	50,000	88435
Monroe Theatre	\$	50,000	88436
Freedom Township Historical Society of Portage County	\$	50,000	88437
Mausoleum Repair	\$	50,000	88438
John S. Knight Convention Center	\$	50,000	88439
G.A.R. Hall ADA Accessibility	\$	50,000	88440
Anchorage Building Climate Control Project	\$	50,000	88441
<u>Wright Patterson Air Force Base Holocaust Museum</u>	<u>\$</u>	<u>50,000</u>	88442
Grant Memorial Building Restoration	\$	40,000	88443
William Lytle's Land Office at Harmony Hill	\$	40,000	88444
Darke County Art Trail Initiative	\$	40,000	88445
Ohio Glass Museum	\$	40,000	88446
Wendel Concert Stage	\$	35,000	88447
History of Weston, Historical Offerings	\$	30,000	88448
Killbuck Valley Museum	\$	27,000	88449
Indian Hills The Little Red School House	\$	25,000	88450

Mt. Sterling Museum Improvements	\$	25,000	88451
Heritage Farm Museum Improvement	\$	25,000	88452
Piketon Liberty Memorial	\$	25,000	88453
Wilderness Trail Museum Electrical Upgrade	\$	24,000	88454
Stained Glass Window Restoration for the Wapakoneta Museum	\$	22,000	88455
Packer Historical Center for the Anna District	\$	21,000	88456
Shelby House Museum	\$	20,000	88457
Spring Hill Historic Home	\$	20,000	88458
Cortland Veterans Memorial Project (Phase II)	\$	20,000	88459
Hicksville Huber Opera House	\$	15,000	88460
Jackson Center Museum Building Improvements	\$	13,500	88461
Crestline Historical Society	\$	10,000	88462
Leipsic Recreation Center Improvements	\$	7,500	88463
Jeromesville Totem Pole	\$	3,000	88464

Section 610.15. That existing Sections 213.10, 223.10, 88466
223.15, 223.50, 227.10, and 237.13 of S.B. 310 of the 133rd 88467
General Assembly are hereby repealed. 88468

Section 610.18. That Sections 207.28 and 223.15 (as amended 88469
by S.B. 310 of the 133rd General Assembly) of H.B. 481 of the 88470
133rd General Assembly be amended to read as follows: 88471

Sec. 207.28. CCC CUYAHOGA COMMUNITY COLLEGE 88472

Reappropriations

Higher Education Improvement Fund (Fund 7034)			88473
C37805	Workforce Based Training and	\$239,439	88474
	Equipment		
C37838	Structural Concrete Repairs	\$473,275	88475
C37839	Roof Repair and Replacements	\$187,234	88476
C37840	Workforce Economic Development	\$65,788	88477
	Renovations		

C37844	Rock and Roll Hall of Fame Museum 2.0	\$400,000	88478
C37852	East Campus Exterior Plaza	\$1,000	88479
C37853	CWRU Dental Clinic Relocation	\$200,000	88480
C37854	Cleveland Sight Center Health Record System Modernization	\$150,000	88481
C37855	Harvard Community Services Center Improvements	\$75,000	88482
C37856	MetroHealth West 25th Street Corridor Revitalization	\$750,000	88483
C37859	Bay Village Emergency Boat Shelter	\$32,500	88484
TOTAL Higher Education Improvement Fund		\$2,574,236 <u>2,541,736</u>	88485
TOTAL ALL FUNDS		\$2,574,236 <u>2,541,736</u>	88486
EAST CAMPUS EXTERIOR PLAZA			88487
The amount reappropriated for the foregoing appropriation			88488
item C37852, East Campus Exterior Plaza, is the unencumbered			88489
balance as of June 30, 2020, in appropriation item C37852, East			88490
Campus Exterior Plaza, plus \$64,522. Prior to the expenditure of			88491
this appropriation, the Cuyahoga Community College shall certify			88492
to the Director of Budget and Management canceled encumbrances in			88493
the amount of at least \$64,522.			88494
Sec. 223.15. LOCAL PARKS, RECREATION, AND CONSERVATION			88495
PROJECTS			88496
The amount reappropriated from the foregoing appropriation			88497
item C725E2, Local Parks, Recreation, and Conservation Projects,			88498
shall be equal to the amount of all unreleased local parks			88499
projects and allowable administrative costs specified in this			88500
section, unless amounts are released prior to June 30, 2020. Prior			88501

to the expenditure of this appropriation, the Department of 88502
Natural Resources shall certify to the Director of Budget and 88503
Management canceled encumbrances in the amount of at least 88504
\$52,144. 88505

Of the foregoing appropriation item C725E2, Local Parks, 88506
Recreation, and Conservation Projects, an amount equal to two per 88507
cent of the projects listed may be used by the Department of 88508
Natural Resources for the administration of local projects. 88509

Project List 88510

Lakefront Pedestrian Bridge \$ 3,500,000 88511

Flats East Development \$ 2,000,000 88512

City of Cleveland - Lakefront Access \$ 1,500,000 88513

Project

Bridge to Wendy Park \$ 1,000,000 88514

Worthington Pools Renovation \$ 1,000,000 88515

Dublin Bridge Park and Greenways Project \$ 650,000 88516

The REC at Crawford Commons Facility \$ 500,000 88517

Buckeye Lake Feeder Channel Restoration \$ 400,000 88518

Buckeye Lake Public Pier \$ 400,000 88519

Danny Thomas Park Renovation \$ 400,000 88520

Lincoln Park Stadium and Field Restoration \$ 400,000 88521

Whitehall Community Park Extension \$ 400,000 88522

Miami Canal Trail Extension at Gilmore \$ 350,000 88523

MetroPark

Dover Riverfront Trailhead Connector \$ 350,000 88524

Glenford Earthworks Phase III \$ 300,000 88525

Solon-Chagrin Falls Multi-purpose Trail \$ 300,000 88526

Wadsworth City Park \$ 300,000 88527

Tiffin Recreation, Arts and Learning Park \$ 300,000 88528

Wooster Venture Boulevard Park Project \$ 300,000 88529

Muskingum River Lock and Dam \$ 250,000 88530

New Bremen Bike Path \$ 250,000 88531

Grand Lake Shoreline Water Quality Improvements	\$ 250,000	88532
Jeffrey Mansion Expansion Project	\$ 250,000	88533
Montgomery Gateway Keystone Park	\$ 250,000	88534
Village of Woodmere Chagrin Valley Gateway Pedestrian Trail	\$ 215,000	88535
Dayton Webster Station Landing	\$ 200,000	88536
Little Miami State Park/Little Miami Trail	\$ 200,000	88537
South Point Community Recreation Center	\$ 200,000	88538
Union and Rome Townships Trails Project	\$ 200,000	88539
Marion Tallgrass Trail	\$ 150,000	88540
Harrisburg Baseball Complex	\$ 150,000	88541
Mill Creek Valley Conservancy District Corridor Revitalization	\$ 150,000	88542
Moberly Branch Connector Trail - Pedestrian Bridge	\$ 150,000	88543
Montville Township Park Improvements	\$ 150,000	88544
Medina County Rocky River Trail West Branch	\$ 150,000	88545
Clearcreek Hazel Woods Bike Connector	\$ 150,000	88546
Kamp Dovetail	\$ 150,000	88547
Redskin Memorial Park Playground	\$ 145,000	88548
Cahoon Memorial Park Improvements	\$ 130,000	88549
Fairlawn Gully Water Quality Basins	\$ 125,000	88550
Bremenfest Shelterhouse	\$ 100,000	88551
Deer Park Community Center Renovation & Trailhead	\$ 100,000	88552
Fairfax Ziegler Park Improvements	\$ 100,000	88553
Steubenville Ohio River Marina Improvement Project	\$ 100,000	88554
City of Sylvania SOMO Project	\$ 100,000	88555
Brunswick Hills Township Park	\$ 100,000	88556
Scippo Creek Conservation	\$ 75,000	88557
Jackson Street Pier and Shoreline Drive	\$ 75,000	88558

Revitalization Project		
Western Reserve Greenway Bike Trail	\$ 75,000	88559
Mary Fate Park Improvements	\$ 60,000	88560
Gallipolis Pool Project	\$ 52,144	88561
Miami Erie Canal Cleanup	\$ 50,000	88562
James Day Park Warrior Run	\$ 50,000	88563
Jefferson Park Recreation Upgrades	\$ 50,000	88564
Rocky Fork State Park Water and Electrical Upgrade	\$ 50,000	88565
Avon Lake Veterans Park Gazebo	\$ 50,000	88566
Camp Sherman Park	\$ 50,000	88567
Willard Splash Pad and Park Improvements	\$ 50,000	88568
Kelley Nature Preserve Boat Ramp	\$ 50,000	88569
Bruce L. Chapin Bridge - Northcoast Inland Trail	\$ 45,000	88570
Beaver Park Sports Field	\$ 40,000	88571
Village of Highland Hills Gazebo	\$ 35,000	88572
Monroeville Clark Park - North Coast Inland Trail Connection	\$ 33,000	88573
Camp McKinley Improvements	\$ 30,000	88574
Crestline Park Lighting	\$ 25,000	88575
Ohio City Warrior Trail Extension Phase 2	\$ 22,000	88576
Waverly Canal Park	\$ 20,000	88577
Clifton to Yellow Springs Bike Trail	\$ 20,000	88578
Seville Memorial Park Public Restroom Facilities	\$ 15,000	88579
Hinkley Township Park	\$ 13,000	88580
Shiloh Firestone Park Restoration	\$ 12,000	88581
Village of Albany Bike Paths	\$ 10,000	88582
Section 610.19. That existing Sections 207.28 and 223.15 (as amended by S.B. 310 of the 133rd General Assembly) of H.B. 481 of the 133rd General Assembly are hereby repealed.		88583 88584 88585

Section 610.20. That Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly (as amended by H.B. 166 of the 133rd General Assembly) be amended to read as follows:

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, ~~2021~~ 2023.

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, ~~2021~~ 2023.

Section 610.21. That existing Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly (as amended by H.B. 166 of the 133rd General Assembly) are hereby repealed.

Section 610.30. That Section 757.50 of H.B. 59 of the 130th General Assembly is hereby repealed.

Section 701.50. (A) The General Assembly finds that the amendment to section 163.62 of the Revised Code by this act is remedial in nature in order to ensure that Ohio is in compliance with the "Uniform Relocation Assistance and Real Property Acquisitions Policies for Federal and Federally Assisted Programs Act," 42 U.S.C. 4601, et seq., and its implementing regulations, 49 C.F.R. 24.1, et seq. Therefore, the General Assembly hereby declares its purpose in amending section 163.62 of the Revised Code is that the amendment apply to any judgment in favor of the owner in an inverse condemnation proceeding or settlement effectuated by the agency in such a proceeding that occurred on or after January 1, 2019.

(B) The amendment to section 163.62 of the Revised Code by 88613
this act is in response to the Supreme Court's opinion in *State ex* 88614
rel. New Wen, Inc. v. Marchbanks, Slip Opinion No. 2020-Ohio-4865. 88615
There, the Supreme Court declared ineffective a provision in the 88616
Administrative Code that authorized certain litigation expenses, 88617
including reasonable attorney fees, to owners of real property who 88618
prevailed in inverse condemnation proceedings. In a concurring 88619
opinion, Justice Fischer, as joined by Justice DeWine, wrote 88620
"separately to point out that the General Assembly should examine 88621
the issue whether a property owner in Ohio who is forced to file a 88622
lawsuit, in this case for a writ of mandamus, to get a court order 88623
when the state has taken that owner's property without filing a 88624
proper appropriation case, should or should not be entitled to an 88625
award of attorney fees." *Id.* at ¶17. In amending section 163.62 of 88626
the Revised Code, the General Assembly agrees with Justices 88627
Fischer and DeWine that Ohioans "who have had property improperly 88628
taken by any government—and who must go to court to correct that 88629
problem caused by the government—should be entitled to their 88630
attorney fees, which they incurred to uphold their 88631
constitutionally protected property rights." *Id.* 88632

Section 701.60. (A) As used in this section: 88633

(1) "Board of health" means a city board of health or a 88634
general health district, or an authority having the duties of a 88635
city board of health as authorized by section 3709.05 of the 88636
Revised Code. 88637

(2) "Business" means a corporation, association, partnership, 88638
limited liability company, sole proprietorship, joint venture, or 88639
other business entity composed of one or more individuals, whether 88640
or not the entity is operated for profit. 88641

(3) "Order" means any of the following: 88642

(a) An executive order addressing COVID-19 or any other order 88643

related to such an executive order; 88644

(b) A state or local order or rule issued under Chapter 3701. 88645
of the Revised Code related to COVID-19; 88646

(c) A rule promulgated under division (G) of section 119.03 88647
of the Revised Code related to COVID-19, including emergency rule 88648
4301:1-1-13 and emergency rule 4301:1-1-80 of the Administrative 88649
Code; 88650

(d) Any other rule, order, or directive issued by a state 88651
agency or a board of health imposing restrictions related to 88652
COVID-19 on a business. 88653

(4) "State agency" means the offices of all elected state 88654
officers, and all departments, boards, offices, commissions, 88655
agencies, institutions, and other instrumentalities of the state 88656
of Ohio. 88657

(B) Any violation or any sanction imposed in response to any 88658
violation of an order by a business that occurred between March 88659
14, 2020, and the effective date of this section is hereby 88660
vacated, including violations adjudicated by the Liquor Control 88661
Commission under rule 4301:1-1-13, rule 4301:1-1-80, and, insofar 88662
as the violation relates to COVID-19, rule 4301:1-1-52(B)(1) of 88663
the Administrative Code. 88664

(C) Not later than thirty days after the effective date of 88665
this section, all of the following shall occur: 88666

(1) A state agency or board of health, as applicable, shall 88667
expunge any record of a violation that is vacated under division 88668
(B) of this section. 88669

(2) The Division of Liquor Control within the Department of 88670
Commerce and the Department of Public Safety shall expunge any 88671
record of a violation of rule 4301:1-1-13 and rule 4301:1-1-80, 88672
and, insofar as the violation relates to COVID-19, rule 88673

4301:1-1-52(B)(1) of the Administrative Code, that occurred 88674
between March 14, 2020, and the effective date of this section. 88675
The Liquor Control Commission shall notify any business that was 88676
convicted of a penalty under rule 4301:1-1-13 or rule 4301:1-1-80, 88677
or of a penalty related to COVID-19 under rule 4301:1-1-52(B)(1) 88678
of the Administrative Code, that the conviction is expunged. 88679

(3) A state agency or board of health shall treat any finding 88680
of a violation vacated and expunged under this section as a 88681
nullity and take the steps within its power, forthwith, to restore 88682
any rights or privileges lost as a result of a finding of a 88683
violation. These steps shall include but shall not be limited to 88684
reinstatement of a revoked license and other right or privilege to 88685
do business. 88686

(D) Not later than thirty days after the effective date of 88687
this section, all of the following shall occur: 88688

(1)(a) Except as provided in division (D)(1)(b) of this 88689
section, the Director of Budget and Management, in consultation 88690
with state agencies, shall determine the amount of money collected 88691
by a state agency in civil or administrative penalties for each 88692
violation of an order by each business that occurred between March 88693
14, 2020, and the effective date of this section. After that 88694
determination, the Director shall refund to each business the 88695
amount of penalties paid by each such business. The total amount 88696
of these refunds is hereby appropriated. If the business no longer 88697
exists, the Director shall make a reasonable effort to locate, and 88698
issue the refund to, the owner of the business. 88699

(b) A financial penalty that was paid by a business for a 88700
conviction under rule 4301:1-1-13 or rule 4301:1-1-80, or for a 88701
COVID-19 related conviction under rule 4301:1-1-52(B)(1) of the 88702
Administrative Code, shall be refunded under division (D)(1)(a) of 88703
this section, unless another conviction was assessed at the time 88704
of the adjudication for a violation not related to rule 88705

4301:1-1-13 or rule 4301:1-1-80, or not related to a COVID-19 88706
enforcement of rule 4301:1-1-52(B)(1) of the Administrative Code. 88707

(2) A board of health shall determine the amount of money 88708
collected by the board of health in civil or administrative 88709
penalties for each violation of an order by each business that 88710
occurred between March 14, 2020, and the effective date of this 88711
section. After that determination, the board of health shall 88712
refund to each business the amount of penalties paid by each such 88713
business. If the business no longer exists, the board of health 88714
shall make a reasonable effort to locate, and issue the refund to, 88715
the owner of the business. 88716

(E) Not later than thirty days after the actions required 88717
under divisions (C) and (D) of this section are complete, the 88718
Liquor Control Commission shall issue a report to the House of 88719
Representatives and the Senate that all violations of rule 88720
4301:1-1-13 and rule 4301:1-1-80, and all COVID-19-related 88721
violations of rule 4301:1-1-52(B)(1) of the Administrative Code, 88722
have been expunged and that fine money related to those violations 88723
was refunded. 88724

(F) If a state agency or board of health has initiated, but 88725
has not completed, disciplinary action against a business for 88726
violation of an order that occurred between March 14, 2020, and 88727
the effective date of this section, the state agency or board of 88728
health shall cease taking such action regarding the order. 88729

(G) This section shall not be construed as prohibiting a 88730
state agency or board of health from enforcing restrictions, 88731
requirements, or other matters not satisfying the definition of 88732
"order" in division (A) of this section. 88733

(H) Notwithstanding other jurisdictional or venue 88734
limitations, any business may bring an action in the court of 88735
common pleas in a county where the business is located to enforce 88736

the rights, privileges, and obligations identified in this 88737
section. 88738

Section 701.70. (A)(1) As used in this section: 88739

(a) "Peace officer" has the same meaning as in section 109.71 88740
of the Revised Code. 88741

(b) "Trooper" means an individual appointed as a State 88742
Highway Patrol Trooper under section 5503.01 of the Revised Code. 88743

(2) Not later than December 1, 2021, the Attorney General 88744
shall create a pilot program for state funding of the training of 88745
peace officers and troopers that is required under section 109.803 88746
of the Revised Code. The pilot program shall be administered by 88747
the office of the Attorney General, in accordance with this 88748
section. The pilot program shall be a one year program, to be in 88749
existence for calendar year 2022. 88750

(3) Not later than December 2, 2021, each law enforcement 88751
agency that has peace officers or troopers who are subject to the 88752
training requirement set forth in section 109.803 of the Revised 88753
Code shall certify to the Attorney General the total of all 88754
salaries to be paid in calendar year 2022 to officers or troopers 88755
of the agency who will receive that training in calendar year 2022 88756
and the hourly rate of pay for each of those officers and 88757
troopers. 88758

(4) Not later than January 1, 2022, the Attorney General 88759
shall begin the operation of the pilot program established under 88760
division (A)(2) of this section. Prior to that date, the Attorney 88761
General shall establish rules, under section 111.15 of the Revised 88762
Code, for the operation and administration of the pilot program, 88763
for the determination of eligibility for funding and payments 88764
under the program, and for the provision of funding and payments 88765
under the pilot program, in accordance with this section. From 88766

money appropriated to the Attorney General for the purposes of the 88767
pilot program, the Attorney General shall pay to each law 88768
enforcement agency that has peace officers or troopers who are 88769
subject to the training requirement set forth in section 109.803 88770
of the Revised Code an amount to cover up to fifty per cent of the 88771
total cost of the salaries of the officers or troopers of the 88772
agency to be paid to officers or troopers who will receive that 88773
training in calendar year 2022, as certified by the agency in 88774
accordance with division (A)(3) of this section, during the period 88775
of the training. The amount to be paid shall cover only the period 88776
during which the officers or troopers are receiving that training 88777
and shall not exceed an amount covering twenty-four hours of the 88778
training. If the amount of the money appropriated to the Attorney 88779
General for the purposes of the pilot program is insufficient to 88780
pay fifty per cent of the total cost of the salaries of the peace 88781
officers or troopers of all law enforcement agencies to be paid in 88782
calendar year 2022 to officers or troopers who will receive that 88783
training in calendar year 2022, the amount to be paid to each such 88784
agency shall be reduced proportionately so that each agency is 88785
paid an equal percentage of its cost in the year for the training. 88786
No payment shall be made to any law enforcement agency under this 88787
division after January 1, 2023. If a law enforcement agency that 88788
receives money under this division does not use all of the money 88789
for the salaries certified by the agency in accordance with 88790
division (A)(3) of this section, the agency shall return all of 88791
the money not used to the Attorney General. 88792

A law enforcement agency that receives any payments under 88793
this division shall be responsible for paying the cost of training 88794
of its peace officers or troopers required under section 109.803 88795
of the Revised Code that exceeds the amount of the payment 88796
received under the pilot program under this division. 88797

(5) Except as otherwise provided in this division, state 88798

funding for the training of peace officers or troopers that is 88799
required under section 109.803 of the Revised Code shall be 88800
provided in calendar year 2022 only in accordance with division 88801
(A)(4) of this section, notwithstanding former section 109.802 of 88802
the Revised Code, rule 109:2-18-04 of the Administrative Code, and 88803
any other provision of law that addresses any alternative method 88804
of state funding for such training. The limitation specified in 88805
this division does not apply with respect to direct appropriations 88806
made to a state law enforcement agency. 88807

(6) Each law enforcement agency that receives money under 88808
division (A)(4) of this section shall submit to the Attorney 88809
General, by the date specified by the Attorney General, a report 88810
that states the amount of money the agency received, how that 88811
money was used, when it was used, and any other information with 88812
respect to the use of the money that is required by the Attorney 88813
General. The Attorney General shall prepare a report that compiles 88814
the information in the reports received from law enforcement 88815
agencies under this division and submit the report to the General 88816
Assembly and the Legislative Service Commission. 88817

(B)(1) There is created the Law Enforcement Training Funding 88818
Study Commission. The Commission shall consist of the following 88819
twelve members: 88820

(a) The Attorney General or a designee of the Attorney 88821
General who has experience in law enforcement funding issues; 88822

(b) The Director of Public Safety or a designee of the 88823
Director who has experience in law enforcement funding issues; 88824

(c) Three members of the House of Representatives appointed 88825
by the Speaker of the House of Representatives, with not more than 88826
two of the persons appointed as members being members of the same 88827
political party; 88828

(d) Three members of the Senate appointed by the President of 88829

the Senate, with not more than two of the persons appointed as 88830
members being members of the same political party; 88831

(e) Four members of the public appointed by the Governor, 88832
with each such member having a law enforcement background. 88833

(2) The Speaker of the House of Representatives, the 88834
President of the Senate, and the Governor shall make their initial 88835
appointments to the Law Enforcement Training Funding Study 88836
Commission not later than thirty days after the effective date of 88837
this Section. 88838

(3) If an appointed member of the Law Enforcement Training 88839
Funding Study Commission ceases to hold the position that led to 88840
the member's appointment, the member is disqualified and a vacancy 88841
occurs. Vacancies of appointed members shall be filled in the same 88842
manner as original appointments. 88843

(4) The Law Enforcement Training Funding Study Commission 88844
shall hold its first meeting not later than thirty days after the 88845
effective date of this section, regardless of whether all members 88846
have been appointed under division (B)(2) of this section. At its 88847
first meeting, the Commission shall select a chairperson, and also 88848
shall select a vice-chairperson to perform in the absence of the 88849
chairperson. The Commission shall adopt procedures to govern its 88850
proceedings and shall meet as necessary at the call of the 88851
chairperson or on the written request of a majority of its 88852
members. A majority of serving Commission members constitutes a 88853
quorum. Formal recommendations shall be made by a vote of a 88854
majority of the quorum present. Commission meetings shall be open 88855
to the public under section 121.22 of the Revised Code. The 88856
Commission shall keep minutes of its meetings as public records 88857
under section 149.43 of the Revised Code. 88858

(5) Members of the Law Enforcement Training Funding Study 88859
Commission shall serve without compensation. 88860

(6) The Law Enforcement Training Funding Study Commission 88861
shall study possible long-term methods for the provision of state 88862
funding to law enforcement agencies for the training of their 88863
peace officers and troopers that is required under section 109.803 88864
of the Revised Code. The Commission shall evaluate the plans for 88865
the pilot program established under division (A) of this section 88866
as part of the study. Upon completion of the study, the Commission 88867
shall prepare a report of its findings and recommendations for a 88868
long-term method for the provision of state funding to law 88869
enforcement agencies for the training of their peace officers and 88870
troopers that is required under section 109.803 of the Revised 88871
Code. Not later than March 1, 2022, the Commission shall submit 88872
the report to the Governor, the General Assembly, the Attorney 88873
General, and the Legislative Service Commission. Upon submission 88874
of the report, the Commission shall cease to exist. 88875

Section 701.80. In recognition of one of the first public 88876
housing projects in America, developed in 1940, and named for the 88877
Reverend James P. Poindexter, the Ohio History Connection shall 88878
designate Poindexter Village as a state historic site. Poindexter 88879
Village represents the birth and history of public housing in this 88880
country and reflects Ohio's place in the national story of the 88881
Great Migration. The designation shall identify the buildings at 88882
290 North Champion Avenue, Columbus, as the Poindexter Village 88883
Historic Site. The Ohio History Connection shall mark the site, or 88884
cause the site to be marked, in accordance with the marking system 88885
established for designated historic sites within the state. 88886

Section 715.10. The amendment of section 1509.71 of the 88887
Revised Code by this act is intended to rename the Oil and Gas 88888
Leasing Commission as the Oil and Gas Land Management Commission 88889
and to replace the Chief of the Division of Geological Survey with 88890
the Director of Natural Resources or the Director's designee as a 88891

member of the Commission. On and after the effective date of this 88892
section, the Director of Natural Resources or the Director's 88893
designee shall assume the duties and responsibilities of the Chief 88894
of the Division of Geological Survey. 88895

Section 715.20. The Director of Natural Resources shall enter 88896
into an agreement, or modify any existing agreement or memorandum 88897
of understanding, with Ashtabula County to assume ownership and 88898
operation of the Geneva Lodge and Conference Center located in 88899
Ashtabula County by December 31, 2021. The agreement shall require 88900
the Department of Natural Resources to assume any outstanding 88901
notes, principal, or interest due on the construction of the 88902
facility. The agreement also shall require the Department to 88903
assume maintenance, operating, and any other costs associated with 88904
the facility. Upon execution of the agreement, Ashtabula County 88905
shall be free and clear of any future obligation relating to the 88906
facility. 88907

Section 725.10. (A) There is established the Probation 88908
Workload Study Committee within the Supreme Court of Ohio to study 88909
and discuss probation caseload principles, education standards for 88910
probation officers, workload capacity principles, and any other 88911
additional subjects determined by the Study Committee to be 88912
relevant. 88913

(B) The Study Committee shall consist of nine members, 88914
appointed as follows: 88915

(1) Three members shall be appointed by the Chief Justice of 88916
the Supreme Court. 88917

(2) Three members shall be appointed by the Executive 88918
Director of the Ohio Judicial Conference. 88919

(3) Three members shall be appointed by the President of the 88920
Ohio Chief Probation Officers Association. 88921

(C) Members of the Study Committee shall receive no 88922
compensation for their service and shall not be reimbursed for 88923
expenses incurred through participation in the Study Committee. 88924

(D) Not later than December 31, 2021, the Study Committee 88925
shall provide its recommendations to the Governor, the President 88926
of the Senate, and the Speaker of the House of Representatives. 88927
Upon submitting these recommendations, the Study Committee is 88928
abolished. 88929

Section 733.20. (A) In furtherance of the State of Ohio's 88930
intent to improve affordability in higher education, and in 88931
recognition of the positive achievements of the Ohio Faculty 88932
Council's October 2017 resolution supporting textbook 88933
affordability initiatives, the State of Ohio hereby tasks Ohio's 88934
institutions of higher education with evaluating their respective 88935
implementation of textbook affordability initiatives. 88936

(B)(1) Consistent with requirements in Title I, Section 133 88937
of the federal "Higher Education Opportunity Act of 2008," 88938
institutions of higher education receiving federal financial aid 88939
shall disclose required and recommended textbooks not later than 88940
the time at which students can first begin to register for a 88941
course. 88942

(2) Prior to academic year 2022-2023, the administration of 88943
each state institution of higher education, as defined in section 88944
3345.011 of the Revised Code, shall work collaboratively with the 88945
institution's faculty senate, or equivalent body, to consider 88946
adopting a formally recognized textbook auto-adoption policy. 88947

(C) Not later than August 15, 2022, the board of trustees of 88948
each state institution of higher education shall adopt a 88949
resolution or otherwise formally vote to affirm or decline 88950
adoption of the policy. If the board of trustees adopts the policy 88951
as agreed upon by the administration and faculty senate, the state 88952

institution shall formally transmit a copy of its resolution to 88953
the Chancellor of Higher Education. 88954

Section 741.20. (A) The Director of Job and Family Services 88955
shall do all of the following: 88956

(1) On the effective date of this section, or as soon as 88957
practicable thereafter, terminate any agreement by and between the 88958
state and the United States Secretary of Labor governing the 88959
payment of pandemic unemployment assistance under the "Coronavirus 88960
Aid, Relief, and Economic Security Act," 15 U.S.C. 9021. 88961

(2) Effective Sunday of the calendar week following the 88962
effective date of this section, stop paying individuals pandemic 88963
unemployment assistance. 88964

(3) On the effective date of this section, provide written 88965
notice to the United States Secretary of Labor that, thirty days 88966
after providing the notice, the state's agreement with the 88967
Secretary governing the payment of federal pandemic unemployment 88968
compensation and mixed earner unemployment compensation under the 88969
"Coronavirus Aid, Relief, and Economic Security Act," 15 U.S.C. 88970
9023, is terminated. 88971

(4) On the effective date of this section, provide written 88972
notice to the United States Secretary of Labor that, thirty days 88973
after providing the notice, the state's agreement with the 88974
Secretary governing the payment of pandemic emergency unemployment 88975
compensation under the "Coronavirus Aid, Relief, and Economic 88976
Security Act," 15 U.S.C. 9025, is terminated. 88977

(5) Notify any individual who, on the effective date of this 88978
section, is receiving assistance or compensation described in 88979
divisions (A)(2) to (4) of this section that the state is 88980
terminating those forms of assistance and compensation and explain 88981
the effect the termination has on the individual. 88982

(B) Notwithstanding any provision of Chapter 4141. of the Revised Code to the contrary, the Director shall not enter another agreement governing the payment of any of the types of assistance or compensation described in division (A) of this section.

Section 743.20. (A) As used in this section:

(1) "Liquor permit holder" means the holder of a permit issued under Chapter 4303. of the Revised Code.

(2) "Rule" means rule 4301:1-1-13, rule 4301:1-1-80, or rule 4301:1-1-52(B)(1) of the Administrative Code.

(B) Notwithstanding any provision of the Revised Code to the contrary, if a liquor permit holder's permit has been revoked as a result of a violation of a rule and the violation occurred on or after March 14, 2020, but prior to the effective date of this section, the Liquor Control Commission shall reinstate the liquor permit holder's permit if, within sixty days of the effective date of this section, the permit holder pays a fine of \$2,500 to the Commission.

(C) For each permit that is reinstated under division (B) of this section, the Liquor Control Commission shall notify each of the following of the reinstatement:

(1) The liquor permit holder whose permit is reinstated;

(2) The Division of Liquor Control and the Investigative Unit of the Department of Public Safety. Following receipt of the notification, the Division and the Investigative Unit shall delete any records of the revocation.

(3) The General Assembly as provided in division (B) of section 101.68 of the Revised Code.

Section 747.10. Section 4713.02 of the Revised Code, as amended by this act, does not affect the terms of members of the

State Cosmetology and Barber Board serving on the Board on the 89012
effective date of this section. 89013

Section 749.10. Not later than ninety days following the 89014
effective date of the amendments made by this act to section 89015
4927.01 of the Revised Code, the Public Utilities Commission shall 89016
amend its rules to the extent necessary to bring them into 89017
conformity with that section. 89018

Section 751.10. (A) There is hereby created the Task Force on 89019
Streamlining County Level-Information Access to make 89020
recommendations on how county departments of job and family 89021
services, child support enforcement agencies, public children 89022
services agencies, and county OhioMeansJobs centers can streamline 89023
access to information across information technology systems. 89024

(B) The Task Force shall consist of sixteen members as 89025
follows: 89026

(1) Two members, appointed by the Speaker of the House of 89027
Representatives, shall be members of the House of Representatives, 89028
with one member from the majority party and one member from the 89029
minority party; 89030

(2) Two members, appointed by the President of the Senate, 89031
shall be members of the Senate, with one member from the majority 89032
party and one member from the minority party; 89033

(3) The Director of Job and Family Services, or the 89034
Director's designee; 89035

(4) The Medicaid Director, or the Director's designee; 89036

(5) The Director of Administrative Services, or the 89037
Director's designee; 89038

(6) Three representatives of the Ohio Job and Family Services 89039

Director's Association, appointed by the Association, with one 89040
representative each from a small, medium, and large county, 89041
respectively; 89042

(7) Three representatives of the Public Children Services 89043
Association of Ohio, appointed by the Agency, with one 89044
representative each from a small, medium, and large county, 89045
respectively; 89046

(8) Three representatives of the Ohio Child Support 89047
Enforcement Agency Director's Association, appointed by the 89048
Association, with one representative each from a small, medium, 89049
and large county, respectively. 89050

(C) Not later than October 8, 2021, the Task Force shall hold 89051
its first meeting. Members shall elect a chairperson at the first 89052
meeting. 89053

(D) For each meeting, each Director or Director's designee 89054
shall select an appropriate subject matter expert from their 89055
respective departments, as necessary, to attend the meetings and 89056
inform the discussions. 89057

(E) A majority of the members constitutes a quorum for the 89058
conduct of meetings. The Task Force shall comply with public 89059
records and open meetings requirements as described in sections 89060
121.22 and 149.43 of the Revised Code. 89061

(F) The Task Force shall do all of the following: 89062

(1) Identify barriers to efficient operations between 89063
information technology systems that affect both department and 89064
agency operations and services to clients; 89065

(2) For each identified barrier, explore the feasibility of 89066
allowing county employees access to more than one information 89067
technology system to provide better service to clients, including 89068
by analyzing the flexibility provided and prohibitions under 89069

federal law, regulation, guidance, and waivers; 89070

(3) Prioritize which barriers should be addressed first based 89071
on the outcomes and efficiencies to be gained by improved 89072
streamlining processes and information sharing. 89073

(G) Not later than February 1, 2022, the Task Force shall 89074
submit to the General Assembly a report detailing its findings and 89075
recommendations. The Task Force ceases to exist on the submission 89076
of its report. 89077

Section 751.20. (A)(1) If a foster caregiver or prospective 89078
foster caregiver began continuing training or preplacement 89079
training required under sections 5103.031 to 5103.033 of the 89080
Revised Code between 2019 and 2021, the Department of Job and 89081
Family Services shall extend the certification deadlines for the 89082
foster caregivers and prospective foster caregivers to December 89083
31, 2021. 89084

(2) The deadline extension described under division (A)(1) of 89085
this section shall not apply to foster caregivers or potential 89086
foster caregivers whose certification deadline is after December 89087
31, 2021. 89088

(B)(1) Except as permitted under division (B)(2) of this 89089
section, the Department shall not require the foster caregiver or 89090
prospective foster caregiver described under division (A) of this 89091
section to repeat training or requirements for certification that 89092
the caregiver has previously completed. 89093

(2) The Department may require the foster caregiver or 89094
prospective foster caregiver to undergo a new background check and 89095
home inspection. 89096

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 89097

There is hereby established in the Highway Operating Fund 89098

(Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental Protection shall administer the program and shall solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation shall process Federal Highway Administration-approved projects as recommended by the Director of Environmental Protection.

In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program.

Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program.

Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed, at the direction of the local public agency sponsor and upon approval of the Department of Transportation, through direct payments. These reimbursements shall be made from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$10,000,000 in both fiscal year 2022 and fiscal year 2023.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount

of such moneys designated for metropolitan planning organizations. 89131

The Director of Environmental Protection, in consultation 89132
with the Director of Transportation, shall develop guidance for 89133
the distribution of funds and for the administration of the Diesel 89134
Emissions Reduction Grant Program. The guidance shall include a 89135
method of prioritization for projects, acceptable technologies, 89136
and procedures for awarding grants. 89137

Section 755.20. (A) The Director of Transportation, in 89138
consultation with the chief executive officers and legislative 89139
authorities of the municipal corporations of Strongsville, North 89140
Royalton, and Brunswick, shall conduct a traffic safety study for 89141
the roads and highways in those municipal corporations. The 89142
traffic safety study shall examine how to improve those highways 89143
in ways that increase the safety and convenience of the traveling 89144
public through those municipal corporations. The Director of 89145
Transportation shall use up to \$100,000 in fiscal year 2022 from 89146
the Highway Operating Fund (Fund 7002), through funding available 89147
under the federal flexible spending program, to pay for the costs 89148
of the study. This amount is hereby appropriated. 89149

(B)(1) Not later than December 31, 2022, the Director shall 89150
complete the study and submit a report of the study's findings to 89151
all of the following: 89152

(a) The Governor; 89153

(b) The Speaker of the House of Representatives; 89154

(c) The President of the Senate; 89155

(d) The chairpersons of the committees of the House of 89156
Representatives and the Senate pertaining to transportation; 89157

(e) The chief executive officer and the legislative authority 89158
of Strongsville, North Royalton, and Brunswick respectively. 89159

(2) The Director may include in the report solutions for the 89160

traffic safety concerns found during the study. 89161

Section 757.10. The State of Ohio does not intend to collect 89162
tax on unemployment compensation reported to unsuspecting victims 89163
of fraud on an Internal Revenue Service form 1099-G from the Ohio 89164
Department of Job and Family Services consistent with Internal 89165
Revenue Service Information Release 2021-24. The State of Ohio 89166
also strongly encourages victims of fraud to report that fraud to 89167
the agency that issued the 1099-G to avoid potential billings and 89168
assessment from the Internal Revenue Service. 89169

The Director of Job and Family Services and the Tax 89170
Commissioner shall cause information to be published on the web 89171
sites of their respective agencies informing Ohio residents about 89172
fraudulent misrepresentations made to obtain unemployment 89173
compensation. This information shall include a description of the 89174
penalties for such misrepresentations prescribed in section 89175
4141.35 of the Revised Code, any recommended preventive measures 89176
to assist a resident in avoiding unemployment compensation fraud, 89177
and any actions recommended when a resident suspects or detects 89178
such fraud. The information shall be published as soon as 89179
practicable after the effective date of this section and remain on 89180
the applicable web site until June 30, 2023. 89181

Section 757.20. BUSINESS INCENTIVE TAX CREDITS 89182

In order to facilitate an understanding of business incentive 89183
tax credits, as defined in section 107.036 of the Revised Code, 89184
the following table provides an estimate of the amount of credits 89185
that may be authorized in each fiscal year of the 2022-2023 89186
biennium, an estimate of the credits expected to be claimed in 89187
each fiscal year of that biennium, and an estimate of the amount 89188
of credits authorized that will remain outstanding at the end of 89189
that biennium. In totality, this table provides an estimate of the 89190

state revenue forgone due to business incentive tax credits in the						89191
2022-2023 biennium and future biennium.						89192
Biennial Business Incentive Tax Credit Estimates						89193
						89194
Estimate of total value of tax credits authorized			Estimate of tax credits issued/claimed		Expected Outstanding credits	89195
			(All figures in thousands of dollars)			89196
						89197
Tax Credit	FY 2022	FY 2023	FY 2022	FY 2023	End of Biennium	89198
						89199
Job Creation Tax Credit*	\$105,000	\$110,000	\$130,000	\$130,000	\$950,000	89200
						89201
Job Retention Tax Credit	\$ 0	\$ 0	\$38,071	\$33,351	\$47,900	89202
						89203
Historic Preservation Tax Credit	\$60,000	\$60,000	\$70,000	\$75,000	\$155,000	89204
						89205
Motion Picture Tax Credit	\$40,000	\$40,000	\$47,500	\$42,500	\$85,000	89206
						89207

New	\$10,000	\$10,000	\$9,850	\$9,500	\$43,500	89208
Markets						
Tax						
Credit						89209
R&D Loan	\$0	\$0	\$1,450	\$1,450	\$5,000	89210
Tax						
Credit						89211
InvestOhio	\$2,250	\$2,000	\$1,500	\$1,500	\$3,250	89212
Tax						
Credit						89213
Ohio	\$0	\$0	\$11,250	\$11,250	\$22,500	89214
Rural						
Business						89215
Ohio	\$25,000	\$25,000	\$20,000	\$20,000	\$0	89216
Opportunity						
Zone						
Estimate	\$242,250	\$247,000	\$329,621	\$324,551	\$1,312,150	89217
Total						

*The Job Creation Tax Credit (JCTC) estimate of credits 89218
 outstanding represents the estimated potential value of 89219
 certificates to be issued under the program in the future with the 89220
 existing portfolio of approved and active incentives. The estimate 89221
 assumes that the companies receiving credits will continue to meet 89222
 the performance objectives required to continue receiving the 89223
 credit. 89224

Section 757.40. (A) It is the intent of the General Assembly 89225
 to clarify that Section 29 of H.B. 197 of the 133rd General 89226
 Assembly is intended to apply only to an employer's municipal 89227

income tax withholding responsibilities and to the apportionment 89228
or situsing of an employer's net profit, and not for purposes of 89229
determining the location at which a nonresident employee's work 89230
was completed, services were performed or rendered, or activities 89231
were conducted for purposes of determining the employee's 89232
municipal income tax liability. 89233

(B) The amendment or enactment by this act of Section 29 of 89234
H.B. 197 of the 133rd General Assembly and this section are 89235
remedial in nature and apply to any municipal income tax 89236
withholding obligation incurred, and any qualifying wages earned, 89237
between March 9, 2020, and December 31, 2021. 89238

(C) If an employer withheld and remitted municipal income tax 89239
from an employee's qualifying wages earned between March 9, 2020, 89240
and December 31, 2021, to the municipal corporation in which the 89241
employee's principal place of work is located, the employer shall 89242
not be assessed any tax, penalty, or interest by any other 89243
municipal corporation for failure to situs or apportion those 89244
wages to the other municipal corporation for municipal net profit 89245
tax purposes or for failure to withhold municipal income tax from 89246
such wages to the other municipal corporation. 89247

(D)(1) Division (C)(16)(b) of section 718.01 of the Revised 89248
Code does not apply to qualifying wages for which an employer 89249
withheld and remitted municipal income tax to the municipal 89250
corporation in which the employee's principal place of work is 89251
located in accordance with Section 29 of H.B. 197 of the 133rd 89252
General Assembly, either as enacted or as amended by this act, 89253
unless the employee obtains a refund from that municipal 89254
corporation with respect to such qualifying wages. 89255

(2) Notwithstanding division (D)(1) of this section, with 89256
regard to qualifying wages earned on and after March 9, 2020, and 89257
before December 31, 2021, and withheld to the municipal 89258
corporation in which the employee's principal place of work is 89259

located in accordance with Section 29 of H.B. 197 of the 133rd 89260
General Assembly, as amended by this act, if the employee does not 89261
obtain a refund from that municipal corporation with respect to 89262
such qualifying wages, both of the following apply for purposes of 89263
determining the amount of tax owed by the employee to the 89264
municipal corporation in which the employee resides: 89265

(a) To the extent that the tax rate levied by the employee's 89266
municipal corporation of residence is higher than the tax rate 89267
levied by the municipal corporation in which the employee's 89268
principal place of work is located, the municipal corporation of 89269
residence may treat the employee's qualifying wages as income that 89270
is not exempt income solely for the purpose of determining the 89271
amount of excess tax owed to that municipal corporation because of 89272
its higher tax rate. 89273

(b) To the extent that the employee's municipal corporation 89274
of residence, by ordinance or resolution, grants a credit of less 89275
than one hundred per cent of the taxes that a resident paid to 89276
another municipal corporation, the municipal corporation of 89277
residence may treat the employee's qualifying wages as income that 89278
is not exempt income solely for the purpose of determining the 89279
amount of tax, less credits, that is otherwise owed to that 89280
municipal corporation because the credit equals less than one 89281
hundred per cent of the taxes paid to another municipal 89282
corporation. 89283

(E) Notwithstanding section 718.19 of the Revised Code, with 89284
respect to any request for a refund of taxes withheld by an 89285
employer from qualifying wages pursuant to Section 29 of H.B. 197 89286
of the 133rd General Assembly, a tax administrator may not 89287
require, as a condition for processing the request, any statement 89288
or other documentation from the employer other than a statement 89289
verifying the number of days the employee worked at the employee's 89290
principal place of work during the taxable year and that the 89291

employer did not refund any withheld taxes to the employee. 89292

Section 803.20. The amendment by this act of sections 4303.26 89293
and 4303.271 of the Revised Code applies to transfer and renewal 89294
applications filed under those sections that are due on or after 89295
February 1, 2022. 89296

Section 803.30. If a qualifying parking garage, as defined in 89297
division (G) of section 5709.121 of the Revised Code, or 89298
qualifying real property, as defined in section 727.031 of the 89299
Revised Code, as enacted by this act, is subject to an exemption 89300
authorized under the amendment or enactment by this act of 89301
division (G) of section 5709.121 or section 727.031, 1710.06, 89302
6101.48, or 6101.53 of the Revised Code for tax year 2020, an 89303
exemption application for that tax year shall be filed with the 89304
Tax Commissioner on or before the thirtieth day after the 89305
effective date of this section, notwithstanding division (F) of 89306
section 5715.27 of the Revised Code. Any taxes or assessments paid 89307
for a tax year for which such an exemption application is approved 89308
under this section shall be regarded as an overpayment of taxes 89309
and assessments for the tax year and shall be refunded in the 89310
manner prescribed by section 5715.22 of the Revised Code, except 89311
that no application need be made under that section in order for 89312
the auditor to issue a refund. The county auditor and county 89313
treasurer shall otherwise proceed as provided in that section in 89314
the same manner as for other overpayments of taxes and 89315
assessments. 89316

Section 803.50. The amendment of section 5726.20 of the 89317
Revised Code is intended to clarify the law as it existed prior to 89318
the enactment of this act and shall be construed accordingly. 89319

Section 803.60. The amendment or enactment by this act of 89320

divisions (A)(5), (6), and (33) and (S)(5) of section 5747.01 of 89321
the Revised Code is intended to clarify the law as it existed 89322
before the enactment of this act and shall be construed 89323
accordingly. 89324

Section 803.70. The amendment by this act of division (H) of 89325
section 5747.08 of the Revised Code is intended to clarify the law 89326
as it existed before the amendment by this act of that division 89327
and shall be construed accordingly. The amendment applies to 89328
taxable years beginning on or after January 1, 2016. 89329

Section 803.90. The amendment by this act of section 5705.19 89330
of the Revised Code applies to property tax questions considered 89331
at any election held on or after the one hundredth day after the 89332
effective date of this section. 89333

Section 803.93. The amendment by this act of sections 89334
5739.01, 5739.02, and 5739.03 of the Revised Code applies on and 89335
after the first day of the first month beginning after the 89336
effective date of this section. 89337

Section 803.97. (A) The amendment or enactment by this act of 89338
sections 5747.02, 5747.025, 5747.72, and 5747.73 of the Revised 89339
Code applies to taxable years beginning on or after January 1, 89340
2021. 89341

(B) The Tax Commissioner shall not make adjustments in 2021 89342
or 2022 to the income amounts in divisions (A)(2) and (3) of 89343
section 5747.02 of the Revised Code, as otherwise required by 89344
division (A)(5) of that section, or the personal exemption amounts 89345
prescribed in division (A) of section 5747.025 of the Revised 89346
Code, as otherwise required by divisions (B) and (C) of that 89347
section. 89348

Section 803.100. The amendment by this act of sections 89349
5727.80 and 5727.81 of the Revised Code is intended to clarify the 89350
meaning of those sections as they existed prior to the effective 89351
date of this section and is not intended to change the meaning in 89352
any way. 89353

The amendment by this act of sections 5709.40 and 5709.41 of 89354
the Revised Code applies to any proceedings commenced or 89355
ordinances adopted after the amendment's effective date, and, so 89356
far as the amendment supports the actions taken, also applies to 89357
proceedings that, on that effective date, are pending, in process, 89358
or completed, or ordinances that have been previously adopted, 89359
notwithstanding the applicable law previously in effect or any 89360
other provision to the contrary in a prior resolution, ordinance, 89361
order, advertisement, notice, or other proceeding. Any proceedings 89362
completed, pending, or in progress on that effective date shall be 89363
deemed to have been taken in conformity with that amendment. 89364

Section 803.110. The intent of the General Assembly in 89365
amending section 169.07 of the Revised Code is to make clear that 89366
the section should be read to mean that the Director of Commerce 89367
is not required to hold harmless or intervene and assume the 89368
defense of a holder that has failed to act in good faith and in 89369
compliance with Chapter 169. of the Revised Code and its 89370
accompanying regulations when reporting unclaimed property. It is 89371
not meant to insure or indemnify the holder against the holder's 89372
own acts or omissions, negligence, bad faith, or breach of any 89373
duties owed the unclaimed funds owner or the Director. 89374

Section 803.120. The amendment by this act of sections 503.56 89375
and 715.014 of the Revised Code is intended to clarify the law as 89376
it existed prior to the enactment of this act and shall be 89377
construed accordingly. 89378

Section 803.130. The amendment by this act of division (L) of section 5747.08 of the Revised Code applies to taxable years beginning on or after January 1, 2021.

Section 803.140. The amendment by this act of section 5709.09 of the Revised Code applies to tax years ending on or after the effective date of this section.

Section 803.150. The amendment by this act of section 5709.17 of the Revised Code applies to tax year 2021 and every tax year thereafter.

Section 803.160. The repeal by this act of section 5747.29 of the Revised Code applies to taxable years ending on or after the effective date of this section.

Section 803.170. (A) The amendment by this act of division (F)(2)(mm) of section 5751.01 of the Revised Code applies to any excess surplus of the state insurance fund received by taxpayers on and after January 1, 2022.

(B) The amendment or repeal by this act of division (B)(2)(jj) of section 5751.01 and sections 5703.94 and 5751.42 of the Revised Code applies to tax periods beginning on and after the effective date of that amendment or repeal.

Section 803.180. The enactment by this act of section 5747.75 of the Revised Code applies to taxable years beginning on or after January 1, 2021.

Section 806.10. SEVERABILITY

The items of law contained in this act, and their applications, are severable. If any item of law contained in this

act, or if any application of any item of law contained in this 89405
act, is held invalid, the invalidity does not affect other items 89406
of law contained in this act and their applications that can be 89407
given effect without the invalid item of law or application. 89408

Section 809.10. NO EFFECT AFTER END OF BIENNIUM 89409

An item of law, other than an amending, enacting, or 89410
repealing clause, that composes the whole or part of an uncodified 89411
section contained in this act has no effect after June 30, 2023, 89412
unless its context clearly indicates otherwise. 89413

Section 812.10. SUBJECT TO REFERENDUM 89414

Except as otherwise provided in this act, the amendment, 89415
enactment, or repeal by this act of a section is subject to the 89416
referendum under Ohio Constitution, Article II, section 1c and 89417
therefore takes effect on the ninety-first day after this act is 89418
filed with the Secretary of State or, if a later effective date is 89419
specified below, on that date. 89420

The amendment of sections 102.02, 183.021, and 183.33 and the 89421
repeal of sections 183.12, 183.13, 183.14, 183.15, 183.16, and 89422
183.17 of the Revised Code by this act take effect December 30, 89423
2021. 89424

The amendment of section 1907.15 of the Revised Code by this 89425
act takes effect January 1, 2022. 89426

Section 812.20. The amendment, enactment, new enactment, or 89427
repeal by this act of the sections listed below is exempt from the 89428
referendum under section 1d of Article II, Ohio Constitution, and 89429
therefore takes effect immediately when this act becomes law or, 89430
if a later effective date is specified below, on that date. 89431

Sections 3302.103, 4301.43, 5751.02, and 5751.03 of the 89432
Revised Code. 89433

The amendments to divisions (A)(1)(a)(ii) to (iv) of section 89434
3310.03 of the Revised Code. 89435

Section 812.23. Sections of this act prefixed with numbers in 89436
the 200s, 300s, 400s, and 500s and Sections 701.60 and 757.10 of 89437
this act are exempt from the referendum under Ohio Constitution, 89438
Article II, Section 1d, and therefore take immediate effect when 89439
this act becomes law. 89440

Section 820.10. The General Assembly, applying the principle 89441
stated in division (B) of section 1.52 of the Revised Code that 89442
amendments are to be harmonized if reasonably capable of 89443
simultaneous operation, finds that the following sections, 89444
presented in this act as composites of the sections as amended by 89445
the acts indicated, are the resulting versions of the sections in 89446
effect prior to the effective date of the sections as presented in 89447
this act: 89448

Section 109.572 of the Revised Code as amended by both H.B. 89449
263 and S.B. 260 of the 133rd General Assembly. 89450

Section 111.16 of the Revised Code as amended by both H.B. 31 89451
and H.B. 133 of the 132nd General Assembly. 89452

Section 121.22 of the Revised Code as amended by both H.B. 89453
263 and H.B. 341 of the 133rd General Assembly. 89454

Section 1901.31 of the Revised Code as amended by both H.B. 89455
49 and S.B. 25 of the 132nd General Assembly. 89456

Section 2301.27 of the Revised Code as amended by both Am. 89457
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. 89458

Section 3302.036 of the Revised Code as amended by both H.B. 89459
64 and H.B. 70 of the 131st General Assembly. 89460

Section 3302.20 of the Revised Code as amended by both 89461
Section 101.01 and Section 120.10 of H.B. 59 of the 130th General 89462
Assembly. 89463

Section 3310.03 of the Revised Code as amended by both H.B. 436 and S.B. 89 of the 133rd General Assembly.	89464 89465
Section 3314.03 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 89, all of the 133rd General Assembly.	89466 89467 89468
Section 3326.11 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd General Assembly.	89469 89470 89471
Section 3328.24 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd General Assembly.	89472 89473 89474
Section 3333.31 of the Revised Code as amended by both H.B. 16 and S.B. 40 of the 133rd General Assembly.	89475 89476
Section 5126.05 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	89477 89478
Section 5727.75 of the Revised Code as amended by both H.B. 6 and H.B. 166 of the 133rd General Assembly.	89479 89480
Section 5747.01 of the Revised Code as amended by H.B. 18, H.B. 197, S.B. 26, and S.B. 276, all of the 133rd General Assembly.	89481 89482 89483
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.	89484 89485 89486